

Meeting is also available on Comcast Ch. 16 and streaming vod.maplewoodmn.gov

**AGENDA**  
**CITY OF MAPLEWOOD**  
**PLANNING COMMISSION**

7:00 P.M. Tuesday, October 17, 2023  
City Hall, Council Chambers  
1830 County Road B East

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**
  - 1. September 19, 2023 Planning Commission Meeting Minutes
- E. PUBLIC HEARING**
  - 1. Development Code Updates
- F. NEW BUSINESS**
  - 1. Capital Improvement Plan 2024-2028 Planning Commission
- G. UNFINISHED BUSINESS**
  - None
- H. COMMISSION PRESENTATIONS**
- I. STAFF PRESENTATIONS**
  - None
- J. VISITOR PRESENTATIONS – 3 minute time limit per person**
- K. ADJOURNMENT**

## **WELCOME TO THIS MEETING OF THE PLANNING COMMISSION**

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the matter.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask the audience if there is anyone present who wishes to comment on the proposal.
5. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium and speak clearly. Give your name and address first and then your comments.
6. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public discussion portion of the meeting.
7. The Commission will then discuss the proposal. No further public comments are allowed.
8. The Commission will then make its recommendation or decision.
9. All decisions by the Planning Commission are recommendations to the City Council. The City Council makes the final decision.

***“Welcome to the meeting of the Maplewood Planning Commission. It is our desire to keep all discussions civil as we work through difficult issues tonight. If you are here for a Public Hearing or to address the Planning Commission, please familiarize yourself with the Policies and Procedures and Rules of Civility, which are located near the entrance. At the podium please state your name and address clearly for the record.”***

Revised: 02/18

**MINUTES**  
**MAPLEWOOD PLANNING COMMISSION**  
7:00 P.M. Tuesday, September 19, 2023  
City Hall, Council Chambers  
1830 County Road B East

**A. CALL TO ORDER**

A meeting of the Commission was held and called to order at 7:01 p.m. by Chairperson Desai

**B. ROLL CALL**

Tushar Desai, Chairperson	Present
Lue Yang, Vice Chairperson	Present
Paul Arbuckle, Commissioner	Absent
Frederick Dahm, Commissioner	Present
John Eads, Commissioner	Present
Allan Ige, Commissioner	Present
Tom Oszman, Commissioner	Absent

**Staff Present:** Elizabeth Hammond, Planner

**C. APPROVAL OF AGENDA**

Commissioner Dahm moved to approve the agenda as presented.

Seconded by Vice Chairperson Yang Ayes – All

The motion passed.

**D. APPROVAL OF MINUTES**

**1. August 15, 2023 Planning Commission Meeting Minutes**

Commissioner Ige moved to approve the August 15, 2023 Planning Commission Meeting Minutes as submitted.

Seconded by Commissioner Yang Ayes – All

The motion passed.

**E. PUBLIC HEARING**

- 1. Snake Discovery, 831 Century Avenue North**
  - a. Conditional Use Permit Amendment Resolution**
  - b. Zoning Map Amendment Ordinance**

Elizabeth Hammond, Planner, gave the presentation and answered questions from the Commission.

Chairperson Desai opened the public hearing.

The following individuals addressed the commission regarding the request:

1. Emily Roberts, Snake Discovery – 831 Century Ave, Maplewood
2. Thu Tran, Resident – 814 Mayhill Road, Maplewood
3. Rob Stenger, Resident – 814 Mayhill Road, Maplewood
4. Greg Kraushaar, Lighting Specialist (contractor for Snake Discovery’s proposed light) – 7341 Hydrum Ave S, Cottage Grove
5. Joe Koegel, Resident – 2677 7<sup>th</sup> Street East, Maplewood
6. Chris Stenger, Resident – 2703 7<sup>th</sup> Street East, Maplewood

Chairperson Desai closed the public hearing.

Commissioner Dahm moved to approve a conditional use permit amendment resolution for the property at 831 Century Avenue North, contingent upon a parking assessment and subject to certain conditions of approval as outlined by staff.

### **CONDITIONAL USE PERMIT AMENDMENT RESOLUTION**

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

#### Section 1. Background.

- 1.01 Edward Robert, on behalf of Snake Discovery, has requested to amend the Conditional Use Permit for the property located at 831 Century Avenue North.
- 1.02 The property located at 831 Century Avenue North is legally described as:

All of Lots 2, 31 and 32, Block 1, and that part of Lot 1, Block 1 described as follows: Beginning at the southeast corner of said Lot 1; thence westerly to the southwest corner of said Lot 1; thence northerly along the west line of said Lot 1 a distance of 21.9 feet; thence easterly to a point on the east line of said Lot 1 16.18 feet North of said southeast corner of Lot 1; thence southerly to the point of beginning. All in CAHANES ACRES, Ramsey County, Minnesota.

PIN: 252922440052

#### Section 2. Standards.

- 2.01 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.
  1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City’s Comprehensive Plan and Code of Ordinances.
  2. The use would not change the existing or planned character of the surrounding area.
  3. The use would not depreciate property values.
  4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a

September 19, 2023

nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.

5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

### Section 3. Findings.

3.01 The proposal meets the specific Conditional Use Permit standards.

### Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit request.

1. On September 19, 2023, the Planning Commission held a public hearing. City staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The Planning Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission recommended that the City Council approves this resolution.
2. On October 9, 2023, the City Council discussed this resolution. They considered reports and recommendations from the planning commission and City staff.

### Section 5. City Council

5.01 The City Council hereby \_\_\_\_\_ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. All previous CUP conditions, including the CUP granted on June 1, 1988, are terminated.
2. The city council will review the permit in one year.
3. Outdoor sales, storage, and display are not permitted in the parking lot. These activities are allowed, however, limited to the area underneath the canopy structure along the west side of the building or at the main entrance on the east side of the building, off Century Avenue.
4. A trash enclosure is required around all trash containers or dumpsters and shall be 100 percent opaque. The enclosure must meet city ordinance requirements in Section 44-19 (e). The enclosure is required to be maintained at all times.

- 5. The fence surrounding the parking lot perimeter must always be maintained or repaired as needed.
- 6. Exterior lighting is required to be reviewed by city staff before installation and to achieve city ordinance requirements. The applicant will submit all the necessary plans for review as described in Section 44-20 (c) (1).

Seconded by Commissioner Eads

Ayes – All

The motion passed.

Commissioner Dahm moved to approve an ordinance amending the City’s zoning map to rezone the west portion of the property at 831 Century Avenue North from R1, single-dwelling residential, to BC, business commercial.

**A ZONING MAP AMENDMENT ORDINANCE REZONING THE PROPERTY LOCATED AT 831 CENTURY AVENUE NORTH FROM THE R1, SINGLE DWELLING RESIDENTIAL DISTRICT TO THE BC, BUSINESS COMMERCIAL DISTRICT**

The City of Maplewood, Minnesota Ordains:

Section 1.

1.01 The property located at 831 Century Avenue North is legally described as:

All of Lots 2, 31 and 32, Block 1, and that part of Lot 1, Block 1 described as follows: Beginning at the southeast corner of said Lot 1; thence westerly to the southwest corner of said Lot 1; thence northerly along the west line of said Lot 1 a distance of 21.9 feet; thence easterly to a point on the east line of said Lot 1 16.18 feet North of said southeast corner of Lot 1; thence southerly to the point of beginning. All in CAHANES ACRES, Ramsey County, Minnesota.

PIN: 252922440052

1.02 The property is hereby rezoned from R1, single dwelling residential district, to BC, business commercial district.

Section 2.

2.01 This ordinance is based on the following findings:

- 1. The rezoning to BC, business commercial district would result in land use and development compatible with the existing surrounding development type.
- 2. The rezoning would be consistent with the intent of the zoning ordinance and the comprehensive plan.
- 3. The rezoning would be consistent with public health, safety, and welfare.

Section 3.

3.01 This ordinance is effective upon publication in the city’s official newspaper.

Seconded by Vice Chairperson Yang

Ayes – Chairperson Desai and Vice Chairperson Yang

The motion failed.

This item will go to the city council on October 9, 2023

**F. NEW BUSINESS**

None

**G. UNFINISHED BUSINESS**

**1. Development Code Updates**

Rita Trapp and Kendra Ellner, HKGi, gave the presentation and answered questions from the commission.

**H. COMMISSION PRESENTATIONS**

None

**I. STAFF PRESENTATIONS**

**1. Sacred Communities and Micro-Unit Dwellings Update**

Elizabeth Hammond, Planner, gave the presentation and answered questions from the commission.

**J. VISITOR PRESENTATIONS**

None

**K. ADJOURNMENT**

Chairperson Tesai adjourned the meeting at 9:02 p.m

**THIS PAGE IS INTENTIONALLY LEFT BLANK**

## PLANNING COMMISSION STAFF REPORT

Meeting Date October 17, 2023

**REPORT TO:** Melinda Coleman, City Manager

**REPORT FROM:** Michael Martin, AICP, Assistant Community Development Director  
Elizabeth Hammond, Planner

**PRESENTER:** Elizabeth Hammond, Planner

**AGENDA ITEM:** Development Code Updates

**Action Requested:**  Motion       Discussion       Public Hearing

**Form of Action:**       Resolution       Ordinance       Contract/Agreement       Proclamation

### **Policy Issue:**

As discussed at the September meeting, the Planning Commission is being asked to hold a public hearing to discuss the proposed zoning code amendments it has considered over the last few years. The attached report from HKGi and associated attachments will provide information and context for reviewing these proposed updates.

Information related to these changes can also be found at [www.maplewoodmn.gov/zoningcodeupdate](http://www.maplewoodmn.gov/zoningcodeupdate).

### **Recommended Action:**

Motion to approve amendments to Chapter 12, Buildings and Building Regulations, and Articles I, II, and III of Chapter 44 of Maplewood's zoning code.

### **Fiscal Impact:**

Is There a Fiscal Impact?     No     Yes, the true or estimated cost is \$0

    Financing source(s):     Adopted Budget     Budget Modification     New Revenue Source  
    Use of Reserves     Other: N/A

### **Strategic Plan Relevance:**

Community Inclusiveness       Financial & Asset Mgmt       Environmental Stewardship

Integrated Communication       Operational Effectiveness       Targeted Redevelopment

Much of the city's zoning code has not been updated since 1982 and working to update key sections of the code will ensure Maplewood's regulations are working to guide and encourage high-quality development in the city.

### **Background:**

Please review the attached report from HKGi and the other attachments before the October 17, 2023, Public Hearing held during the Planning Commission Meeting. The City Council is scheduled to consider the updates for adoption in November. Please note that the Planning Commission has

discussed and reviewed all of the proposed changes at previous meetings. The changes are reflective of the guidance and direction given by the commission. There are no new issues identified within these documents. The proposed changes found in the attachment documents reflect the Planning Commission's work over the last few years.

The changes are more overtly detailed in the attached report from HKGi, but in summary, the proposed amendments are grouped into three areas of the code:

#### **Article I**

- Nonconformities
- Off-street parking

#### **Article II**

- Consolidation of uses into tables
- Addition of missing purpose and intent statements
- Reorganization of R-3 District
- Reorganization of M-U District
- Use specific standards were consolidated into Division 19
- Standards for accessory dwelling units and sacred communities in the accessory uses section

#### **Article III**

- Sign code compliance with the 2015 Reed v. Town of Gilbert U.S. Supreme Court decision
- Amendments requested by the Planning Commission related to window signs and illumination

In addition, the Planning Commission is requested to review the proposed amendments to Chapter 12, Buildings and Building Regulations as it was recommended that some conditions from Chapter 44 be incorporated into Section 12-5 Metal Storage Buildings – these changes can be reviewed in HKGi's attached report and have previously been reviewed by the Planning Commission.

#### **Attachments:**

1. HKGi Report
2. Article I
3. Article II
4. Article III



## DEVELOPMENT CODE UPDATE

**TO:** City of Maplewood Planning Commission  
**FROM:** Rita Trapp and Kendra Ellner, Consulting Planners  
**DATE:** October 11, 2023  
**SUBJECT:** Development Code Updates  
**MEETING DATE:** October 17, 2023

---

As discussed at the September meeting, the Planning Commission is being asked to hold a public hearing to discuss the proposed zoning code amendments that it has been considering over the last few years. The proposed amendments are grouped into three areas of the code:

### Article I

- Nonconformities – these are lots, buildings, or uses of land or of a building, existing at the effective date of any section of the code, which do not conform the requirements of the section. The primary update was the reorganization of this section by type: use, building/structures, and lots.
- Off-street parking - The minimum parking requirements were updated to reflect revised use terminology, simplify calculations, and to address changing needs. The amendment also clarifies how shared parking facilities are allowed and added parking space dimensions for parallel parking as was already identified in the mixed-use district.

### Article II

- A major change was the consolidation of all of the uses into tables. The use tables are located after the Article II standards.
- Purpose and intent statements were added where they were missing.
- No major changes were made to the OSP, F, R-1, R-1(R), RE, R-1S, or R-2 districts.
- The R-3 District was reorganized. A definition for green space was also added to the definitions in Article II to further clarify requirements in this area. The definition added was “green space means the area(s) of the site which is not covered by paved surfaces, the principal structure, any accessory structures, and other structures like decks, pools, pergolas, etc. Green space can include landscaping, planting beds, fencing, retaining walls, and similar improvements.”
- No major changes were made to the business, manufacturing, or N-E districts.
- The M-U district was specifically reviewed. Diagrams were added for clarification. The design standards were reorganized for clarity.
- The use specific standards were consolidated into Division 19. New standards were added for accessory dwelling units and sacred communities in the accessory uses section.

**Article III**

- One of the primary reasons for updating the sign code is to adjust the ordinance language to be in conformance with the 2015 Reed v. Town of Gilbert U.S. Supreme Court decision which limits the ability of a city to regulate signs based on the content of the sign.
- The code is now intended to ensure that sign ordinances conform to reasonably regulate when and how long a sign can be displayed, where the signs can be located and how the signs can be constructed or designed; so long as these regulations do not conflict with content regulation.
- At its last meeting the Planning Commission discussed a few additional changes to the signage regulations. The following summarizes changes made to Article III based on that discussion.
  - Window signs - revised definition to be “*Window sign* means a sign that is attached directly to a window with a type of film that adheres to the glass without damaging it. A window sign may not be etched, painted, or hung inside the window. This does not include merchandise on display in a window, seasonal displays of holiday pictures, lights, or signs which are legally required to be posted.”
    - For every district we removed the ability for temporary window signs to be painted on the window
    - In the residential districts the regulations specifically state that no window signs are allowed.
    - In the business, manufacturing, and mixed-use districts it states that a window sign may be substituted for all or a portion of the allowable wall signage area as long as the window sign, which includes all pieces that convey the commercial brand, does not cover more than 1/3 of the window or door in which the sign is placed.
  - Illumination
    - Lighting. Signage lighting in the MU or NE districts is permitted as long as it does not cast illumination on residential units and meets one of the following standards of external or internal illumination:
      - External illumination.
        - The light source shall be a separate fixture directed onto the sign face; or
        - A halo effect/reverse illumination is used, which is an external light source behind the sign face or individual letters.
      - Internal illumination.
        - An internal light source shall be permitted only for a sign that is less than 200 square inches in size that is made of exposed neon or LED that has the appearance of exposed neon.

In addition the public hearing for Articles I, II, and III of Chapter 44 Zoning Code, the Planning Commission is requested to review the proposed amendments to Chapter 12, Buildings and Building Regulations as it was recommended that some conditions from Chapter 44 be incorporated into Section 12-5 Metal Storage Buildings. The proposed amendment is as follows with the new text being underlined:

Sec. 12-5. - Metal storage buildings.

- (a) It shall be unlawful to erect a metal storage building in the city which is of a design commonly referred to as a pole barn or agri-building, unless such building would be:
  - (1) Located in a F farm residence district;
  - (2) A metal storage building commonly used as a backyard storage shed;
  - (3) Located in an M-1 light manufacturing or M-2 heavy manufacturing district and substantially screened so as to be 80 percent opaque as viewed from residentially zoned land or streets. If the screening is removed or dies and is not replaced, the city council may require removal of the building. If the value of the building exceeds \$25,000.00, the city council shall allow at least a five-year amortization period; or
  - (4) Located in a BC business commercial district with an approved conditional use permit and meeting the following standards:
    - i. No more than 20 percent of the building would be visible from streets or the highest topographical point of the nearest residential lot lines.
    - ii. The building would not be of lesser quality than surrounding development. If the screening is removed or dies and the owner does not replace it, the city council may require that the owner remove the building. If the value of the building exceeds \$25,000.00, the city council shall allow at least a five-year amortization period.
- (b) Special architectural design and nonmetal decorative modifications may be required by the city.
- (c) Should any dispute arise over the classification of a proposed metal building, the director of community development shall determine whether the proposed metal building fits into the pole barn category. Appeals of the director's decision shall be made to the city council for a determination of the building type.
- (d) The city council may grant variances to the requirements of this section. All variances must follow the requirements provided in Minnesota State Statutes.
- (e) A rezoning shall not be approved unless any metal storage building on the site complies with the requirements of this section.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

**Section I. Chapter 44, Section 44-3 is hereby amended as follows (additions are underlined and deletions are stricken):**

Secs. 44-3. Scope, applicability to nonconforming structures or uses.

- (4) The use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated and every use within a building or use accessory thereto in the city shall be in conformity with this chapter. Any existing building or structure and any existing use of property not in conformity with the regulations prescribed in this chapter, as of the date of the adoption of such regulation, shall be regarded as nonconforming and subject to the regulations set forth in Sec. 44-12., ~~but may be continued, extended or changed subject to special regulations provided in this chapter with respect to nonconforming properties or uses.~~

**Section II. Chapter 44, Section 44-6 is hereby repealed in its entirety and replaced with the following:**

Secs. 44-6. Definitions.

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

*Accessory building* means a building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

*Accessory use* means a use subordinate to the primary use of land or a building on a lot and customarily incidental thereto.

*Adult day or child care center* means a child care center means a non-residential facility licensed under Minnesota Rules 9503, where the operator is providing care for less than twenty-four hours at a time. This term includes a day program, drop-in child care program, a night care program, and a school age program. This term also includes a child care center that is accessory to another use and that is intended for use by the employees of the principal uses and their immediate family for more than three hours of care and supervision a day. This term does not include programs operated by a public school for children 33 months or older.

*Animal* means any animate being, except a human being, which is endowed with the power of voluntary motion, including but not limited to fish, birds, mammals, reptiles and insects.

*Animal boarding, shelter, or daycare center* means any structure or premises on which more than three (3) dogs or cats over six (6) months of age are temporarily or permanently boarded, including animal daycare/spa/grooming facilities. A portion of the site may be used for associated retail.

*Animal veterinary clinic* means a facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of a similar nature. The facility may also provide boarding for animals as part of medical services.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE I. IN GENERAL**  
**OCTOBER 8, 2023**

*Aquaculture* means the farming of aquatic organisms such as fish, crustaceans, and mollusks. It involves cultivating freshwater and saltwater aquatic populations under controlled conditions for the production and sale of fish.

*Aquaponics* means a closed-loop system between plants and fish. It involves cultivating fish and plants in a symbiotic environment for the production and sale of fish and produce.

*Assisted living facility* means a residential facility licensed by the state which provides services on a regular basis, such as personal services, 24-hour supervision, social activities, and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

*Basic structural alteration* means any enlargement of a building, whether by extending on any side or by increasing in height, or the moving of a building from one location to another.

*Bed and breakfast* means transient lodging establishment located in a single-family dwelling unit or other approved building in which guestrooms are rented on a nightly basis for periods of less than a week and where at least one meal is offered in connection with the provision of sleeping accommodations only.

*Boardinghouse or lodging house* means a building, other than a motel or hotel, where lodging and meals are provided for compensation and by prearrangement for definite periods of not less than 30 consecutive calendar days for three or more persons, but not to exceed 20 persons.

*Brewery* means a facility that produces beer, ale or other beverages made from malt by fermentation and containing not less than one-half ( $\frac{1}{2}$ ) of one (1) percent alcohol by volume.

*Building area* means the area of a lot that is covered by buildings or as part of a building extended over the lot. Building area shall not include cornices, eaves, gutters, unenclosed decks or patios, or buildings with 120 square feet or less of area.

*Building line* means the line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located. For a lot fronting on a public water, the building line shall include a line parallel to the ordinary high-water level at the required setback therefrom.

*Cemetery, crematory, or mausoleum* means land used or intended to be used exclusively for the burial of the human dead and dedicated for cemetery purposes, including, mausoleums, if operated in connection with and within the boundaries of such cemetery.

*Clinic, medical, dental, or health related* means any entity that is not a hospital or residence that is used primarily for the provision of outpatient nursing, medical, podiatric, dental, chiropractic, optometric or mental health care and treatment or an entity which is required to be certified under the Department of Health Services in order to receive reimbursement for outpatient health services to clients.

*Club, lodge or hall* means a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

*Commercial equipment* means equipment not normally associated with residential uses or purposes, including but not limited to cement mixers, snowplows, wood chippers, stump grinders, earth-moving equipment or heavy-duty compressors.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

*Commercial use* means a principal use of land or buildings for the sale, lease, rental or trade of products, goods or services.

*Community or market garden* means a cultivated spaces typically gardened and managed by one or more persons, either on undeveloped lots or on leased lands for private consumption or retail sale.

*Conditional use* means a land use or development that would not be appropriate generally, but may be allowed with appropriate conditions or restrictions as provided by official controls.

*Contractor shop and yard* means an establishment and its associated yard used for the repair, maintenance, or storage of a contractor's vehicles, equipment, and materials. It may include the contractor's business office. Contractors include, but are not limited to, plumbing, heating, air conditioning, painting, roofing, carpentry, blacksmith, soldering or welding, electrical, and ventilation.

*Continuing care facility* means a residential facility or complex which provides a variety of senior living choices, from independent living to long-term care, with a goal of helping residents to age in place.

*Covered structure* means a structure with a roof.

*Day care, family* means a dwelling unit where a resident of the dwelling is providing care under Minnesota Rule 9502.

*Deck* means a horizontal, unenclosed platform with or without attached railings, seats, trellises or other features that are attached or functionally related to a principal use.

*Direct to consumer sales* means direct to consumer sales means the sale of agricultural products or prepared foods directly from farmers or vendors to consumers including, but not limited to, community supported agriculture, farm stands, farmer's markets.

*Dispenser* means a device designed to dispense motor fuel which contains the hose nozzle and meter.

*Disposal facility* means a waste facility permitted by the state pollution control agency for the disposal of waste. A disposal facility shall also include any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

*Distillery* means facility that produces ethyl alcohol, hydrated oxide of ethyl, sprits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.

*Drive-up food or beverage window, drive through sales and service* means an opening in the wall of a building or restaurant designed and intended to be used to provide food and/or beverage sales and/or food and/or beverage service to patrons who remain in their vehicles AND An opening in the wall of a building designed and intended to be used to provide sales and/or service to patrons who remain in their vehicles.

*Dwelling, apartment* means a building on a lot with side-by-side or stacked dwelling units that typically share a common entrance.

*Dwelling, apartment mixed use* means a dwelling unit that is within a building that also contains a non-residential use permitted in that district.

*Dwelling, double (duplex)* means a building on a lot designed and occupied exclusively as a residence for two families.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

*Dwelling, multiple* means a building on a lot, designed exclusively as a residence for three or more families.

*Dwelling, single-unit* means a detached building on a lot, designed exclusively as a residence for one family.

*Dwelling site* means a designated location for residential use, including temporary or moveable shelter, such as camping and recreational vehicle sites.

*Dwelling, townhouse* means a residence for one family that is attached to at least two other residences, each with a private outside entrance and with no one unit or major portion thereof directly above or below the other units

*Exterior sale of goods* means exterior storage, display, sale, or distribution of goods or materials, but not including a junkyard, salvage automobile, or other wrecking yard, and direct to consumer sales.

*Family* means one of the following, living together as a single housekeeping unit:

- (1) An individual or a group of persons not to exceed five, who are not related by blood, marriage, foster children, or adoption;
- (2) Two persons related by blood, marriage, foster children, or adoption and not more than three unrelated persons; or
- (3) Three or more persons related by blood, marriage, foster children, or adoption and not more than two unrelated persons.

*Farm building* means any building used for storing agricultural equipment or farm produce, housing livestock or poultry, and poultry processing, including egg handling, and processing dairy products. The term "farm building" shall not include dwellings.

*Financial institution* means an establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies, such as banks or credit unions.

*Foundation area* means the gross horizontal area of the building foundation, including a tuck-under garage, measured from the exterior side of a frost wall or basement wall.

*Front line of the dwelling* means the longer side of a building that faces a street. If the front wall has an angle, the longest section shall be the front line. The length of parallel sections shall be added together to determine the longest section. On an interior lot, the director of community development may consider the short side of the building to be the front. The director shall base this decision on the design of the house.

*Front lot line* means the lot line that abuts a street right-of-way line. On a corner lot, the front lot line shall be the line that is most parallel to the front line of the dwelling. If the city determines that the dwelling has no front line or that the line is equally parallel to both lot lines, the property owner shall choose a front lot line.

*Front yard setback* means the distance between any part of a structure and a street right-of-way line. A corner lot shall have a front yard setback on each street frontage. The front yard setback shall not include eaves, gutters, cornices or chimneys that project no more than two feet into the yard. The front yard setback shall also not include sidewalks, steps, ramps or at-grade patios that have no walls, solid fence or roof.

*Funeral home or mortuary* means an establishment providing services such as preparing the deceased for burial or cremation and arranging and managing funerals. The facility may

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings.

*Grade* means as defined by the Uniform Building Code.

*Green space* means the area(s) of the site which is not covered by paved surfaces, the principal structure, any accessory structures, and other structures like decks, pools, pergolas, etc. Green space can include landscaping, planting beds, fencing, retaining walls, and similar improvements.

*Habitable floor area* means residential floor area that meets the Uniform Building Code requirements for ceiling height, light and ventilation.

*Health/sports club* means an establishment exceeding 20,000 square feet in size which provides physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of the club only.

*Heavy commercial vehicle* means a vehicle, including trailers, with more than a one-ton nominal rated carrying capacity, including but not limited to the following:

- (1) Tractor trucks, wreckers, backhoes or dump trucks; vehicles and equipment designed or modified for use in any construction, demolition, maintenance or delivery activity; semitrailers; garbage trucks; tank trucks; flatbed trucks; boom or bucket trucks; cattle trucks; trucks carrying or designed to carry explosive or flammable materials, well-drilling equipment, earth-moving equipment; vehicles and equipment used for maintenance, repair, construction or delivery on the premises may be parked at or on the property during the period of work.
- (2) Tractors (road or farm) other than those intended for residential purposes or uses.
- (3) All trailers or towed equipment with a capacity greater than one ton or a gross vehicle weight rating of more than 12,000 pounds.
- (4) All trucks, truck tractors, tractors, semitrailers, vans, or pickup trucks as defined that have a capacity greater than one ton or a gross vehicle weight or maximum gross vehicle weight of more than 12,000 pounds.
- (5) Step vans designed or modified for the transportation of cargo, freight, construction machinery, equipment, materials or implements.

This definition does not include the resident's recreational vehicles.

*Height of building* means the vertical distance of a building measured from the mean grade level directly in front of the building to the midpoint of a pitched roof and the top of a flat roof. The height of a building shall not include chimneys, spires, towers, rooftop mechanical equipment, elevator penthouses, or similar building projections.

*Helistop* means a place for one helicopter to land or take off, but does not include fueling or maintenance operations or facilities.

*Home garden* means a garden within a residential property.

*Home occupation* means any gainful occupation engaged in by an occupant of a dwelling unit where the occupation is secondary to the main use of the premises as a residence. Such occupation may be conducted within a dwelling unit or accessory structure.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

*Hotel* means a building containing six or more guest rooms in which temporary lodging is offered to guests for compensation, and in which access to and from each room or unit is through interior lobbies, courts, or halls. Additional services such as restaurants, meeting rooms, entertainment, and recreational facilities may also be provided.

*Indoor theater* means an establishment that has an audience viewing hall or room and a permanent stage for the presentation of live performances by live actors to a live audience in a theater setting. Theaters may include but are not limited to live performances of music, dance, plays and orations. Also includes movie theaters.

*Industrial use* means the use of land or buildings to produce, manufacture, store or transfer goods, products, commodities or other times.

*Livestock raising and handling* include horses, cattle, mules, asses, goats, sheep, swine, buffalo, llamas, ostriches, reptiles, genetic hybrids of the foregoing, and other living animals usually kept for agriculture, husbandry, or the production of edible or salable byproducts. This definition shall be expressly construed as having no application to the ownership or disposition of poultry.

*Live-work unit* means a dwelling unit in combination with a shop, office, studio or other workspace within the same unit, where the resident occupant both lives and works.

*Long-term or transitional care facility* means a facility that provides meals, lodging, and nursing care to two or more individuals due to illness, age, or infirmity. Long-term care facilities include skilled nursing facilities such as nursing homes, rest homes, boarding care homes, convalescent care, and other transitional care facilities.

*Lot* means a parcel of land described separately from other parcels of land by a plat, metes and bounds, registered land survey, auditor's plat or other accepted means. The county must record the lot description.

*Lot area* means the area of a lot, excluding drainage easements, wetlands and land below the ordinary high-water mark of public waters.

*Lot of record* means any legal parcel of land which is or can be taxed by the county as a separate parcel, without the need for lot division approval by the city.

*Lot width* means the distance at the building line between side property lines for interior lots and between a side property line and the opposite street right-of-way for corner lots.

*Manufactured home* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected, on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code in Minn. Stat. § 327.31, subd. 6.

*Manufactured home park* means a parcel of land under single control or ownership which has been developed for the placement of manufactured homes for residential use.

*Manufacturing, heavy* means an establishment or use of land that manufactures, assembles, or fabricates using processes that generally create odor, noise, vibration, illumination or particulates that may impact surrounding properties. This category shall also include any use of land that needs large outdoor structures or storage that cannot be

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

incorporated into the building. Examples include, but are not limited to the following: large-scale food and bottling operations; lumber, milling and planing facilities; grain milling; gas manufacture, aggregate, concrete, and asphalt plants; foundries, forge shops, and other intensive metal fabrication; and chemical manufacturing.

*Manufacturing, light* means an establishment or use of land for the assembly or processing of previously processed components or manufactured parts using processes that do not create significant amounts of noise, vibration, illumination, or particulates that may impact surrounding properties. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples include but are not limited to the following: food; pharmaceuticals; clothes; furniture (where wood is milled off-site); hardware; toys; light sheet metal products; mechanical components; musical instruments; printing; small vehicle assembly; custom shop for making articles or products sold on the premises; and computer software. This shall not include the assembly or processing of fish associated with aquaponics or aquaculture operations.

*Market value* means the taxable market value as determined by the county assessor's office.

*Medical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sales and distribution* means a facility involved in scientific research, investigation, testing, or experimentation, but not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Micro-unit* means a mobile residential dwelling, providing permanent housing within a sacred community that meets the requirements of Minn. Stats. § 327.30.

*Mining* means the surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under state law.

*Motel* means a building or group of buildings containing six or more guest rooms in which temporary lodging is offered to guests for compensation, and in which access to and from each room or unit is through an exterior door.

*Motor vehicle accessory installation center* means a place to install equipment sold on the premises in a motor vehicle.

*Motor vehicle maintenance garage* means a building for the maintenance or repair of motor vehicles. This definition does not include a motor vehicle accessory installation center or motor vehicle wash.

*Motor vehicle major motor fuel station* means a retail business engaged in the sale of motor vehicle fuels that has more than three dispensers.

*Motor vehicle minor motor fuel station* means a retail business engaged in the sale of motor vehicle fuels with a maximum of three dispensers. Fuel dispensers shall be designed to serve only two cars at once.

*Motor vehicle wash* means a building for washing motor vehicles. This definition does not include the occasional handwashing of vehicles stored in a parking garage.

*Nonconforming building or use* means a building or a use of land or of a building, existing at the effective date of any section of this chapter, which does not conform with the requirements of such section of this chapter, or a use authorized under article V of this chapter.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE I. IN GENERAL**  
**OCTOBER 8, 2023**

*On-sale liquor* is the sale of alcoholic beverages for consumption on the licensed premises only.

*Open space and parks* mean properties that are publicly owned which are used or planned as open space or park lands.

*Personal service* means establishments primarily engaged in providing individual services generally related to personal needs; examples include, but are not limited to: barber and beauty shops, dry cleaning or laundry pick up station, laundromats, permanent make-up studios, tailors, tattoo shops, salons, and photography studio.

*Place of amusement, recreation or assembly*, other than an indoor theater, indoor athletic activity or itinerant carnival facility operated as a business and which are open to the public for a fee that shall include, but is not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, arcades, tennis courts, and other similar businesses. Such businesses may also provide a snack bar, alcoholic and non-alcoholic beverage sales, restaurant, retails sales of related items, and other support facilities.

*Planned unit developments (PUD)* means a type of development characterized by a unified site design, with often two or more principal uses or structures. A PUD may include townhouses, apartments, multiple-use structures such as an apartment with commercial shops, or similar projects. Residential PUDs must have at least five dwelling units or dwelling sites and may include single-dwelling homes. The PUD application, timing and recording process is described under article VII, Rezoning to a planned unit development.

*Poultry* means domesticated birds in the order of Galliformes (excluding the genus Meleagris) that serve as a source of eggs or meat.

*Predominant setback* means the setback of the majority of the dwellings on the same side of the same street and within 350 feet of the lot to be built on.

*Premises* means a tract of land, including any buildings thereon.

*Private garage* means an accessory building designed or used for the shelter or storage of motor vehicles.

*Public parks and playgrounds* mean properties that are publicly owned which are used or planned as open space or park lands.

*Publishing or printing establishment* means a business engaging in the reproduction of written or graphic materials through processes that include the use of volatile organic compounds which are subject to federal or state air emissions regulations.

*Rear lot line* means the lot line that is opposite and most parallel to the front lot line.

*Rear yard setback* means the distance between any part of a structure and the rear property line. The rear yard shall not include eaves, gutters, cornices, steps, ramps or chimneys that project no more than two feet into the yard.

*Recyclable materials* means materials that can be processed for reuse. Such materials include paper, glass, metals, automobile oil, batteries, yard waste, garbage, refuse, water-treatment-plant sludge, concrete or asphalt. Recyclable materials do not include hazardous waste, except when part of an approved household hazardous waste program, animal waste or sewage sludge.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

*Recycling facility* means a place for the collection or processing of recyclable materials brought from another site. A recycling facility shall not include a disposal facility, junkyard or any yard for the storage or disposal of vehicle parts. A recycling facility shall also not include the incidental collection of recyclable materials within a building, the temporary collection of newspapers or cans for fundraising, or reverse vending machines.

*Religious institutions* means a church, synagogue, mosque, or other religious organization organized under Minn. Stats. Chapter 315.

*Residential care, licensed in-home* means an in-home residential facility licensed by the state under 144D which provides primarily nonmedical care to individuals who are in need of personal assistance to manage the activities of daily life or for the protection of the individual.

*Residential lot line* means the lot line of any property with a residential building on it or any property that the city is planning for residential use on its land use plan.

*Residential planned unit development* means a residential use that is nontransient, and the primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, residential condominiums, townhouses, cooperatives, single-dwelling homes and multiple dwellings would meet this definition.

*Restaurant* means an establishment, where food and drink are prepared and served for human consumption, principally within the establishment or for take-out to be consumed off-premises. This does include drive-in restaurant. A restaurant can include a brewpub where beer brewed on premises is sold in addition to food.

*Retail* means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods; examples include, but are not limited to: grocery, liquor, department, variety, clothing, furniture, antique, gift, drug, hardware, and book stores, news shops, photocopying establishments, flower shops, consignment shops and show rooms for retail. Incidental repair of items sold may be provided on site. Pawn shops and auction halls are not considered general retail.

*Retail or commercial rental activities* means rental of commercial equipment, including but not limited to scaffolding, skid loaders, party tents, and fork lifts.

*Road tractor* means any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently or any part of the weight of the load it is drawing.

*Roominghouse* means any single housekeeping unit in which space is rented, less meals, to persons unrelated to the resident manager or property owner, in excess of the definition of family, as defined in this section.

*Sacred community* means a residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers that meet the requirements of Minn. Stats. § 327.30.

*Sale or leasing of new or used motor vehicles* means an open area, other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

*Scrap, salvage, or junk yard* means any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris.

*Semipublic use* means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to persons outside the regular constituency of the organization.

*Semitrailer* means a vehicle of the trailer type so designed and used in conjunction with a truck tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck tractor and includes a trailer drawn by a truck tractor semitrailer combination.

*Setback* means the minimum horizontal distance between any part of a structure, sewage treatment system or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, property line or another structure. Setbacks shall not include eaves, gutters, cornices, steps, chimneys or fireplaces projecting not more than two feet from the principal structure.

*Sewage treatment system* means a septic tank and soil absorption system or other individual or cluster-type sewage treatment system.

*Shoreland planned unit development* means a planned unit development (PUD) located within the shoreland overlay district. The shoreland PUD is processed as a conditional use permit, as described under article IX, Shoreland Overlay District, and in compliance with Minn. Rules § 6120.3800 as may be amended.

*Side lot line* means the lot lines that connect the front and rear lot lines.

*Side yard setback* means the distance between any part of a structure and the side property line. The side yard shall not include eaves, gutters, cornices, steps, ramps or chimneys that project no more than two feet into the yard.

*Signs* mean any letter, word or symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message or visual constructed, which is displayed to direct the attention of the public for informative or communicative purposes. Such communication located completely within an enclosed building and not exposed to view from a street shall not be considered a sign.

*Specialty food or coffee shop* means an establishment whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, ice cream) for consumption on or off premises. The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage.

*Street line* means the dividing line between a lot and the outside boundary of a public street, road or highway legally open or officially plotted by the city, or between a lot and a private street, road or way over which the owners or tenants of two or more lots held in single or separate ownership have the right-of-way.

*Structure* means any building or appurtenance constructed or built on the ground or attached to the ground. This does not include aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles or other supporting facilities.

*Studio or makerspace* means an establishment engaged in the sale, loan, or display of visual works of art. Makerspace is defined as an establishment where hand tools, mechanical

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE I. IN GENERAL**  
**OCTOBER 8, 2023**

tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods; food and bakery products in a commercial kitchen; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; and paper manufacturing.

*Storage and sale of machinery and equipment* means the storage and sale of machinery and equipment, including but not limited to trailers, motorcycles, boats, and farm implements.

*Storage facility, personal* means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

*Storage yard* means any lot used for the purposes of keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

*Subdivision* means the separation of an area, parcel or tract of land into two or more parcels, tracts, lots or long-term leasehold interests for sale, rent or lease.

*Supportive commercial uses mean* commercial uses that provide services to the primary use, including incidental services, such as restaurants, pharmacies and retail sales which serve primarily the occupants and patrons of the permitted office use, when conducted within the same building.

*Trailer* means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle, but does not include a trailer drawn by a truck tractor semitrailer combination, or an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

*Truck* means any motor vehicle designed, used or maintained primarily for the transportation of property or for carrying property other than passengers, except pickup trucks and vans.

*Truck tractor* means one of the following:

- (1) A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn; or
- (2) A motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles or boats and capable of carrying motor vehicles or boats on its own structure.

*Trucking yard or terminal land and buildings* used as a relay station for the transfer of a load from one vehicle to another or one party to another the terminal cannot be used for permanent or long-term storage. The terminal facility may include storage areas for trucks, and buildings or areas for the repair of trucks associated with the terminal.

*Urban farms* means large-scale gardening in an urban environment for training or production.

*Variance* means the same as defined in Minn. Stats. ch. 462.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

*Vehicle* means a device for carrying or conveying persons or property that may be self-propelled or may be propelled, drawn or towed by a self-propelled vehicle.

*Warehouse & distribution facility* means storage of goods or materials within an enclosed building including packing and crating.

*Winery* means a processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine.

*Wholesale business establishments* means the selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

*Yard, front*, means the required open space, extending along the street line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices, steps and chimneys projecting not more than 18 inches.

*Yard, side*, means the required open space, extending along the sideline throughout the full depth of the lot, exclusive of overhanging eaves, gutters, cornices, steps and chimneys projecting not more than 18 inches.

**Section III. Chapter 44, Section 44-12 is hereby repealed in its entirety and replaced with the following:**

Secs. 44-12.            Nonconformities

- (1) The purpose of this section is to establish regulations for nonconforming lots, buildings, and uses. It is the intent of this section that all nonconformities shall eventually be brought into conformity.
- (2) Any lawful use, substandard lot, or building existing at the effective date of any section of this chapter may be continued at the size and in the existing manner of operation, as specified in this section.
- (3) Nonconforming uses.
  - a. If a nonconforming use of a building or land is voluntarily abandoned and ceases for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with this chapter.
  - b. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
  - c. No nonconforming use shall be extended to displace a conforming use.
  - d. The city council may permit, through the issuance of a conditional use permit, as provided in article V of this chapter, the extension of a nonconforming use throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use of such building became nonconforming, if no structural alteration, except those required by law, are made.
  - e. The substitution of one nonconforming use for another nonconforming use may be permitted by the city council by conditional use permit, as provided in article V of this chapter, provided that such nonconforming use is determined by the city council to be of the same or more restrictive nature as the original nonconforming

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

use. Whenever a nonconforming use of a building or land has been changed to a use of a more restrictive classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

- f. No existing building or premises devoted to a use not permitted in the district in which such building or premises is located shall be enlarged, reconstructed, or structurally altered, unless:
    - i. Required by law or government order; or
    - ii. There would not be a significant effect, as determined by the city through a conditional use permit, on the development of the parcel as zoned.
- (4) Nonconforming building or structures.
- a. Unless otherwise allowed by this section, normal maintenance and alterations of a nonconforming building or structure is only permitted as long as the there is no expansion to the foundation and/or building volume; the building capacity is not increased; and the nonconformity of the use is not increased. Alterations to improve the livability of nonconforming residential units is allowed provided that it does not increase the number of dwelling units, size of building, or volume of building.
  - b. No nonconforming building or structure shall be moved to any other part of the parcel or to another lot unless the movement shall bring the nonconforming building or structure into compliance with the requirements of this chapter.
  - c. If a nonconforming building, structure, or use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days from the date the building or structure was damaged, subsequent use of such building or land shall be brought into conformity with the chapter. The city may impose reasonable conditions upon a building permit sought in order to maintain a damaged nonconforming building, structure, or use in order to mitigate any newly created impact upon adjacent property.
  - d. A property owner or developer may expand a nonconforming structure or parking lot if the structure or parking lot meets the following conditions:
    - i. The zoning regulations permit the use.
    - ii. The expansion would meet the minimum setbacks required by this chapter or the setbacks of the existing structure, whichever is less. The expansion shall not exceed the maximum height required by this chapter or the existing height, whichever is taller. To deviate from these requirements, the city may approve a conditional use permit, subject to the standards in this Code.
    - iii. The minimum setback from the ordinary high-water level in a shoreland district would be at least the average setback of adjacent residential structures or 50 feet, whichever is greater.
    - iv. All portions of the structure would be on the applicant's property.
    - v. Runoff from the overhang of the addition would not adversely affect an adjacent property.
- (5) Nonconforming lots.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

- a. The city shall allow construction on nonconforming lots that do not meet the size, width, frontage, or depth standards if the lots meet the following requirements:
  - i. Since becoming substandard, the lots have always been in separate ownership from abutting lands.
  - ii. The lots were of record in the county recorder's office on the effective date of the ordinance from which this section derives.
  - iii. There is no evidence that the lots did not meet the official controls in effect when the city approved the lots.
  - iv. Any sewage treatment system meets the requirements of this Code.
  - v. The zoning regulations would permit the use.

**Section IV. Chapter 44, Section 44-17 is hereby repealed in its entirety and replaced with the following:**

Secs. 44-17. Off-street parking.

- (1) The following uses shall provide additional off-street parking spaces as indicated in Table 44-17-1, unless otherwise authorized by the city council.

Table 44-17-1 Off-Street Parking Requirements

Use	Minimum Spaces Required
<b>Residential</b>	
<b>Household Living</b>	
Single-family dwelling, double dwelling (duplex), or manufactured home	Two
Townhouse or apartment dwelling (including age-restricted apartments)	Two per unit. One space must be enclosed
Assisted living facility	One space for every three client rooms
Continuing care, long-term, or transitional care facility	One space for every five beds
Residential care facility	One space for every three client rooms
<b>Lodging</b>	
Hotel or motel	One space for each rental room or suite. Additional facilities shall be calculated according to the table and added to the total (restaurant, assembly hall, etc.)
<b>Public &amp; Institutional</b>	

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

<b>Use</b>	<b>Minimum Spaces Required</b>
Adult day or child care center	One space for each employee on the maximum work shift, plus one off-street loading space for every six to ten students
School	One space for every 20 auditorium seats
<b>Commercial</b>	
<b>Food, Beverage, &amp; Indoor Entertainment</b>	
Restaurant	One space for every four seats allowed per maximum building occupancy
Theater, auditorium, religious institution, or other place of public assemblage	One space for every four persons allowed per maximum building occupancy
Shopping centers having enclosed, nonleasable common areas	One space for every 250 square feet of floor area. If more than 50% of building is a food or beverage use, the square footage must be calculated for each individual use
<b>Miscellaneous Commercial</b>	
Commercial, office, or recreational building use	One space for every 200 square feet of floor area
Motor fuel stations	Four spaces, plus three additional spaces for each service stall. If there is a convenience store or restaurant associated with the fuel station, additional parking shall be provided based on the use
Motor vehicle repair	Two spaces for each service stall, one space for each employee, and one space for each business vehicle stored on the site
Automobile sales, leasing, and rental	One space for each 500 square feet of gross indoor display area. This off-street parking shall be in addition to automobile display areas
<b>Industrial</b>	
Manufacturing and warehouse establishments	One space for every 750 square feet of manufacturing floor area and one space for every 1,250 square feet of warehousing floor area

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

- (2) Existing off-street parking facilities shall not be reduced below the requirements of this subsection. If the use being served by an off-street parking facility change and the demand for off-street parking increases, the city council may require additional parking spaces.
- (3) All parking spaces shall have proper access from a street or alley and shall be located on or near the lot on which such use is situated. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or a written agreement/easement between property owners is recorded with Ramsey County.
- (4) When the parking requirement of a use is not specifically identified in Table 44-17-1, the parking space requirements for a use which is similar shall apply as determined by the community development director. If no similar use is listed, the community development director shall determine the parking space requirements based upon other available references or qualified sources of information to adequately determine parking demand.
- (5) Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any shared parking use:
- a. The proposed shared parking space is within 500 feet of the use(s) it will serve.
  - b. The applicant will show that there is no substantial conflict in the principal operating hours of the two (2) uses for which shared use of off-street parking facilities is proposed.
  - c. A properly drawn legal instrument approved by the City Council, executed by the parties concerned, for shared use of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three (3) party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.
- (6) The following standards shall apply to off-street parking for single-unit and double (duplex) residential properties in the RE-40, RE-30, RE-20, F, R-1, R-1S, and R-2 zoning districts:
- a. Vehicle parking in the front yard setback area (the area between the front of the residential structure and the street right-of-way line) of single-unit and double (duplex) residences shall only be on a hard-surface driveway or on improved and designated parking areas. Such a hard surface shall include bituminous, concrete, brick, gravel or crushed rock or another hard surface approved by city staff.
  - b. The city prohibits vehicle parking or storage in the front yard on grass, unimproved areas or areas without a hard surface.
  - c. Driveways and parking areas shall be at least five feet from a side property line, and parking areas shall not be in the street right-of-way or on other public property.
  - d. No owner or operator shall park a vehicle that would block a sidewalk.
  - e. All vehicles parked or stored outside on a residential property shall not be abandoned, as defined in section 18-67, shall have a current license and

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

registration and shall be in operable condition. Also see sections 18-67 and 18-68.

- f. The total area in the front yard setback area of a single-unit dwelling lot improved for parking and driveway purposes shall not exceed 40 percent of the front yard setback area. The total area in the front yard setback area of a double (duplex) dwelling lot improved for parking and driveway purposes shall not exceed 50 percent of the front yard setback area.
- g. The city may approve an increase in front yard driveway coverage, a different driveway setback or a different driveway surface for a single-unit or double (duplex) dwelling by administrative review of minor construction plans as outlined in section 2-285. The city may approve an increase in front yard driveway coverage, a different driveway setback or a different driveway surface where such approval would meet the standards required by code for unique circumstances and where the above standards do not fit or where they would create a hardship for the property owner. As part of such an approval, the city may require the property owner or applicant to add screening next to or around the parking area or driveway. The city may require such screening to help hide the parking area and vehicles from the view of adjacent residential properties or from the view from the public street. The property owner or applicant may use a privacy fence, additional landscaping or other means to meet the screening requirement. City staff shall approve and inspect all such screening.

(7) Parking lots in all districts shall meet the following:

- a. Parking lots shall be designed to meet the minimum standards of Table 44-17-2 Parking Space Dimensions and Figure 44-17-A based on the following definitions:
  - i. Customer, high turnover uses shall include shopping centers, retail sales, fast food restaurants, convenience centers and similar uses.
  - ii. Customer, low turnover uses shall include offices, industrial schools, churches, research, multiple dwellings, motels, sit-down restaurants and similar uses. Any questions on defining these uses shall be referred to the community design review board for a decision.
  - iii. Employee parking with reduced stall widths must be signed for employee parking only.
  - iv. Parking stall lengths may be reduced by 2.5 feet for 90-degree parking and two feet for angle parking where the parking space abuts a curb, sidewalk or landscaped area. All overhang (o) areas shall be a hard surface or crushed rock.

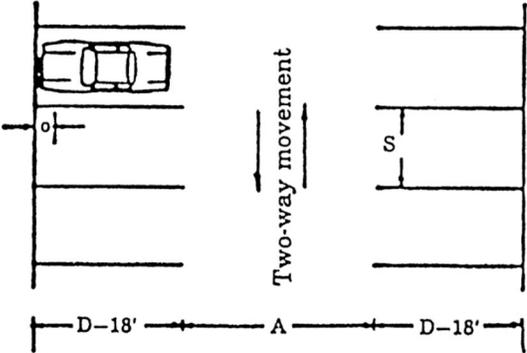
Table 44-17-2 Parking Space Dimensions

Use	S Stall Width (feet)	D Stall Length (feet)	A Aisle Width (feet)
<b>Ninety-degree parking</b>			
Customer, high turnover	10	18	24
Customer, low turnover	9.5	18	24

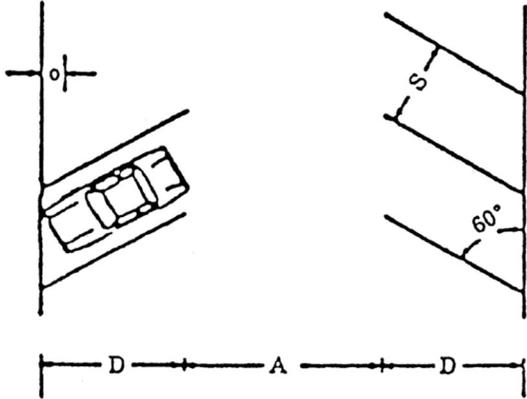
**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

Use	S Stall Width (feet)	D Stall Length (feet)	A Aisle Width (feet)
<b>Sixty-degree parking</b>			
Customer, high turnover	10	15.6	22
Customer, low turnover	9.5	15.6	22
Employee only	9.0	15.6	22
<b>Forty-five-degree parking</b>			
Customer, high turnover	10	12.6	22.6
Customer, low turnover	9.5	12.6	22.6
Employee only	9.0	12.6	22.6
<b>Parallel parking</b>			
All	8.0	21.0	22

Illustration 44-17-A



90° Parking



60° and 45° Parking

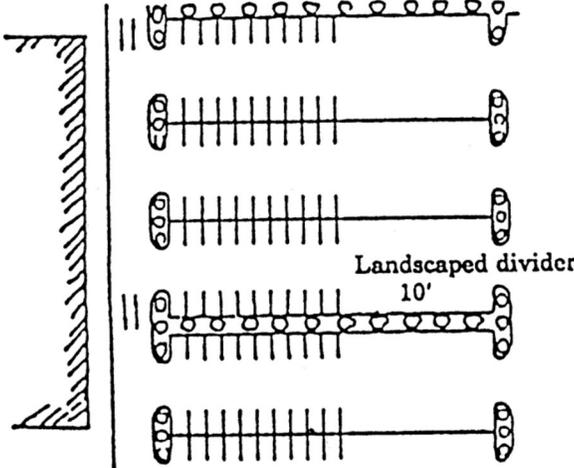
**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023**

- b. In shopping centers and other large developments, exterior parking closest to the building shall be oriented with the parking drives perpendicular to the building face whenever practicable.
- c. Parking stalls shall not be allowed in front of a building entrance if there is no sidewalk in front of the building entrance.
- d. All parking lots shall have continuous concrete curbing surrounding the exterior perimeter of the parking lot and drives.
  - i. Park parking lots, that are not used in the winter, and parking lots having 12 spaces or less are exempt from this requirement, unless required by the city engineer for drainage control.
  - ii. The community design review board may waive the curbing requirement when the city engineer has determined that sheet drainage over ground would improve stormwater quality. The community design review board may allow continuous bituminous curbing temporarily on a case-by-case basis, subject to the following conditions:
    - 1. Bituminous curbing may be permitted for phased or staged developments where an adjacent future development phase would be built that would result in the removal of the curbing.
    - 2. Bituminous curbing shall not be allowed for more than three years from the time of installation, at which time it must be removed due to the construction of a future phase of development or simply replaced with permanent continuous concrete curbing.
    - 3. Bituminous curbing shall not be permitted if the city engineer requires concrete curbing for drainage control.
    - 4. Bituminous curbing that becomes damaged shall be repaired immediately or as soon as the weather permits.
    - 5. The city may require that the developer provide escrow to cover the replacement of the bituminous curbing with concrete curbing.
- e. All parking lots and associated driveways shall have a surface of bituminous material or concrete and striped parking spaces.
  - i. The city council may permit the alternative parking method of reinforced-turf parking when it would meet the following criteria:
    - 1. When the need for overflow parking is infrequent or limited to occasional parking events.
    - 2. Where there is already hard-surfaced parking that provides for handicap-accessible parking needs.
    - 3. Where the turf parking lot would meet setback and screening requirements.
    - 4. Where the parking need is seasonal (non-winter) so snow plowing is not needed.
    - 5. Where there would be an environmental benefit due to stormwater management or meeting shoreland/wetland/floodplain ordinance impact needs.

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023

- 6. Where the turf-parking plan meets the approval of the city engineer from the standpoint of using proven construction materials engineered for durability and aesthetics.
- 7. Where the turf-parking plan meets the approval of the police and fire chief from the standpoint of meeting public safety requirements.
- ii. This parking surface alternative shall not apply to single-unit and double (duplex) dwelling residential properties which are governed under subsection 44-17(6).
- f. The city may require a ten-foot-wide planter or median strip every three or four parking bays to prevent high speed movement diagonally across the parking lot and to improve esthetics. Refer to Illustration 44-17-B:

Illustration 44-17-B



- g. All parking lots shall be continually and properly maintained.

**Section V. Chapter 44, Section 44-20 is hereby amended as follows (additions are underlined and deletions are stricken; renumbering shall occur as needed when subsections are deleted):**

Secs. 44-20. Additional design standards

- (c) The developer of any project, other than single or double (duplex) dwellings, shall do the following:
  - (1) Install outdoor lighting according to the following requirements:
- b. *Definitions.* The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed, except where the context clearly indicates a different meaning:

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE I. IN GENERAL  
OCTOBER 8, 2023

4. ~~Grandfathered luminaires~~ means luminaires not conforming to this subsection that were in place at the time the ordinance from which this subsection derives took effect.

\*\*\*

(e) ~~Grandfathering of nonconforming luminaires. Luminaires lawfully in place before the effective date of the ordinance from which this subsection derives shall be allowed to remain. Such luminaires, however, are not exempt from complying with the outdoor lighting ordinance that was in effect at the time of their installation. If fixtures are replaced as part of any construction requiring a building permit, the fixture shall be upgraded to meet the requirements of this subsection.~~

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

**ARTICLE II. DISTRICT REGULATIONS**

**DIVISION 1. USE TABLES FOR ALL DISTRICTS**

***Secs. 44-46. Principal Use Table***

- (1) Table 44-46-1 lists land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited. The table also includes references to whether additional use specific standards are applicable to that use. The following definitions shall be referenced when using Table 44-46-1:
- a. Permitted Uses – a “P” in a cell of the use table indicates that the land use is allowed by right in the base zoning district.
  - b. Permitted with Standards Uses – a “PS” in a cell of the use table indicates that the land use is allowed when standards identified in Division 19 Use-Specific Standards are met. Uses permitted with standards are also subject to all other applicable requirements of Chapter 44 Zoning. Any request to vary from the standards set forth for a Permitted with Standards Use shall be processed as a Variance.
  - c. Conditional Uses – a “CUP” in a cell of the use table indicates that the land use is allowed in the base zoning district only upon approval of a Conditional Use Permit as described in Article V- Conditional Use Permits and in compliance with any use-specific standards identified in Division 19 Use-Specific Standards. Uses subject to a Conditional Use Permit are also subject to all other applicable requirements in the City Code.
  - d. Prohibited Uses – a blank cell in the use table indicates that the land use is prohibited in that base zoning district.

[INSERT TABLE 44-46-1 PRINCIPAL USE TABLE]

***Secs. 44-47. Accessory Use Table***

- (1) Table 44-47-1 lists accessory uses and indicates whether they are permitted or permitted with standards. The table also includes references to whether additional use specific standards are applicable to that use. The following definitions shall be referenced when using Table 44-47-1.
- a. Permitted Uses – a “P” in a cell of the use table indicates that the accessory land use is allowed by right in the base zoning district.
  - b. Permitted with Standards Use – a “PS” in a cell of the use table indicates that the accessory land use is allowed when standards identified in Division 19 Use-Specific Standards are met. Uses permitted with standards are also subject to all other applicable requirements of the City Code.
  - c. Conditional Uses – a “CUP” in a cell of the use table indicates that the land use is allowed in the base zoning district only upon approval of a Conditional Use Permit as described in Article V- Conditional Use Permits and in compliance with any use-specific standards identified in Division 19 Use-Specific Standards. Uses

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

subject to a Conditional Use Permit are also subject to all other applicable requirements in the City Code.

- d. Prohibited Uses – a blank cell in the use table indicates that the accessory land use is prohibited in that base zoning district.

[INSERT TABLE 44-47-1 ACCESSORY USE TABLE]

*Secs. 44-48—44-50. Reserved.*

**DIVISION 2. OSP OPEN SPACE AND PARKS DISTRICT**

***Secs. 44-51. Purpose and intent.***

- (1) The OSP open space and parks district is designed to be a public park and open space district. Public parks and open space may be owned or operated by Maplewood, Ramsey County or any other public body. All improvements within these districts must be consistent with the Maplewood Comprehensive Land Use Plan.

***Secs. 44-52. Development guidelines.***

- (1) Improvements and structures within open space lands and public parks with recreational facilities and structures shall be consistent with the Maplewood Comprehensive Land Use Plan and developed in conformance with the site development requirements stipulated in the Maplewood Zoning Ordinance.

*Secs. 44-53—44-60. Reserved.*

**DIVISION 3. F FARM RESIDENCE DISTRICT**

***Secs. 44-61. Purpose and intent.***

- (1) The F farm residence district is intended to implement the Maplewood Comprehensive Land Use Plan and provide areas that offer a rural residential setting with opportunities for agricultural uses.

*Secs. 44-62—44-70. Reserved.*

**DIVISION 4. R-1 RESIDENCE DISTRICT (SINGLE DWELLING)**

***Secs. 44-71. Purpose and intent.***

- (1) The purpose of the R-1, residence district (single dwelling), is to provide for single unit detached dwelling units and directly related complementary uses.

***Secs. 44-72. Minimum foundation areas; room requirements.***

- (1) The foundation area for any single unit dwelling in the R-1 residence district shall not be less than the following:
- a. A one-story dwelling, 950 square feet.
  - b. A 1½-story dwelling, 720 square feet.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- c. A bilevel dwelling, 816 square feet.
  - d. A trilevel dwelling, 765 square feet.
  - e. A two-story dwelling, 528 square feet.
- Room size and number shall be consistent with Uniform Building Code standards.

**Secs. 44-73. Height of buildings.**

- (1) No single unit dwelling in the R-1 residence district shall exceed a height of 35 feet, unless the city council approves a conditional use permit.

**Secs. 44-74. Lot dimensions.**

- (1) The minimum lot area in the R-1 residence district shall be 10,000 square feet. The minimum lot width at the building setback line shall be 75 feet, except that interior lots of record that are 60 feet wide or greater may be allowed by a conditional use permit provided that:
  - a. The findings required by code for a conditional use permit can be met.
  - b. There are at least two developed lots of record with the same or less width than proposed, within 350 feet of the site on the street. Larger minimum side yard setbacks may be required to balance the separation between adjacent structures.

**Secs. 44-75. Front yards.**

- (1) Each dwelling and accessory structure in the R-1 residence district shall have a front yard setback of at least 30 feet, but not more than 35 feet, except that:
  - a. If each of the lots next to an interior lot have dwellings, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.
  - b. If subsection (1)a of this section does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback.
  - c. Regardless of subsection (1)a or (1)b of this section, if the council has approved a setback waiver for a development, these setbacks shall apply. Approval of a preliminary plat with building pads does not constitute approval of setbacks.
  - d. Regardless of subsection (1)a, (1)b, or (1)c of this section, homeowners may add on to their homes using the existing setback.
  - e. The director of community development may administratively allow a different setback if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
    - i. The proposed setback would not affect the privacy of adjacent homes.
    - ii. The proposed setback would save significant natural features, as defined in section 12-248.
    - iii. The proposed setback is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- iv. The proposed setback is necessary for energy-saving, health or safety reasons.

**Secs. 44-76. Side yards.**

- (1) In the R-1 residence district, there shall be a side yard setback of at least ten feet to any covered part of a dwelling. There shall be a side yard setback of at least five feet to a garage, uncovered structure, or a detached accessory structure. The following exceptions shall apply:
  - a. The front yard setback requirements shall apply to the side yard on the street side of a corner lot.
  - b. When two or more adjoining lots are used as a single building site, the side yard requirements shall apply only to the outside lot lines.
  - c. Regardless of subsections (1)a and (1)b of this section, homeowners may add on to their homes using the existing setback.
- (2) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

**Secs. 44-77. Rear yards.**

- (1) For the covered parts of a dwelling in the R-1 residence district, the minimum required rear yard setback shall be a line connecting a point on each side lot line that is 20 percent of the lot depth.
- (2) Accessory structures and uncovered structures shall have a rear yard setback of at least five feet, except that on a double-fronting lot, the front yard setback requirements shall apply.
- (3) A corner lot shall have only one rear lot line.
- (4) Regardless of subsections (1) through (3) of this section, homeowners may add on to their homes using the existing setback.
- (5) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

**Secs. 44-78. Building separation requirement.**

- (1) In an R-1 residence district, separation between an accessory structure and a principal structure or another accessory structure shall be in conformance with building code requirements.

**Secs. 44-79. Building width and foundation requirements.**

- (1) The minimum building width on any side in an R-1 residence district shall be at least 21 feet. The building width shall not include entryways or other appurtenances that do not run the full depth of the building.
- (2) All buildings shall provide a permanent foundation with perimeter frost footings or a floating slab that meets the state building code.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

**Secs. 44-80. *Dwelling orientation on interior lots.***

- (1) In an R-1 residence district, the front of a dwelling on an interior lot shall face a public street, unless the dwelling does not have an apparent front side. The front is generally the longer side of the building and has a front door. The front wall may have up to a 30-degree angle from the street line. If the front wall has an angle, the city shall use the longest section to determine the allowed angle from the street line. This section shall not apply to corner lots. The director of community development may administratively allow a different orientation if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
- a. The proposed orientation would not affect the privacy of adjacent homes.
  - b. The proposed orientation would save significant natural features, as defined in section 12-248.
  - c. The proposed orientation is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
  - d. The proposed orientation is necessary for energy-saving, health or safety reasons.

**Secs. 44-81. *Maximum building area.***

- (1) Building area in an R-1 residence district shall not cover more than 30 percent of the area of a lot. The city council may approve a larger building area if it finds that it would not affect the character of the neighborhood.

*Secs. 44-82—44-90. Reserved.*

**DIVISION 5. R-1(R) RURAL CONSERVATION DWELLING DISTRICT**

**Secs. 44-91. *Purpose and intent.***

- (1) The City of Maplewood finds that there is a direct link between the natural systems and character that exists throughout certain areas of the community. The requirements of this R-1(R) rural conservation dwelling district are meant to preserve and enhance the ecological/aesthetic character by providing incentives that: 1) reinforce and establish ecological connections throughout the city; 2) protect and enhance drainageways and water quality; 3) protect and enhance ecological communities; 4) preserve and improve vistas; and 5) preserve or reinterpret local historical landmarks.
- (2) To allow for and to protect a semi-rural, residential lifestyle, the city creates the R-1(R) rural conservation dwelling district is intended to encourage conservation-based development. This zoning district is for the areas of Maplewood that are not suitable for suburban or tract development because of topography, vegetation or other factors that make the area unique. The city finds the most suitable use of these areas is single dwellings on large lots, but is interested in protecting the natural resources and will encourage developments to follow the conservation principles and initiatives identified in subsequent sections of this division. To further support the rural quality of the area, the density calculations in the R-1(R) rural conservation dwelling district shall be calculated on a net-acre basis which is further described in subsection 44-100(1)c of this division.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

Low-density residential development and conservation development will lessen grading and soil erosion and will help protect groundwater, vegetation, ecological communities and wooded areas.

**Secs. 44-92. Height of buildings.**

- (1) The maximum height of a single-family dwelling shall be 35 feet.

**Secs. 44-93. Lot dimensions, lot area, width requirements, and side yards.**

- (1) No person shall build a single unit dwelling on a site less than 87,120 square feet (two acres) in area; unless the conservation design principles are applied as described in section 44-98.
- (2) Each lot or parcel shall have enough area or usable space for a house, driveway, and if needed, a well and individual sewage treatment system (ISTS) with a primary and secondary site or an acceptable design and plan for a community septic system or regional sewer.
- (3) Table 44-93-1 table identifies the minimum lot area and lot width based on the conservation tiers:

Table 44-93-1 Minimum Requirements for R-1(R)

Conservation Tier	Density Range	Minimum Area	Minimum Frontage	Side Yard Setback	Front Yard Setback
Tier I (0-2 Principles)	0.5—1.0 U/A	43,560 SF	100'	30'	50'
Tier II (4 Principles)	1.1—1.5 U/A	15,000 SF	80'	15'	30'

- (4) Each interior lot shall have at least 80 feet of frontage on an improved public street.
- (5) Each corner lot or parcel shall have at least 80 feet of frontage on each of the public streets.
- (6) Each dwelling and any accessory structure(s) shall have side yard setbacks as defined in table 44-93-1 and shall be measured from the property line to the structure. The following exceptions to this standard shall apply:
  - a. The side yard on the street side of a corner lot shall have a width of at least 30 feet.
  - b. When a property owner uses two or more adjoining lots as a single-building site, the side yard requirements shall apply only to the outside lot lines.

**Secs. 44-94. Front yards.**

- (1) Each dwelling and any accessory structure(s) shall have a front yard setback as defined in table 44-93-1. Except that:

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- a. If each of the lots next to an interior lot has a dwelling, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.
  - b. If subsection (1)a above does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback.
  - c. Regardless of the above, if the city council has approved setback waiver for a development, those setbacks shall apply. City approval of a preliminary plat with building pads does not constitute approval of setbacks exceptions.
  - d. Regardless of the above, homeowners may add on to their homes using the existing setback.
  - e. In all cases, the accessory structures shall be no closer than the principle structure, unless allowed by the city council through a waiver.
- (2) The director of community development may administratively allow a different front yard setback if the proposed setback would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
- a. The proposed setback would not affect the privacy of adjacent homes.
  - b. The proposed setback would save significant natural features, as defined in section 9-188.
  - c. The proposed setback is necessary to meet city, state or federal regulations, such as pipeline setback or noise regulations.
  - d. The proposed setback is necessary for energy saving, health or safety reasons.

**Secs. 44-95. Rear yards.**

- (1) Single unit dwellings shall have a rear yard setback of at least 20 percent of the lot depth.
- (2) Accessory buildings shall have a rear yard setback of at least 30 feet.

**Secs. 44-96. Minimum foundation areas; room requirements.**

- (1) The minimum foundation area shall be at least:
  - a. A one-story dwelling, 950 square feet.
  - b. A one-and-one-half-story dwelling, 720 square feet.
  - c. A bi-level dwelling, 816 square feet.
  - d. A tri-level dwelling, 765 square feet.
  - e. A two-story dwelling, 528 square feet.
- (2) Room size and number shall be consistent with the standards of the International Residential Code.

**Secs. 44-97. Building width requirements.**

- (1) The minimum building width on the primary frontage shall be at least 21 feet. The building width shall not include entryways or other appurtenances that do not run the full depth of the building.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

**Secs. 44-98. *Definitions and conservation principles.***

- (1) The conservation principles in the following table shall represent the conservation incentives for this division. The definitions of each principle follow the table. All incentives, and subsequent conservation bonuses as described in table 44-100-1 shall only be granted if they exceed the minimum standards set forth in the existing city ordinances that relate to environmental protection as identified in, but are not limited to, chapters 12 and 44.
- (2) It shall be noted that the city has several ordinances that control and define natural resources and environmental quality, in all cases, the more restrictive ordinance shall apply and it is the developer's responsibility to discuss any issues or questions regarding the applicable ordinances with the city planner.
- (3) The developer shall be aware that the conservation principles shall be subject to the recommendations of the city staff, applicable commissions, planning commission and ultimate approval by the city council. As stated in section 44-99, the developer shall be required to work closely with these bodies to develop a plan that supports the goals and objectives for the R-1R district. Without council approval, the developer will be entitled to a base entitlement of one unit per two acres with a 2.0-acre-lot minimum.
- (4) In all cases, the developer shall receive a conservation bonus as described in table 44-100-1 only if the development integrates the conservation principle as a dominant theme throughout the proposed development. This shall be required of all proposed conservation principles. The city's objective is to maintain the rural quality of the R-1R district and encourage conservation principles and development in the city's areas with natural resource quality.
- (5) Table 44-98-1 identifies the conservation principles that may qualify for density incentives. The table is categorized into two groups: group A - natural characteristics and group B - design characteristics. The developer shall be required to present a diverse set of conservation principles for a site. Additionally, the developer is encouraged to use a mix of conservation principles and may not duplicate principles and receive a density incentive in exchange. For example, if the developer proposes to preserve a large wooded area and consequently preserves an important stand of oak trees, the developer will receive the density incentive for one conservation principle not two.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

a. Table 44-98-1 Conservation Principles for Density Incentives

Group A: Natural Characteristics	Group B: Design Characteristics
Additional Shoreline Buffers	Clustering
Additional Stormwater Management	Create/Develop Trail Connections
Creek Restoration Management	Create Passive Parks
Dedicate 50% Open Space	Energy Efficiency
Enhance/Preserve Large Wooded Areas or Forest	Historic Preservation
Enhance Wetlands, Create Management Plan	LEED Certified Buildings/Development
Prairie Restoration	Low Impact Development (LID)
Slope Buffer Preservation	Preserve and Establish Natural Area Greenways
Tree Preservation	Vista Shed/Corridor Preservation

(6) Group A: Natural characteristics.

- a. The following conservation principles are defined for this division as natural characteristics because they directly apply specifically to naturally occurring characteristics on a site. The principles are presented in alphabetical order.
  - i. *Additional shoreline buffers*: Beyond those already identified in the shoreland overlay district, the creation and plan for permanent protection of protective buffers around those areas which are more sensitive to the negative impacts of development, especially areas that are defined as bluffs or steep slopes, where critical habitat may dwell, near historic tree clusters or heritage trees, et cetera, for which the additional buffers may vary or be averaged near the location of protection importance.
  - ii. *Additional stormwater management*: The city has existing stormwater management policies, but there is opportunity to further improve the stormwater management on a site. The developer shall be given a conservation bonus for a stormwater management plan and implementation that exceeds the city's existing policy.
  - iii. *Creek restoration management*: Restoration projects that the city believes would assist in the restoration of the stream or natural creek that compensate for the loss of past uses of the watershed due to contamination, erosion and other influences or issues. Specific types of projects proposed for implementation as part of a development plan would be those that enhance habitat, water quality, and flow regime such as stormwater management, stream channel stabilization or greenways by implementing conservation easements, or additional buffers in riparian corridors.
  - iv. *Dedicate 50 percent open space*: Open space is defined as public or publicly-held land that is generally natural in character and contains relatively few human-made structures. The developer can achieve a conservation bonus for dedication of 50 percent of a site to open space. The open space dedication must be developable or have buildable

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- qualities in order to achieve this principle. This conservation principle will be mandatory to achieve the full density allocation.
- v. *Enhance/preserve large wooded areas or forest*: An act of deliberately avoiding the removal of clusters of structurally healthy mature trees and understory trees which are native to the area and noninvasive, individual heritage trees which are structurally healthy and greater than 20-caliper inches in order to protect the present or future value for their use in protection from erosion, for their landscape and aesthetic value, for their use in screening development or for other environmental or intrinsic benefits. To meet this standard, the developer must prepare a health assessment of the trees on site, and must show a polygon area on the site with permanent protection plan, that the developer shall implement, for the areas to be preserved and a management plan including removal of invasive species on the site.
  - vi. *Enhance wetlands, create a comprehensive wetland management plan (CWMP)*: A plan to resolve development and protection conflicts where wetlands affect a significant portion of a community. The plan encompasses the identification, study, and evaluation of wetland functions and community values, and development needs and investments with regard to wetlands protection, enhancement and regulation. The applicant shall be required to create a plan, that the developer shall implement, that exceeds the standards of the adopted wetland ordinance.
  - vii. *Prairie restoration*: After performing a historical analysis to determine pre-settlement conditions, prepare a plan for prairie restoration with a specific management strategy that the developer shall implement, over the course of five years in order to assure that the prairie establishes. This plan shall be submitted and approved by the city's natural resource coordinator to determine if it meets this requirement and subsequently qualifies for the conservation bonus.
  - viii. *Slope buffer preservation*: A development plan that deliberately avoids placing any lots in the buffer area of a slope exceeding 12 percent or as described in the city's slope ordinance section 44-1238 and building code section 12-308. The developer shall establish a buffer with permanent protection to demonstrate how the buffer and slope is protected and the purpose of the protection measures and how it exceeds the current slope ordinance requirements. A conservation bonus will be given for those plans that exceed the standards identified in the current steep slopes ordinance.
  - ix. *Tree preservation*: Through means of a tree inventory, identifying the most significant trees on a site and permanently protecting them. The developer shall be required to present a plan for protection of these trees, and will be required to demonstrate how these trees will be integrated as a key component of the development.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- (7) Group B: Design characteristics.
- a. The following conservation principles relate to the design of a project or of a site. The principles are presented in alphabetical order.
    - i. *Clustering*: A design technique that groups housing or development sites in a manner that allows for the conservation and preservation of open spaces such as farmland, natural areas, including habitat areas and open vistas.
    - ii. *Create/develop trail connections*: A plan that illustrates the development of trails that are indicated on the parks, trails and open space plan map as part of the subdivision process, whether active or passive in nature, with an emphasis on creating trail connections to existing trails. A conservation bonus will be given for the development and construction of the trail not for the land dedication which will be considered part of the city's park accessibility charges.
    - iii. *Create passive parks*: An area set aside through the development process that is environmentally sensitive and may or may not be developable. These parks may support passive uses such as walking trails, boardwalks and nature observation areas, but some areas may be too environmentally sensitive to accommodate any public access. A conservation bonus will only be given for passive dedication areas that are permanently protected and that are dedicated to a public entity.
    - iv. *Energy efficiency*: Using the Minnesota Greenstar Program, develop energy efficient and Greenstar-rated projects and buildings. A conservation bonus will be given when the developer utilizes the program to create a "theme" in a development and uses the Greenstar and conservation principles in marketing the project.
    - v. *Historic preservation*: Identifying and protecting through permanent means, any historically significant areas on a specific site. If historical preservation is proposed as a conservation principle, the city's historical preservation commission shall review and provide recommendations to the city council regarding this principle. To reinforce the historical quality, a signage plan shall be included to clearly communicate the historical significance of the area or artifact.
    - vi. *LEED certified buildings/development (three practices per structure)*: A national set of standards for buildings and neighborhoods that focuses on the principles of green building, smart growth, sustainability and healthy living. The LEED for neighborhood development rating system provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development. A conservation bonus will be given for a minimum of three practices in the LEED standards certification criteria. The conservation bonus shall only be given if the LEED standards are applied to all structures throughout a development. Developers are encouraged to seek LEED certification.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- vii. *Low impact development (LID)*: An ecologically friendly approach to site development and stormwater management that aims to mitigate development impacts to land, water and air. The approach emphasizes the integration of site design and planning techniques that conserve the natural systems and hydrologic functions of a site. In all cases, the developer must minimize the impervious surface coverage to achieve low impact development, and must be a minimum of five percent below the 30 percent coverage standard allowed. This must be accomplished in conjunction with other LID techniques to achieve this principle. In order to achieve this principle, the developer must demonstrate how they will achieve these principles.
- viii. *Preserve and establish natural area greenways*: The dedication, maintenance or management of an area identified on the city's natural areas greenway map. The natural area greenway is defined as large contiguous areas of natural habitat that cross ownership boundaries.
- ix. *Vista shed/corridor preservation*: A site plan or development pattern that is designed specifically to protect an area on or near the development site that is viewed as integral to protecting the sense of place, whether the features in the vista are cultural, historical or natural or whether they are viewed from the street or within the development site.

**Secs. 44-99. Application requirements and procedures.**

- (1) The developer shall follow the steps outlined below as part of the development review process. The developer shall be required to review the contents of this division and prepare a plan consisting of written and visual documents to support the proposed development.
  - a. The developer shall review this division and available natural resource data. The intent is to establish the property's ecological connections both within Maplewood and as part of the regional ecological system. If the developer chooses not to use a conservation approach, the developer may develop at the base entitlement of one (1) unit per two (2) acres of land and skip to step (e). If the developer is interested in additional units and smaller lot sizes, then the developer shall follow steps (b)—(e).
  - b. The developer shall prepare and submit a natural resources evaluation of the site, including all of the following elements. This step is in preparation for meeting with the city planner and should be completed prior to developing a concept plan:
    - i. Tree survey, including all significant individual trees greater than six inches in diameter, and stands of trees, identifying tree species and size.
    - ii. Wetland inventory, including delineation reports; and MnRAM verification.
    - iii. Topographic survey indicating existing drainage patterns. This shall include one-foot contours for steep slope areas to better understand where the top and bottom of the slopes are for preservation and placement.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- c. The developer shall set up a meeting with the city planner to discuss and establish the intent and goal for the subdivision. The process shall include a discussion regarding the appropriate conservation principles as identified in table 44-98-1 for the specific site and shall be based on the preliminary natural resource information collected in step (b). The principles utilized to achieve higher densities on a site must be reviewed and recommended by the city staff, planning commission and approved by the city council. The conservation principles and corresponding conservation bonuses are shown in table 44-100-1
- d. The developer shall create a concept plan that includes the following information:
  - i. A base yield plan, which demonstrates the number of allowed lots as determined by the base entitlement of one unit per two acres.
  - ii. A description of the conservation principles that are used and the corresponding conservation bonus and unit count as the developer understands it. This shall also include information and data that supports how the concept plan addresses the conservation principle and how the plan meets and exceeds the standards of the city's existing natural resource ordinances.
  - iii. A graphic that demonstrates generally how the lots would be laid out and the unit types proposed as part of the development.
  - iv. A narrative that describes the conservation principles used in the concept plan and supporting data demonstrating how the concept meets the standards of existing ordinances, and data demonstrating how the concept plan exceeds them.
  - v. The developer shall submit, with their concept plans, data and reports related to the conservation principles performed by a reputable ecologist or ecological firm. The city shall reserve the right, if needed, to hire their own ecological expert at the cost of the developer to verify and further understand the plans submitted by the applicant/developer.
  - vi. Submit copies of items i. through iv. for informal or nonbinding comments by city staff, planning commission and city council. Each body will provide feedback and recommendations to the developer so the developer understands the changes they need to make moving forward to the preliminary plat. It will be up to the city council to make the final decision with respect to the implementation of the conservation principles and final density of a project.
- e. After the concept plan review, the developer shall take and integrate the recommendations and prepare a preliminary plat and final plat submittal in accordance with section 34-5 of the subdivision ordinance.
- f. A full developer's agreement as well as any necessary agreements that document the conservation principles and how they will be upheld will be required as a part of any final plat approval. This shall also include, if applicable, any dedication or transfer of property for the purpose of permanent conservation which shall be completed prior to final plat approval or the issuance of any building permit.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

**Secs. 44-100. Conservation bonus standards.**

- (1) The following conservation bonuses shall be rewarded based on the number of conservation principles (as identified in table 44-98-1) integrated within a development. The conservation principles and their application must be agreed to by both the developer and the city.
  - a. Conservation bonus is defined as the additional allotment of a lot or lots as determined by the number of conservation principles met. Conservation bonus is also commonly referred to as a density bonus.
  - b. The units obtained through the conservation bonus calculation shall always be rounded down to the nearest whole number.
  - c. The density and number of units shall be calculated on a net area basis. Net density shall be defined as the number of dwelling units per acre exclusive of arterial streets and rights-of-way, steep slopes (in excess of 18 percent), wetlands and water features, and other publicly dedicated improvements such as parks.
  - d. The following table identifies the baseline entitlement for all property zoned R-1R of 0.5 units per acre. All conservation bonuses are cumulative and the percentage bonus calculated as such.

Table 44-100-1 Conservation Bonus Allotment for Conservation Principles.

**Secs. 44-101—44-110. Reserved.**

Density Range	Number of Conservation Principles	Conservation bonus (Housing Units)	Number of Lots on a 10-Acre Site (Example)
Tier 1:	0	None—base entitlement of 2-acre lots	5 lots
0.5—1.0	2	100%	10 lots
Tier 2:	4	100%	15 lots
1.1—1.5			

**DIVISION 6. RE RESIDENCE ESTATE DISTRICT**

**Secs. 44-111. Purpose and intent.**

- (1) The intent of the RE residence estate district is to protect and enhance the character of single-family neighborhoods, where lots are generally larger than required in R-1 residence districts (single dwelling).

**Secs. 44-112. District standards.**

- (1) Minimum lot area. The minimum lot area in an RE residence estate district shall be determined by the city council at the time of rezoning, but shall be limited to 20,000, 30,000, or 40,000 square feet. The council shall base its decision on the character of developed lots within an existing neighborhood or on the desired character of lots in an undeveloped area. Minimum lot area requirements shall be designated on the zoning map in each RE district's title, e.g., RE (30), standing for a minimum lot area of 30,000

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

square feet. Once established, any request to change a district's minimum lot area requirement shall be processed as a request for rezoning.

- (2) Minimum lot width at building setback line. The minimum lot width at the building setback line shall be as follows:

District Title	Minimum Lot Width (feet)
R-E (20)	100
R-E (30)	120
R-E (40)	140

- (3) Minimum setbacks. Minimum setbacks shall be as follows:

- a. Within RE districts, the following minimum building setbacks for dwellings, accessory buildings and driveways shall apply:

District Title	Side Yard Setback (feet)
R-E (20)	15
R-E (30)	20
R-E (40)	25

- i. All other setbacks shall be as required for the R-1 residence district (single dwelling), except that the R-1 front yard setback requirements shall not apply to the RE (40) district. The minimum required front yard setback in an RE (40) district shall be 30 feet.

- (4) Maximum building height. No single dwelling in an R-E residential estate district shall exceed a height of 35 feet, unless the city council approves a conditional use permit.
- (5) Effect of rezoning. Legally buildable lots before the rezoning to an RE zone shall be considered buildable after rezoning to an RE zone.

*Secs. 44-113—44-120. Reserved.*

**DIVISION 7. R-1S SMALL-LOT SINGLE-DWELLING DISTRICT**

***Secs. 44-121. Purpose and intent.***

- (1) The purpose of the R-1S, small-lot single-dwelling district, is to provide for single unit detached dwelling units and directly related complementary uses with lots that are smaller in scale than the R-1 residence district.

***Secs. 44-122. Applicability.***

- (1) This division applies to all lots in the R-1S small-lot single-dwelling district.

***Secs. 44-123. Height of buildings.***

- (1) No single dwelling in the R-1S small-lot single-dwelling district shall exceed a height of 35 feet, unless the city council approves a conditional use permit.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

***Secs. 44-124. Lot area and width; sewer requirements.***

- (1) In the R-1S small-lot single-dwelling district, no person shall build a single-family dwelling on a site less than 7,500 square feet in area.
- (2) No person shall build a single-family dwelling on a lot with less than 60 feet of width for an interior lot or 85 feet of width for a corner lot.
- (3) No person shall build a single-family dwelling unless a public sanitary sewer is available.

***Secs. 44-125. Front yards.***

- (1) Each dwelling and accessory structure in the R-1S small-lot single-dwelling district shall have a front yard setback of at least 30 feet, but not more than 35 feet, except that:
  - a. If each of the lots adjacent to an interior lot have dwellings, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.
  - b. If subsection (1)a of this section does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback.
  - c. If the council has approved setback waivers for a development, these setbacks shall apply. Approval of a preliminary plat with building pads does not constitute approval of setbacks.
  - d. Regardless of subsections (1)a through (1)c of this section, homeowners may add on to their homes using the existing setback.
- (2) The director of community development may administratively allow a different setback if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
  - a. The proposed setback would not affect the privacy of adjacent homes.
  - b. The proposed setback would save significant natural features, as defined in section 12-248.
  - c. The proposed setback is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
  - d. The proposed setback is necessary for energy-saving, health or safety reasons.

***Secs. 44-126. Side yards.***

- (1) In the R-1S small-lot single-dwelling district, there shall be a side yard setback of at least ten feet to any covered part of a dwelling. There shall be a side yard setback of at least five feet to a garage, uncovered structure or detached accessory structure. The following exceptions shall apply:
  - a. The front yard setback requirements shall apply to the side yard on the street side of a corner lot.
  - b. When two or more adjoining lots are used as a single building site, the side yard requirements shall apply only to the outside lot lines.
  - c. Regardless of subsection (a)(1) and (2) of this section, homeowners may add on to their homes using the existing setback.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- (2) The city council may approve a conditional use permit to construct a building addition or part thereof into a minimum setback.

**Secs. 44-127. Rear yards.**

- (1) For the covered parts of a dwelling in the R-1S small-lot single-dwelling district, the minimum required rear yard setback shall be a line connecting a point on each side lot line that is 20 percent of the lot depth.
- (2) Accessory structures and uncovered structures shall have a rear yard setback of at least five feet, except that on a double-fronting lot, the front yard setback requirements shall apply.
- (3) A corner lot shall have only one rear lot line.
- (4) Regardless of subsections (a) through (c) of this section, homeowners may add on to their homes using the existing setback.
- (5) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

**Secs. 44-128. Minimum foundation areas; room requirements.**

- (1) The minimum foundation area in the R-1S small-lot single-dwelling district shall be at least:
- a. A one-story dwelling, 950 square feet.
  - b. A 1½-story dwelling, 720 square feet.
  - c. A bilevel dwelling, 816 square feet.
  - d. A trilevel dwelling, 765 square feet.
  - e. A two-story dwelling, 528 square feet.
- (2) Room size and number shall be consistent with Uniform Building Code standards.

**Secs. 44-129. Building width requirements.**

- (1) In the R-1S small-lot single-dwelling district, the minimum building width on any side shall be at least 21 feet. The building width shall not include entryways or other appurtenances that do not run the full depth of the building.

**Secs. 44-130. Exterior design approval.**

- (1) The exterior design and appearance of all single-family homes in the R-1S small-lot single-dwelling district must be approved by the director of community development as required in section 2-287.

**Secs. 44-131. Dwelling orientation.**

- (1) In the R-1S small-lot single-dwelling district, the front of a dwelling on an interior lot shall face a public street, unless the dwelling does not have an apparent front side. The front is generally the longer side of the building and has a front door. The front wall may have up to a 30-degree angle from the street line. If the front wall has an angle, the city shall use the longest section to determine the allowed angle from the street line. This section shall not apply to corner lots. The director of community development may

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

administratively allow a different orientation if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:

- a. The proposed orientation would not affect the privacy of adjacent homes.
- b. The proposed orientation would save significant natural features, as defined in section 12-248.
- c. The proposed orientation is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
- d. The proposed orientation is necessary for energy-saving, health or safety reasons.

**Secs. 44-132. Maximum building area.**

- (1) Building area in the R-1S small-lot single-dwelling district shall not cover more than 30 percent of the area of a lot. The city council may approve a larger building area if it finds that it would not affect the character of the neighborhood.

*Secs. 44-133—44-140. Reserved.*

**DIVISION 8. R-2 RESIDENCE DISTRICT (DOUBLE DWELLING)**

**Secs. 44-141. Purpose and intent.**

- (1) The intent of the R-2 residence district (double dwelling) is established to provide for the use of two-unit and attached single unit dwellings together with appropriate accessory uses. The purpose of this district is intended to provide for a housing type and arrangement that is distinguished from the single-family detached dwellings and multifamily dwellings provided for elsewhere in these regulations. The location of this district is further intended to provide a transitional use between the single-unit detached dwelling districts and other districts which are more intensive.

**Secs. 44-142. Height of buildings.**

- (1) In the R-2 residence district (double dwelling), no single unit dwelling or double dwelling (duplex) shall exceed a height of 35 feet, unless the city council approves a conditional use permit.

**Secs. 44-143. Lot dimensions; sewer requirements; density.**

- (1) No two-unit dwellings shall be built or structurally altered in the R-2 residence district (double dwelling) on a site less than 12,000 square feet in area.
- (2) No single unit dwelling shall be built or structurally altered in an R-2 residence district (double dwelling) on a site less than 7,500 square feet in area.
- (3) The minimum lot width in an R-2 residence district for:
  - a. Single unit dwellings shall be 60 feet for interior lots and 85 feet for corner lots.
  - b. Double dwellings (duplex) shall be 85 feet for interior lots and 100 feet for corner lots, except that the minimum lot width shall be 75 feet for lots that were in existence and zoned R-2 prior to December 9, 1985 (the date the minimum lot width was raised to 85 feet).

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- (4) No single unit or two-unit dwelling shall be built or structurally altered in an R-2 residence district (double dwelling) on any site, unless a public sanitary sewer is available.
- (5) The density in an R-2 residence district (double dwelling) shall not exceed the maximum density permitted by the land use classification and people per unit designated in the city's adopted comprehensive plan.

**Secs. 44-144. Front yards.**

- (1) In the R-2 residence district (double dwelling), each dwelling and accessory structure shall have a front yard setback of at least 30 feet, but not more than 35 feet, except that:
  - a. If each of the lots adjacent to an interior lot have dwellings, the minimum setback shall be the setback of the adjacent dwelling closest to the street. The maximum setback shall be the setback of the adjacent dwelling farthest from the street.
  - b. If subsection (1)a of this section does not apply and there is a predominant setback, a dwelling shall be no further forward and no more than five feet to the rear of the predominant setback.
  - c. If the council has approved setback waiver for a development, these setbacks shall apply. Approval of a preliminary plat with building pads does not constitute approval of setbacks.
  - d. Regardless of subsections (1)a through (1)c of this section, homeowners may add on to their homes using the existing setback.
- (2) The director of community development may administratively allow a different setback if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
  - a. The proposed setback would not affect the privacy of adjacent homes.
  - b. The proposed setback would save significant natural features, as defined in section 12-248.
  - c. The proposed setback is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
  - d. The proposed setback is necessary for energy-saving, health or safety reasons.

**Secs. 44-145. Side yards.**

- (1) In the R-2 residence district (double dwelling), there shall be a side yard setback of at least ten feet to any covered part of a dwelling. There shall be a side yard setback of at least five feet to a garage, uncovered structure or detached accessory structure. The following exceptions shall apply:
  - a. The front yard setback requirements shall apply to the side yard on the street side of a corner lot.
  - b. When two or more adjoining lots are used as a single building site, the side yard requirements shall apply only to the outside lot lines.
  - c. Regardless of subsections (1)a through (1)c of this section, homeowners may add on to their homes using the existing setback.
- (2) The city council may approve a conditional use permit to construct a building addition or part thereof into a minimum setback.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

**Secs. 44-146. Rear yards.**

- (1) In the R-2 residence district (double dwelling), for the covered parts of a dwelling, the minimum required rear yard setback shall be a line connecting a point on each side lot line that is 20 percent of the lot depth.
- (2) Accessory structures and uncovered structures shall have a rear yard setback of at least five feet, except that on a double-fronting lot, the front yard setback requirements shall apply.
- (3) A corner lot shall have only one rear lot line.
- (4) Regardless of subsections (1) through (3) of this section, homeowners may add on to their homes using the existing setback.
- (5) The city council may approve a conditional use permit to construct a building addition into a minimum setback.

**Secs. 44-147. Building separation requirement.**

- (1) In an R-2 residence (double dwelling) district, separation between an accessory structure and a principal structure or another accessory structure shall be in conformance with building code requirements

**Secs. 44-148. Minimum floor areas.**

- (1) The minimum habitable floor area for each R-2 residence district (double dwelling) dwelling units shall be at least: 580 square feet per efficiency or one-bedroom unit; 740 square feet per two-bedroom unit; 860 square feet per three-bedroom unit; 1,040 square feet per four-bedroom unit.

**Secs. 44-149. Dwelling orientation.**

- (1) In the R-2 residence district (double dwelling), the front of a dwelling on an interior lot shall face a public street, unless the dwelling does not have an apparent front side. The front is generally the longer side of the building and has a front door. The front wall may have up to a 30-degree angle from the street line. If the front wall has an angle, the city shall use the longest section to determine the allowed angle from the street line. This section shall not apply to corner lots. The director of community development may administratively allow a different orientation if it would not adversely affect the drainage of surrounding properties and if any of the following conditions apply:
  - a. The proposed orientation would not affect the privacy of adjacent homes.
  - b. The proposed orientation would save significant natural features, as defined in section 12-248.
  - c. The proposed orientation is necessary to meet city, state or federal regulations, such as the pipeline setback or noise regulations.
  - d. The proposed orientation is necessary for energy-saving, health or safety reasons.

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT
CHAPTER 44 – ZONING
ARTICLE II. DISTRICT REGULATIONS
OCTOBER 8, 2023

Secs. 44-150. Maximum building area.

In the R-2 residence district (double dwelling), building area shall not cover more than 30 percent of the area of a lot. The city council may approve a larger building area if it finds that it would not affect the character of the neighborhood.

Secs. 44-151—44-160. Reserved.

DIVISION 9. R-3 RESIDENCE DISTRICT (MULTIPLE DWELLING)

Subdivision I. In General

Secs. 44-161. Purpose and intent.

- (1) The R-3 residence district (multiple dwelling) is intended to establish, preserve, and enhance neighborhoods that accommodate a mix of townhouses and apartments.
(2) The R-3 residence district shall be further classified into the following subdistricts based on the type of structure and number of units:

Table with 2 columns: Classification, Structure containing:
R-3A Apartment building with 3 to 17 units
R-3B Apartment building with more than 17 units
R-3C Townhouses

Secs. 44-162. Definitions.

- (1) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
a. Dwelling, multiple means a building on a lot, designed exclusively as a residence for three or more families. Cross reference(s) – Definitions generally, § 1-2.
b. Dwelling, townhouse means a residence for one family that is attached to at least two other residences, each with a private outside entrance and with no one unit or major portion thereof directly above or below the other units. Cross reference(s)—Definitions generally, § 1-2.
c. Dwelling, apartment means a building on a lot with side-by-side or stacked dwelling units that typically share a common entrance.

Secs. 44-163. Standards for all R-3 subdistricts.

- (1) The minimum habitable floor area for each dwelling shall be at least:
a. 580 square feet per studio or one-bedroom unit;
b. 740 square feet per two-bedroom unit;
c. 860 square feet per three-bedroom unit;
d. 1,040 square feet per four-bedroom unit.
e. The minimum habitable floor area for "independent" senior housing shall follow the above room-size requirements.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- f. The minimum habitable floor area for "assisted-living" and "memory-care" senior housing shall not be less than that required by the Minnesota Department of Health.
- (2) At least 35 percent of the development shall be retained for and devoted to green area; An adjustment may be allowed as an exception in connection with the administration and application of density credits as identified in section 44-164.
- a. Where more than one principal use structure is constructed on the same or contiguous lots, yard areas planned for common use by occupants of all dwelling units may be counted in computing green area.
- (3) All buildings shall be designed and constructed to have consistent architectural treatment on all building walls to provide four-sided architectural design.
- (4) All accessory or ancillary buildings, including garages and carports, shall be designed and constructed to have a compatible exterior surface to the principal use building.
- (5) A minimum of 120 cubic feet of storage space, in addition to normal closet space, shall be made available for each multiple-dwelling unit in an R-3 residence district. Such storage space shall be located in the same building as the dwelling unit or in the garage, but shall not be considered as part of the habitable area of a dwelling unit. If located in the garage, it shall be enclosed and shall not be part of the automobile parking area.
- (6) An open parking stall shall be a minimum distance of 15 feet from a dwelling-unit window.
- (7) Where a garage or carport opens to a public street, the width of the driveway into that public street shall not exceed 24 feet in width, and in no event shall a series of garages open directly to that street. Where a series of garages face each other on a private road, the minimum width separating garages shall be 30 feet in order to provide visibility in backing out or turning around.
- (8) All trash, recyclable materials, and associated handling equipment must be stored within the principal structure or in a dumpster enclosure, attached or separate from the principal structure, that is constructed of building materials compatible with the principal structure. All containers shall be covered and maintained so as to be inaccessible to insects, vermin or animals and shall be screened so as not to be visible from eye-level height.

**Secs. 44-164. Density.**

- (1) All multiple dwelling structures are subject to minimum area standards and shall not exceed the maximum density permitted by the land use classification in the city's adopted comprehensive plan.
- (2) Additional density above the base density in the comprehensive plan may be allowed using a density credit at the city's sole discretion.
- (3) The following credits to density standards shall be allowed as follows:
- a. Underground parking. The net acreage for calculating density may be increased by 300 square feet for each parking space that is provided under the principal structure or in some other manner underground, which will thereby permit use of the grade level outside the building, or above such underground space, for other building, open yard, or recreation space.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- b. Green area. The net acreage for calculating density may be increased by 100 square feet where 25 percent of the entire development is reserved in one area for recreation play area, or for open land, water or ponding areas, subject to approval by the city council after consideration by the community design review board.
- c. Landscaping. The net acreage for calculating density may be increased by 100 square feet for each dwelling unit where one percent of the construction cost, not including land cost, is allocated to the planting of trees. This does not apply to the sodding or seeding of green areas.
- d. High-rise. The net acreage for calculating density may be increased by 100 square feet for each dwelling unit above three stories. In order to qualify for this credit, all floors must have elevator service. If this credit, when combined with others available in subsections (1) through (3) of this section, results in a reduction of yard or parking space area below that otherwise required by reason of the dimensions and number of dwelling units in the structure, this credit shall not be allowed.

*Secs 44-165—44-180. Reserved.*

*Subdivision II. R-3A Multiple Dwellings*

**Secs. 44-181. Lot Area.**

- (1) Except as otherwise modified or specified by terms of this chapter or because of variances properly considered and allowed, the building site for any R-3A multiple dwelling shall consist of an area of at least 15,625 square feet.

**Secs. 44-182. Percentage for structure.**

- (1) The area covered by the R-3A multiple dwelling shall not exceed 35 percent of the site area.

**Secs. 44-183. Front yard requirements.**

- (1) Each R-3A multiple dwelling shall have a front yard of not less than 30 feet in depth facing any road or street. This setback shall apply to yards fronting on both streets where the building is located on a corner lot.

**Secs. 44-184. Side and rear yard requirements.**

- (1) The minimum side and rear yard setback requirements for an R-3A multiple dwelling shall be 20 feet.
- (2) Parking spaces, garages, carports, or like structures shall be set back no less than five feet from a side or rear property line and no less than 15 feet from a public street right-of-way.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

**Secs. 44-185. Setbacks increased.**

- (1) The minimum front, side and rear yard setbacks for an R-3A multiple dwelling shall be increased, not to exceed 75 feet, by the most restrictive of the following requirements, where the lot abuts a farm residence, residential estate, single dwelling, or double dwelling zoning district:
  - a. Building height. The building setbacks shall be increased two feet for each one foot the building exceeds 25 feet in height.
  - b. Exterior wall area. Where an exterior wall faces residentially zoned property, the setback of the wall shall be increased five feet for each 1,000 square feet or part thereof in excess of 2,000 square feet.
- (2) A building addition which would encroach into a required setback may be approved by conditional use permit, if such encroachment would be consistent with surrounding property setbacks and screened in a manner acceptable to the community design review board. At least 80 percent of the addition shall be screened from abutting residential property.
- (3) The requirements of this section shall not apply where the residentially zoned property is being used or is designated on the city's land use plan for a nonresidential use.

**Secs. 44-186. Height regulation.**

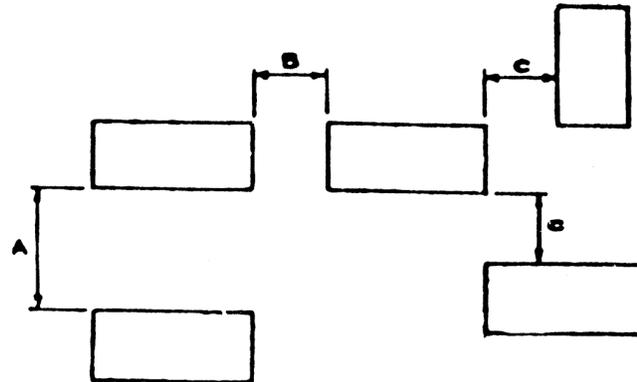
- (1) No R-3A multiple dwelling shall exceed a height of 35 feet or three stories, unless the city council approves a conditional use permit.

**Secs. 44-187. Two or more structures on one site.**

- (1) Figure 44-187-A illustrates separation requirements for buildings 36 feet in height or less where two or more R-3A multiple-dwelling structures are to be erected on a single site:
  - a. No building shall be closer to another building than twice the vertical height of the tallest building up to a maximum of 72 feet measured from grade, as shown with dimension A in Figure 44-187-A that follows.
  - b. No building shall be closer to another building than 36 feet measured from grade. Where both building elevations are windowless, this requirement may be reduced by one-third, as shown with dimension B in Figure 44-187-A that follows.
  - c. No building shall be closer to another building than 20 feet measured from grade, as shown with dimension C in Figure 44-187-C that follows.

Figure 44-187-A Required Building Separation

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**



*Secs 44-188—44-190. Reserved.*

*Subdivision III. R-3B Multiple Dwellings*

**Secs. 44-191. Minimum land area.**

- (1) The minimum land area for any R-3B multiple dwelling is at least one acre, and the building lot shall have a width of not less than 150 feet.

**Secs. 44-192. Building area.**

- (1) Building area for any R-3B multiple dwelling may not cover more than 35 percent of the ground area.

**Secs. 44-193. Front yard requirements.**

- (1) The minimum front yard setback for an R-3B multiple dwelling shall be 30 feet. This minimum setback shall be increased according to section 44-185.

**Secs. 44-194. Side and rear yard requirements.**

- (1) The minimum side and rear yard setbacks for an R-3B multiple dwelling shall be 20 feet, unless the lot abuts a farm residence, residential estate, single-dwelling or double-dwelling zoning district. In such case the minimum setback shall be increased according to section 44-164.
- (2) Regardless of building height or external wall area, the side and rear yard setbacks shall not be required to be greater than 75 feet.
- (3) Side and rear yard requirements shall be as provided in section 44-184.

**Secs. 44-195. Height regulation.**

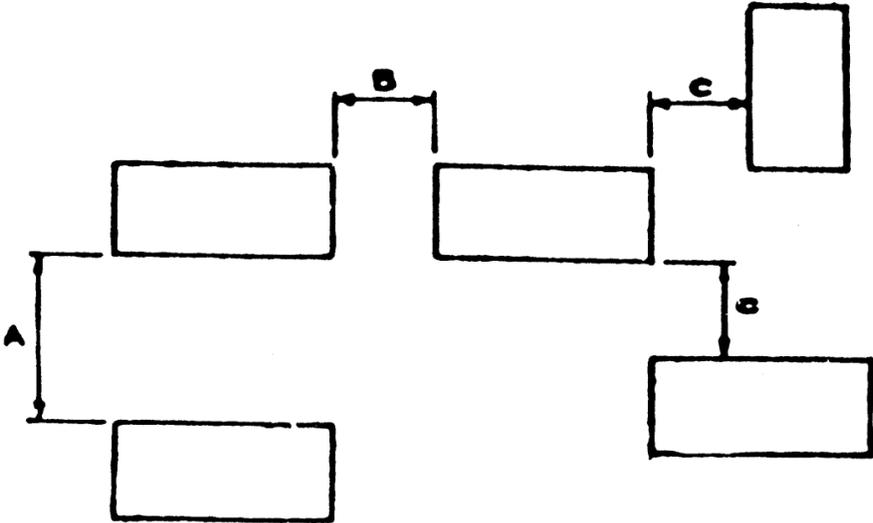
- (1) No R-3B multiple dwelling shall exceed a height of 35 feet or three stories, unless the city council approves a conditional use permit.

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023

**Secs. 44-196. Two or more structures on one site.**

- (1) Where two or more R-3B multiple-dwelling structures are to be erected on a single site, the following requirements shall apply to such buildings exceeding 36 feet in height:
  - a. No building shall be closer to another building than twice the vertical height of the tallest building up to a maximum of 100 feet measured from grade, as shown with dimension A in Figure 44-194-A that follows.
  - b. No building shall be closer to another building than 36 feet, which distance shall increase by one foot for each two feet of height in excess of 36 feet, up to a maximum distance of 75 feet of separation measured from grade. Where both building elevations are windowless, this requirement may be reduced by one-third. Example: 44-foot-high buildings, B = 40 feet of separation. Refer to dimension B in Figure 44-194-A that follows.
  - c. No building shall be closer to another building than 20 feet, which distance shall increase by one foot for each four feet of height in excess of 36 feet, up to a maximum distance of 40 feet of separation measured from grade. Example: 44-foot-high buildings, C = 22 feet of separation. Refer to dimension C in Figure 44-194-A that follows.

Figure 44-194-A Required Building Separation



Secs 44-197—44-220. Reserved.

*Subdivision IV. R-3C Townhouses*

**Secs. 44-201. Front yard requirements.**

- (1) Front yard requirements for R-3C multiple dwellings are 30 feet in depth facing any road or street, except that these shall refer to the total site development requirements, and

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

each dwelling unit may be up to its particular property line with a garage or carport abutting a private, not public, road.

**Secs. 44-202. Side yard requirements.**

- (1) As applied to the total development site, a side yard for an R-3C multiple dwelling shall be no less than 20 feet in width.

**Secs. 44-203. Rear yard requirements.**

- (1) As applied to the total development site, the rear yard for an R-3C multiple dwelling shall be a minimum of 20 feet in width.

**Secs. 44-204. Minimum building separations.**

- (1) The minimum separation between detached buildings for R-3C multiple dwellings shall be as follows:
- a. Dwelling to dwelling: 20 feet.
  - b. Dwelling to accessory building: ten feet.
  - c. Accessory building to accessory building: ten feet.

**Secs. 44-205. Height regulation.**

- (1) No R-3C multiple dwelling shall exceed a height of 35 feet or three stories, unless the city council approves a conditional use permit.

*Secs. 44-206—44-211. Reserved.*

**DIVISION 10. NC NEIGHBORHOOD COMMERCIAL DISTRICT**

**Secs. 44-211. Purpose and intent.**

- (1) The intent of the N-C neighborhood commercial district is to preserve land for the use of businesses that are compatible with adjacent residential land uses. Uses are limited to offices and smaller retail uses that cater to convenience shopping. Pedestrian and bicycle access are to be emphasized.

**Secs. 44-212. Building design.**

- (1) Buildings in an NC neighborhood commercial district shall be designed to be compatible with their surrounding land uses. If more than one use is on a site, they shall be planned and organized as a unit. Pedestrians should be able to walk between stores without crossing vehicular traffic lanes. There shall be no exterior storage, other than a trash receptacle which shall be screened as required by section 44-19.

**Secs. 44-213. Lot coverage.**

- (1) For an N-C neighborhood commercial district, at least 15 percent of the site shall be landscaped.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

*Secs. 44-214—44-220. Reserved.*

**DIVISION 11. CO COMMERCIAL OFFICE DISTRICT**

***Secs. 44-221. Purpose and intent.***

- (1) The CO commercial office district is established primarily to provide areas for the development of professional and administrative offices, related uses together with supportive, low-intensity commercial uses in locations in close proximity to residential areas where such uses can conveniently serve the public, and to create a suitable environment for such uses and buildings specially designed for their purposes, located on sites large enough to provide room for appropriate separation of uses, landscaped open spaces and off-street parking facilities.
- (2) This district is intended to be located primarily on heavily traveled streets or adjacent to commercial or industrial districts and is designed to lessen the impact of these uses on residential areas.

*Secs. 44-222—44-230. Reserved.*

**DIVISION 12. BC BUSINESS COMMERCIAL DISTRICT**

*Subdivision I. BC Limited Business Commercial District*

***Secs. 44-231. Purpose and intent.***

- (1) The BC business commercial district is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the NC District and to allow a broader range of automobile related uses.

*Secs. 44-232—44-240. Reserved.*

*Subdivision II. LBC Limited Business Commercial District*

***Secs. 44-241. Purpose and intent.***

- (1) The LBC limited business commercial district is intended to provide lower intensity commercial areas focused on offices, medical clinics, and day care centers that support the surrounding commercial districts and residential neighborhoods.

*Secs. 44-242—44-250. Reserved*

*Subdivision III. BC(M) Commercial District (Modified)*

***Secs. 44-251. Purpose and intent.***

- (1) The BC(M) business commercial district (modified) is intended to provide for the orderly transition between more intensive commercial uses and low or medium density residential areas. Restrictions on, but not limited to, building height, setbacks, orientation, parking lot location, or location of building entrances may be required to ensure compatibility with abutting residential uses.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

*Secs 44-252—44-260. Reserved.*

**DIVISION 13. SC SHOPPING CENTER DISTRICT**

***Secs. 44-261. Purpose and intent.***

- (1) The SC shopping center district is intended to provide for retail and service centers which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a community market scale and located in areas which are well served by collector or arterial street facilities.

*Secs. 44-262—44-270. Reserved.*

**DIVISION 14. M-1 LIGHT MANUFACTURING DISTRICT**

***Secs. 44-271. Purpose and intent.***

- (1) The purpose of the M-1 Light Manufacturing District is to provide for the establishment of manufacturing, warehouse, repair, office, and related limited service uses. The M-1 Light Manufacturing District is intended to include uses that may require limited outdoor and vehicle/trailer storage but exclude more intensive industrial uses.

***Secs. 44-272. Minimum distances for building and use from residential district.***

- (1) No building or exterior use, except parking, may be erected, altered, or conducted within 350 feet of a residential district without a conditional use permit.

*Secs. 44-273—44-280. Reserved.*

**DIVISION 15. M-2 HEAVY MANUFACTURING DISTRICT**

***Secs. 44-281. Purpose and intent.***

- (1) The M-2 Heavy Manufacturing district is intended primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external effects may be felt in surrounding districts. The M-2 district is intended to permit the manufacturing, processing and compounding of semifinished products from raw material and prepared material.

***Secs. 44-282. Minimum distances for building and use from residential district.***

- (1) In the M-2 heavy manufacturing district, no building or exterior use, except parking, may be erected, altered or conducted within 350 feet of a residential district without a conditional use permit.

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT
CHAPTER 44 – ZONING
ARTICLE II. DISTRICT REGULATIONS
OCTOBER 8, 2023

Secs. 44-283—44-290. Reserved.

DIVISION 16. M-U MIXED-USE DISTRICT

Secs. 44-291. Purpose and intent.

- (1) The purpose of the mixed-use zoning district is to provide areas in the City of Maplewood with a mixture of land uses, made mutually compatible through land use controls and high-quality design standards. With this district, the City of Maplewood intends to promote the redevelopment or development of an area into a mixed-use neighborhood with compact, pedestrian-oriented commercial and residential land uses. The intent of the mixed-use zoning district is to enhance viability within an area and foster more employment and residential opportunities. The placement and treatment of buildings, parking, signage, landscaping and pedestrian spaces are essential elements in creating the pedestrian-friendly and livable environment envisioned by the city in a mixed-use area. To ensure these elements are achieved, design standards are included in the district.

Secs. 44-292. Planned Unit Development.

- (1) Planned Unit Developments (PUDs), as provided in section 44-321 through 44-322 are not permitted in the M-U district.

Secs. 44-293. Dimensional standards.

- (1) Within the mixed-use zoning district, all setbacks shall be measured from the outlying property line of a development and either a public right-of-way or from the edge of a private road, whichever applies. The term "road" as used to define setbacks within the mixed-use zoning district applies to public right-of-ways and private roads.

Table 44-293-1: Dimensional Standards in the Mixed-Use District

Table with 6 columns: Use, Lot Size Per Unit (square feet), Height (feet), and Structure Setbacks (feet) (Front, Side, Rear). Rows include Principal Use, Single-unit dwelling, Double dwelling (duplex)/townhouse dwelling, and Apartment dwelling.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

Use	Lot Size Per Unit (square feet)	Height (feet)	Structure Setbacks (feet)		
			Front	Side	Rear
Residential and commercial mixed use building	n/a	n/a	0 to 10	0 <sup>3</sup>	0 <sup>3</sup>
Non-residential, including structured parking	n/a	n/a	0 to 10	0 <sup>3</sup>	0 <sup>3</sup>
<b>Accessory Use</b>					
Accessory building accessed from alley	n/a	Per section 44-352	n/a	5	0 to 6
Accessory building not accessed from alley	n/a	Per section 44-352	20 to 25	5	5

- <sup>1</sup> No single-unit dwelling, double dwelling (duplex), townhouse dwelling or apartment dwelling building shall exceed a height of 35 feet, or three stories, unless the city council approves a conditional use permit.
- <sup>2</sup> When a mixed-use zoned single-unit dwelling, double-dwelling (duplex), or townhouse dwelling adjoins the F, R-1, R-1(R), R-1(S) or R-2 zoning district, the greater of the side and rear yard setbacks of the adjacent residential zoning district or a side yard setback of ten feet and a rear yard setback of 20 feet shall apply.
- <sup>3</sup> The zero foot setback is allowed except as otherwise specified in the building code. Side and rear yard setbacks of at least ten feet shall be required when a mixed-use zoned commercial, residential and commercial mixed use building or apartment dwelling use adjoins a mixed-use zoned single unit dwelling, double-dwelling (duplex), or townhouse dwelling use. Side and rear yard setbacks shall be as specified in subsection 44-20(c)(6)b. (additional design standards) when a mixed-use zoned commercial, residential and commercial mixed use building, or apartment dwelling use adjoins a F, R-1, R-1(R), R-1(S) or R-2 zoning district.

- (2) The city council may increase maximum setbacks with approval of a conditional use permit. The conditional use permit may only be approved if the applicant has demonstrated on its site plan the intent of the mixed use zoning district is being met.

**Secs. 44-294. Maximum density.**

- (1) The density of the mixed-use zoning district shall not exceed the maximum density permitted by the land use classification in the city's adopted comprehensive plan. Additional density may be allowed per section 44-164 Density. In addition, the net acreage for calculating density may be increased by 300 square feet for each affordable dwelling unit, as defined by the metropolitan council guidelines.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

**Secs. 44-295. Off-street parking.**

(1) Section 44-17 off-street parking of the City Code applies in the mixed-use zoning district unless specified differently below:

(a) Placement of surface parking:

1. Surface parking must be located to the rear of a principal building, or an interior side yard if parking in the rear is impractical.
2. Surface parking must maintain a five-foot side yard setback and a five-foot rear yard setback, unless the surface parking adjoins the F, R-1, R-1(R), R-1(S) or R-2 districts, in which case the required setback is 20 feet for both the side yard and rear yard.
3. Surface parking must maintain a ten-foot setback to a road when constructed on the side or rear of a building on a corner lot.
4. The city council may approve modifications to the surface parking placement standard with a conditional use permit if a building has special needs and site constraints or an increased building setback is also approved. In these cases, there should be good pedestrian connections between the sidewalk and building entrance, and the area in front of the parking lot should be well landscaped.

Figure 44-295-A: Off Street Parking Locations in Mixed-Use Zoning District



(b) Amount of parking:

1. The minimum amount of required parking spaces shall be as specified in section 44-17 off-street parking.
2. The maximum amount of surface parking spaces shall not exceed the specified minimum by more than ten percent, or two spaces, whichever is greater. If

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

additional parking is desired, it must be placed underground, within an enclosed building, or in a tuck-under garage.

3. For retail, medical, service and office uses, if a transit shelter is provided on site or immediately in front of the building, then the minimum required number of parking spaces may be reduced by five percent but not to exceed five parking spaces total.
4. Shared parking. If approved by the community design review board, two or more uses may provide required off-street parking spaces in a common parking facility subject to the following conditions:
  - a. The total number of parking spaces provided may be less than the sum of the spaces required for each use individually, provided that such uses' peak hours of operation are not during the same hours.
  - b. The proposed shared parking spaces must be within 500 feet of the uses it will serve.
  - c. The shared parking must be established through a recorded legal instrument, approved by the City Attorney and filed with the Community Development Department.
6. In addition to the above-referenced allowances for parking reduction, the city council may authorize other reduced off-street parking requests through a waiver. The reduction must be based on proven parking data for a specific development.

(c) Parking space size:

- a. 90-degree parking: 9 feet × 18 feet
- b. 45-degree parking: 8.5 feet × 18 feet

**Secs. 44-296. *Design standards.***

(1) Application.

- a. Section 44-20 (additional design standards) of the City Code applies to the mixed-use zoning district unless specified differently below.
- b. *Mixed-use building and development remodeling/additions/alterations.* Remodeling, additions or other alterations to mixed-use buildings and development (buildings and developments previously approved and built with mixed-use design standards) shall be done in a manner that is compatible with the original building or development. Original materials shall be retained and preserved to the extent possible.
- c. *Nonconforming buildings and developments.*
  - i. Additions to nonconforming buildings or developments (buildings or developments built before mixed-use design standards) must be constructed with materials required by this division if the addition exceeds 25 percent of the floor area.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- ii. Exterior remodeling or alterations to a nonconforming building or development must be constructed with materials required by this division.
- iii. The director of community development (if administrative review is required) or the community design review board (if design review is required) may authorize an exception to allow the use of other materials if the addition, remodeling or alteration is deemed to be minor in nature and not visible from a public right-of-way.

**(2) Porches and entries for residential dwellings and residential and commercial mixed-use buildings.**

- a. Porches, steps, pent roofs, roof overhangs and hooded front doors or similar architectural elements shall be used to define all primary residential entrances.
- b. Decks shall be prohibited on all primary residential entrances.
- c. Front porches must have a minimum depth of six feet clear. Porches may extend six feet into the required setback.

**(3) Residential garages for single-unit dwelling, double-dwelling (duplex), and townhouse dwellings.**

- a. Attached garages must not be located in front of the primary façade and must have architectural elements to minimize the impact of the garage door or be recessed from the primary front façade (not including porches, bay windows or other minor projections) by a minimum of eight feet.
- b. Attached or detached garages which are placed in the rear yard must be accessed by either an alley or a side-yard driveway.

**(4) Non-residential or mixed-use buildings.**

- a. *Pedestrian access.* Each ground floor space with road frontage shall have its primary entrance on the front façade. Additional entrances may be provided off of a parking area or an access corridor.
- b. *Exterior building materials.*
  - i. Exterior-building materials shall be classified primary, secondary or accent material.
    - 1. Primary materials shall cover at least 60 percent of all façades of a building.
    - 2. Secondary materials may cover no more than 30 percent of all façades of a building.
    - 3. Accent materials may include door and window frames, lintels, cornices and other minor elements, and may cover no more than ten percent of all façades of a building.
  - ii. Allowable materials are as follows:
    - 1. Primary exterior building materials may be brick, stone or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

2. Secondary exterior building materials may be decorative block or stucco.
  3. Synthetic stucco may be permitted as a secondary material on upper floors only.
  4. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.
- iii. All primary and secondary materials shall be integrally colored with no painted materials.
  - iv. The front façade building material changes shall not occur at external corners (toward a public right-of-way or public open space), but may occur at reverse or interior corners or as a return at least six feet from external corners.
- c. *Building façade and articulation.*
- i. *First floor height.* The first floor shall be designed with a minimum ceiling height of 12 feet.
  - ii. *One-story buildings.* One-story buildings taller than 18 feet in height shall be architecturally detailed to simulate a two-story appearance.
  - iii. *Articulation.* Any exterior building wall adjacent to or visible from a public right-of-way or public open space may not exceed 40 feet in width. New buildings of more than 40 feet in width are allowed if the building wall is divided into smaller increments, between 20 and 40 feet in width, through articulation of the façade. Articulation of the façade can be achieved through combinations of the following techniques and others that may meet the objective:
    1. Façade modulation - stepping back or extending forward a portion of the façade.
    2. Vertical divisions - using different textures or materials (although materials should be drawn from a common palette).
    3. Division into storefronts, with separate display windows and entrances.
    4. Variation in rooflines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
    5. Arcades, awnings, window bays, arched windows and balconies.
  - iv. *Windows.* Buildings containing office and retail uses shall maintain 40 percent minimum window coverage on the first floor that faces a road or public open space.
- d. *Storage/service/loading.* If an outdoor storage, service or loading area is visible from adjacent residential uses, or a road or walkway; it shall be screened by a

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

decorative fence, wall or screen of plant material at least six feet in height.  
 Fences and walls shall be architecturally compatible with the primary structure.

(5) *Awnings.*

- a. Awnings must be properly maintained, and if in poor repair must be repaired or replaced in a timely manner.
- b. Awnings may extend up to five feet over the public right-of-way, where approved by the city, and must meet all building code requirements.
- c. Metal awnings are prohibited unless the design of the awning is compatible with the building, as determined by the director of community development (if the awnings require administrative review) or the community design review board (if the awnings require design review).

(6) *Fences.* Fences over four feet in height are prohibited in all front yards, except as required for storage/service/loading.

(7) *Mixed Use Exceptions.* The director of community development (if administrative review is required) or the community design review board (if design review is required) may consider exceptions to the above-mentioned design standards if they uphold the integrity of the guidelines and result in an attractive, cohesive development design as intended by this section.

(8) *Appeals.* Appeals to the approved design conditions for a building or development are permitted as specified in section 2-285 (approval of plans).

**Secs. 44-297. Landscaping.**

(1) Section 44-19 (landscaping and screening) of the City Code applies in the mixed-use zoning district unless specified differently below:

- a. Over story trees are required at regular intervals along the road to help define the road edge, to buffer pedestrians from vehicles and to provide shade. The over story trees shall be located in a planting strip at least five feet wide between curb and sidewalk, or in a planting structure of design acceptable to the city.
- b. All areas of land not occupied by buildings, parking, driveways, sidewalks or other hard surface shall be sodded or mulched and landscaped with approved ground cover, flowers, shrubbery, and trees.
- c. Hard-surfaced areas, including sidewalks and patios, must include amenities such as benches, planters, and bike racks.
- d. Perimeter landscape or pedestrian walls are required for all parking lots and shall be established along the road and edges of the parking lot. The landscape treatment or pedestrian wall shall run the full length of the parking lot and be located between the property line and the edge of the parking lot as follows:
  1. Perimeter parking lot landscaping adjacent the road shall be at least ten feet in width, as measured from the property line or edge of a private road to the back of curb.
  2. The primary plant materials used in perimeter parking lot landscaping adjacent the road shall be over story trees. Ornamental trees, shrubs,

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

hedges and other plant materials may be used to supplement the over story trees, but shall not be the sole contribution to such landscaping.

3. Perimeter parking lot landscaping along the rear and sides of a parking lot (not adjacent the road) shall be planted with a minimum of 50 percent ground cover approved by the city to achieve complete cover within two years. Mulch may only be used around the base of the plant material to retain moisture.
  4. In lieu of, or in addition to, perimeter parking lot landscaping, a pedestrian wall along the perimeter of the parking lot may be constructed. The pedestrian wall is limited to four feet in height, must be at least 80 percent opaque and must be architecturally compatible to the principal building or development.
- e. For parking lots consisting of 20 or more spaces, interior landscape islands are required. Interior landscape islands shall be at a rate of one landscape island for every ten parking spaces. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement shall not be included toward satisfying this requirement.
1. Landscape islands shall be a minimum of 144 square feet in area and shall be a minimum of eight feet in width, as measured from back of curb to back of curb.
  2. The landscape islands shall be improved as follows:
    - i. One overstory tree with a trunk size a minimum of two-and-one-half inches in caliper shall be provided for every landscape island.
    - ii. A minimum of 50 percent of every landscape island shall be planted with an approved ground cover in the appropriate density to achieve complete cover within two years. Mulch may only be used around the base of the plant material to retain moisture.

**Secs. 44-298. Outdoor Lighting.**

- (1) All outdoor lighting shall be of a design and size compatible with the building and as specified in subsection 44-19(c)(1) (outdoor lighting), except that light pole height maximum is limited to 16 feet.

*Secs 44-299-44-300. Reserved.*

**DIVISION 17. N-E NORTH END DISTRICT**

**Secs. 44-301. Purpose.**

- (1) The purpose of the N-E North End District is to enable expansion of the north end area's role as a local and regional economic activity center for purposes of obtaining goods and services, wellness, work, recreation, socialization, learning, and living. The zoning district accommodates and regulates:

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

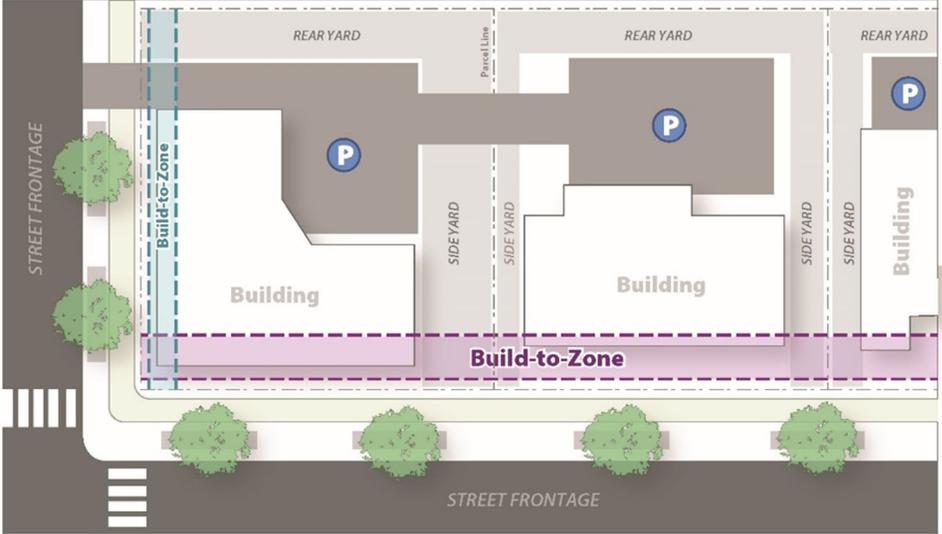
- a. New development and redevelopment site opportunities appropriate for an evolving transit-oriented environment to support planned transit improvements and investments within the north end area;
- b. Development of a significantly expanded and connected transportation network within the north end area, including adding streets to create a smaller street grid and smaller blocks, expanding the pedestrian/bicycle network (sidewalks, trails, bike facilities, pedestrian-friendly street crossings), and enabling convenient multi-modal travel;
- c. New and improved public green spaces (neighborhood parks, pocket parks, and greenways), usable private open spaces, and an improved tree canopy along streets;
- d. A broad mix of integrated land uses, including commercial (retail, services, restaurants, and entertainment), medical and related office, residential, and lodging;
- e. Management of overall parking needs for future development types and the future enhanced transportation facilities, including the reduction of surface parking lots, increase of on-street parking, and addition of structured parking in conjunction with development.
- f. All new development and redevelopment that meets the guidance and vision established within the comprehensive plan and North End Vision Plan.

**Secs. 44-302. Definitions.**

- (1) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - a. *Block* means an area of land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.
  - b. *Build-to zone* means the minimum and maximum distance a structure may be placed from a lot line.

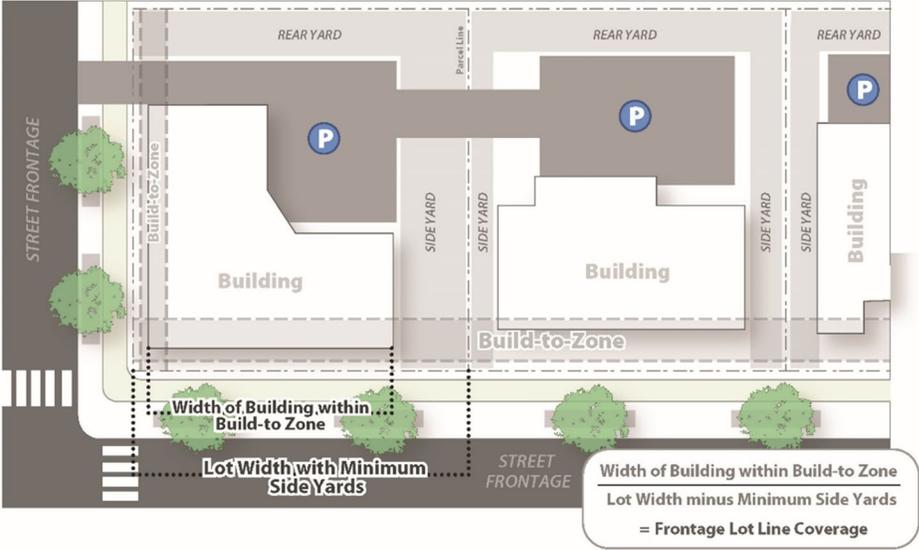
Figure 44-302-A: Build-to Zone

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023



- c. *Street frontage* means the building and yard area facing and directly adjacent to a street right-of-way line.
- d. *Street frontage coverage (lot line coverage)* means the calculation of the width of a building within the build-to zone divided by the lot width minus the minimum side yard setbacks.

Figure 44-302-B: Street Frontage Coverage



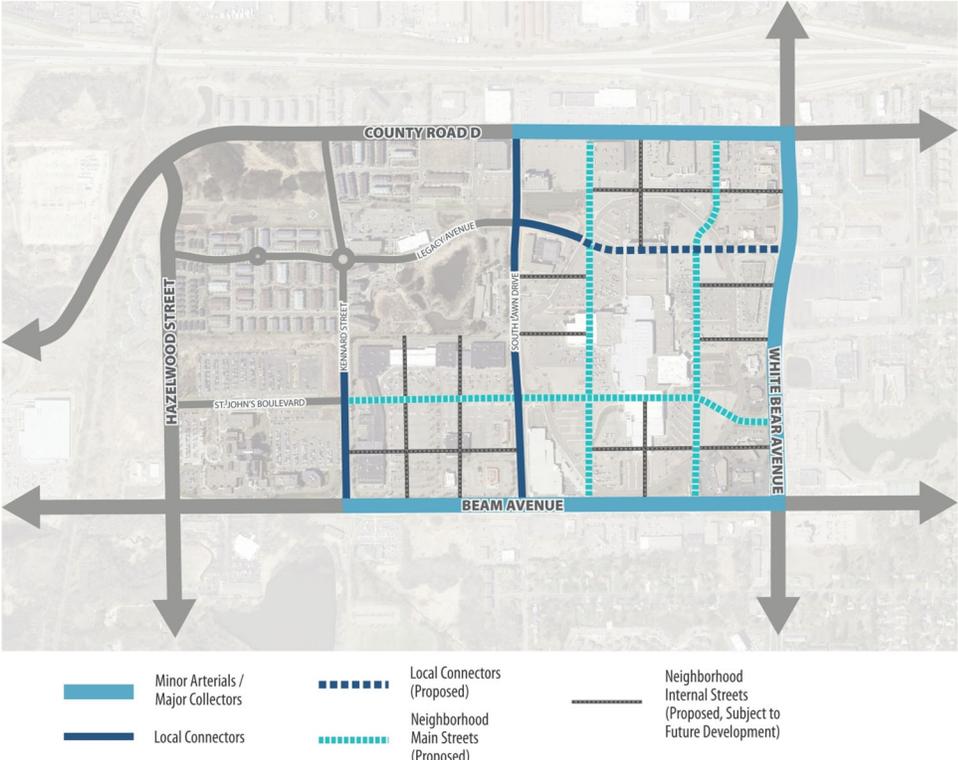
**Secs. 44-303. Applicability.**

- (1) These regulations shall apply to all subdivision, new development, and redevelopment of land located in the N-E North End District on the city's zoning map as regulated by section 44-10.
- (2) Regulating plans.
  - a. The N-E North End District shall be implemented through regulating plans:

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023

- i. North End District Street Network and Types.
  - ii. North End District Open Space Network and Types.
- b. The North End District Street Network and Types regulating plan establishes the district's future street network, street types, and the development form appropriate to each street type. The North End District Street Network and Types regulating plan is shown in figure 44-303-A.

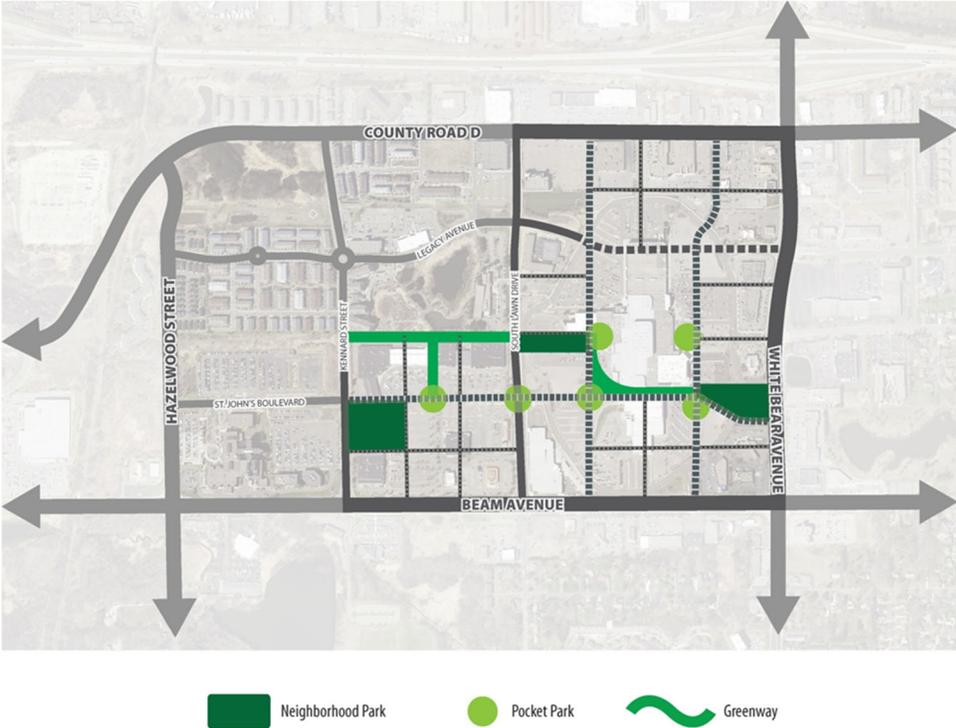
Figure 44-303-A: Regulating Plan: North End District Street Network and Types



- c. The North End District Open Space Network and Types regulating plan establishes the district's future parks and open space network, showing general locations of future park and open space needs. The North End District Open Space Network and Types Regulating Plan is shown in Figure 44-303-B.

Figure 44-303-B: Regulating Plan: North End District Open Space Network and Types

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023



- (3) Street types. As shown on the North End District Street Network and Types regulating plan (figure 44-303-A): Four street types are established for the north end district. These types are applicable to existing streets and will be applied to future streets. Alignment of future streets has not been determined; the regulating plan shows the general location of future streets and extensions.
  - a. Minor arterials/major collectors - public roadways.
    - i. Beam Avenue (County Road 20).
    - ii. White Bear Avenue (County Road 65).
    - iii. County Road D.
  - b. Local connectors - public roadways.
    - i. Kennard Street.
    - ii. Southlawn Drive.
    - iii. Legacy Parkway (extension).
  - c. Neighborhood main streets - public roadways.
    - i. St. John's Boulevard (extension from Kennard Street to White Bear Avenue).
    - ii. Future north-south through street along west side of Maplewood Mall from Beam Ave to County Road D, as shown on the regulating plan.
    - iii. Future north-south through street along east side of Maplewood Mall from Beam Ave to County Road D, as shown on the regulating plan.
  - d. Neighborhood internal streets - public or private roadways. Future streets, examples shown on the regulating plan, but final layout may be different
- (4) Subdivision and site development.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- a. All subdivision of land shall meet the subdivision standards in section 44-306.
  - b. All new site development and redevelopment shall be subject to the site design, building design, and use standards in sections 44-307, 44-308, and division 19.
  - c. Sites that abut multiple street types shall meet standards based on the priority frontage. Priority frontage is determined by the following priority of street types:
    - i. First priority: Neighborhood Main Street.
    - ii. Second priority: Minor arterial/major collector.
    - iii. Third priority: Local connector.
    - iv. Fourth priority: Neighborhood internal street.
- (5) Street rights-of-way. The street standards in section 44-306 shall apply to all public rights-of-way in the N-E district based on the specific street types.
- (6) Open spaces. The open space standards in section 44-306 shall apply to all future public and private open spaces in the N-E north end district based on the specific open space types.

**Secs. 44-304. General provisions.**

- (1) This division is designed, wherever possible, to act as a standalone set of standards and procedures for development in the N-E north end district. References to other applicable standards and administrative procedures in the Maplewood City Code are provided as needed.
- (2) The standards and administrative procedures in this division shall apply in lieu of other provisions in this chapter, except where specifically stated otherwise in this division, and govern in the event of a conflict.
- (3) The provisions of section 44-12 nonconformities of the Zoning Code shall be fully applicable to all structures and uses within the north end district.
- (4) The standards in this division shall apply to new development, redevelopment, and building expansions greater than 50 percent of the floor area of an existing building. A property owner or developer may expand an existing building or parking lot as long as the development does not conflict with the districts' future street network as identified in the North End District Street Network and Types regulating plan (figure 44-303-A) and meets the standards in sections 44-17 to 44-20.
- (5) Along with the standards established in this division, developments in the north end district are encouraged to utilize the North End Design Guidelines for additional design guidelines.
- (6) Planned unit developments (PUDs), as provided in sections 44-311 through 44-312, Planned Unit Development (PUD), are not permitted within the N-E district.

**Secs. 44-305. Administration.**

- (1) Subdivisions and platting within the N-E district are subject to the procedures and application requirements established in ch. 34 Subdivisions of the Maplewood City Code, with the following provisions and exceptions:
  - a. The block, street, and lot requirements of section 44-306, Subdivision standards shall supersede any related standards in section 34-8, Minimum subdivision design standards.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

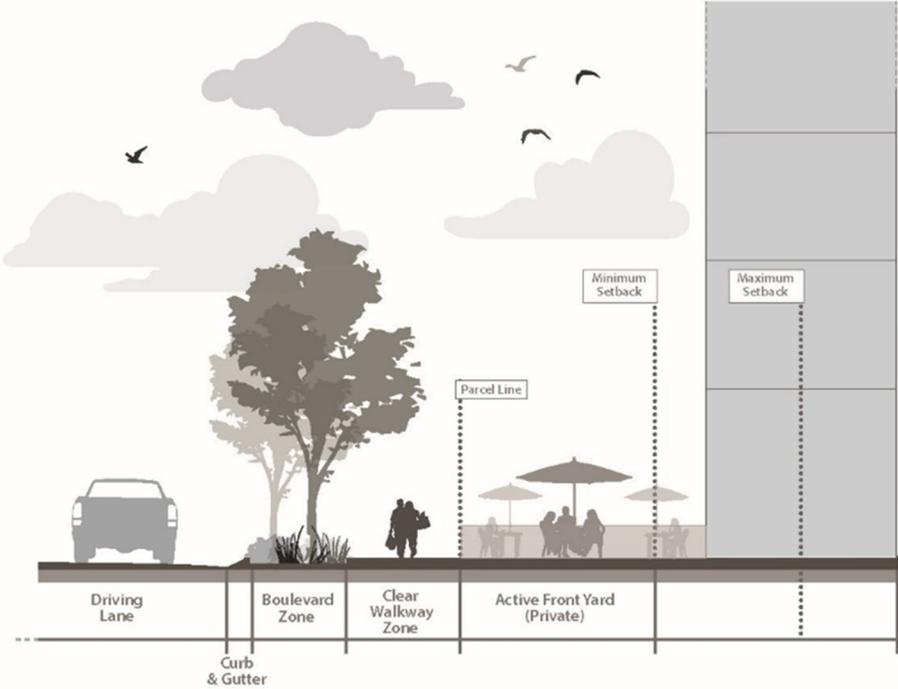
- (2) New development and redevelopment are subject to the development design review procedure in sections 2-281 through 2-292, Community Design Review Board of the Maplewood City Code.
- (3) Exceptions to the design standards may be considered by the community design review board, or city council if appropriate, if they uphold the integrity of the North End Vision Plan and Comprehensive Plan, and result in attractive, cohesive development design as intended by this division.

**Secs. 44-306. Subdivision standards.**

- (1) Block and street network standards.
  - a. For all developments with total combined parcel acreage of more than three acres, subdivision into blocks and platting of new streets is required.
  - b. Maximum block length shall be 450 feet.
  - c. New streets shall connect to and continue existing streets from adjoining areas to form an interconnected street network.
  - d. New cul-de-sacs and dead end streets may only be permitted where intersecting with minor arterials/major collectors and are unable to meet minimum access standards or by approval of the city engineer to accommodate specific site conditions.
  - e. The city engineer shall approve the type of street for each subdivision and may require additional street right-of-way or configuration based on the regulating plan, existing context, and area circulation needs. Street design standards by street type are illustrated in subsections (b) and (c), below.
  - f. Each block is required to provide an alley or private lane to efficiently accommodate vehicle parking access, service/loading access, refuse pickup, and reduce the number of driveways/curb cuts.
- (2) Street design general standards. The provisions of this section shall apply to all new streets as well as streetscape improvements to existing streets.
  - a. Sidewalks or shared use trails shall be provided on both sides of all new streets and improved existing streets. Where sufficient public right-of-way width does not exist, and cannot be obtained to accommodate sidewalks or shared use trails on both sides, an easement shall be required, an exception may be approved administratively by the community development director, within a property line adjacent to a right-of-way to accommodate the minimum width of a sidewalk clear walkway zone or a shared use trail, as required by the appropriate street type.
  - b. All sidewalks shall provide a clear walkway zone and a boulevard or street life zone, as shown in figure 44-306-A.

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023

Figure 44-306-A: Illustration of Sidewalk Zones



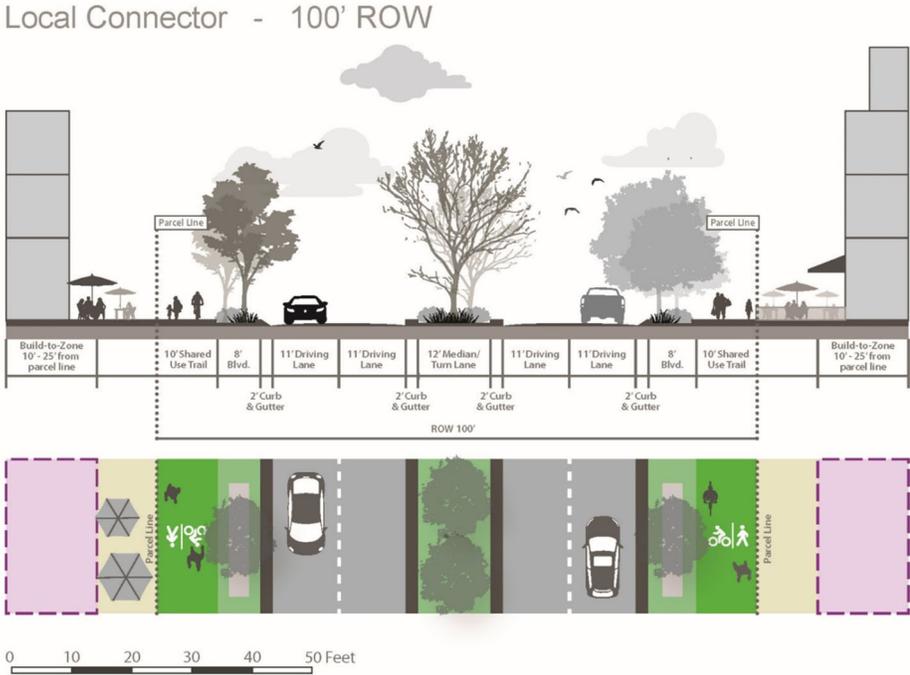
- i. A clear walkway zone shall be a minimum of six feet in width, or wider as indicated in the Street Design Standards by Street Type illustrated in section (c) below. A clear walkway zone shall consist of a continuous, unobstructed and accessible path of travel for pedestrians that must remain clear of obstacles at all times.
- ii. A boulevard or street life zone shall be a minimum of four feet in width, with an ideal width of five feet or more, as indicated in the Street Design Standards by street type in section (c) below. In some locations the boulevard or street life zone may alternate with parking spaces. A boulevard or street life zone organizes the fixed sidewalk elements along the curb into an area that delineates the clear walkway zone from the roadway. This zone consists of street trees, stormwater planting areas, and street furniture, such as benches, trash cans, bicycle racks, street lighting and street signage.
- c. Shared use trail width shall be a minimum of ten feet.
- d. Pavement markings for pedestrian crosswalks shall be provided at all controlled intersections.
- e. Pedestrian crosswalks at uncontrolled intersections and mid-block, where required by the city council, shall also have pavement markings.
- f. Sidewalk extensions or bump-outs shall be provided at pedestrian crosswalks on streets with parking as a means of traffic calming.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- g. On-street bicycle lanes shall be a minimum of six feet in width and shall be designed in compliance with the city's Living Streets Policy and according to specifications required by the city engineer.
  - h. All streetscape trees shall be planted in consideration of location of utilities and future utility needs.
  - i. Tree pits shall be a minimum of four feet in width, and a maximum of three feet in depth. Tree pits shall use planting or granite sets outside of the critical root ball zone or may use tree grates to create additional travel width for pedestrians. Tree boxes shall be sized to ensure sufficient growing space around root ball at installation.
  - j. Trees shall be planted in contiguous open planting areas. Where continuous planting is interrupted by curb cuts, use of a modular suspended pavement system (such as Silva Cells) is required.
- (3) Street design standards by street type. The provisions of this section shall apply to all street types as shown on the North End District Street Network and Types (figure 44-303-A); any private neighborhood internal streets shall meet the same minimum design standards as public neighborhood internal streets. All newly constructed streets and streets undergoing reconstruction shall meet these minimal standards. If property adjacent to existing streets is undergoing development, the city shall at that time acquire any additional right-of-way or easements needed for future improvements to the streets that comply with these standards.
- a. Minor arterial and major collector streets. As all minor arterial and major collector streets within the area are owned by Ramsey County, the city will work with the Ramsey County on accomplishing guidelines set forth in the North End Design Guidelines.
  - b. Local connector streets.
    - i. Local connector street sections.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

Figure 44-306-B: Cross-Section of Local Connector Streets



ii. Description of street elements - local connector streets.

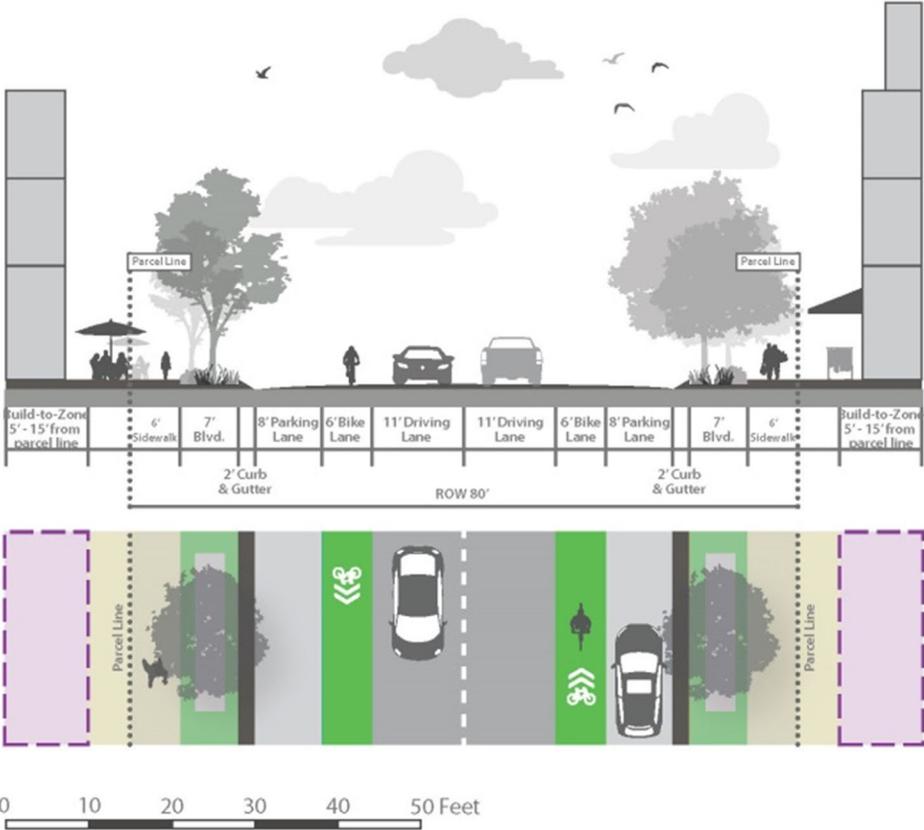
Table 44-306-1: Local Connector Street Design Standards

Right-of-Way	100' minimum
Streetscape	
Sidewalk Width	n/a
Shared Use Trail Width	10' minimum
Boulevard Width	8' minimum
Tree Spacing	30' on center
Travel Way	
Bicycle Lanes	0
Bicycle Lane Width	n/a
Driving Lanes	4
Driving Lane Width	11' maximum
Parking Lanes	0
Parking Lane Width	n/a
Median	14' minimum (with curb & gutter)

- c. Neighborhood main streets.
  - i. Neighborhood main street section.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

Figure 44-306-C: Cross Section of Neighborhood Main Street  
Neighborhood Main Street - 80' ROW



ii. Description of street elements - neighborhood main streets.

Table 44-306-2: Neighborhood Main Street Design Standards

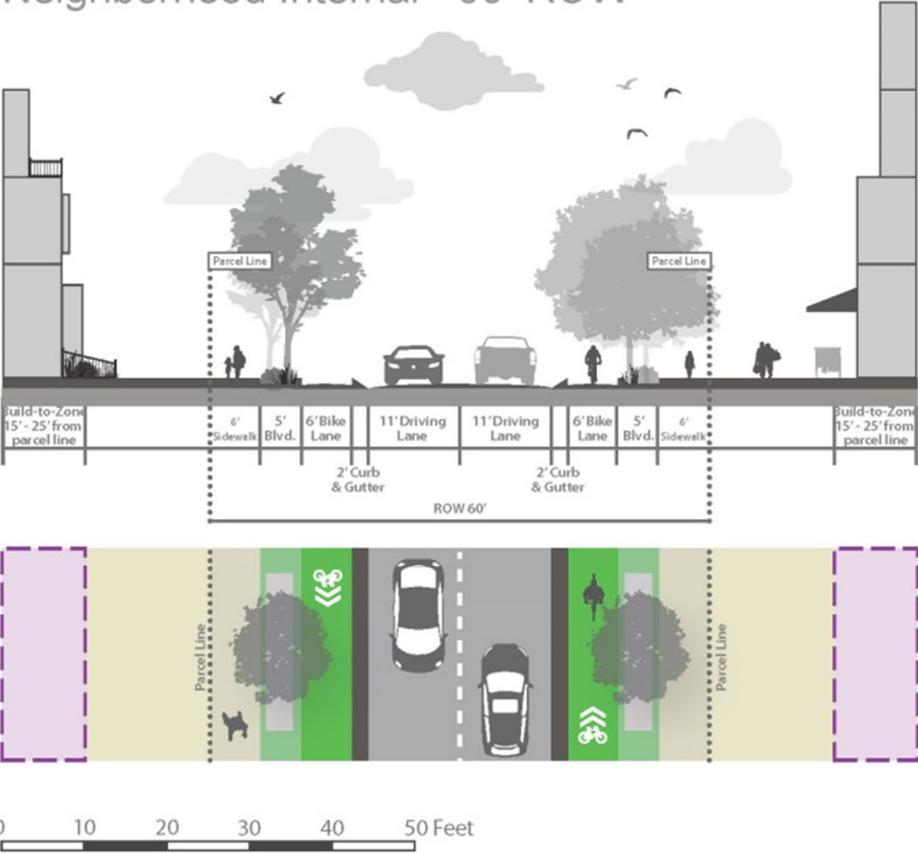
Right-of-Way	80' minimum
Streetscape	
Sidewalk Width	6' minimum
Shared Use Trail Width	n/a
Boulevard Width	7' minimum
Tree Spacing	25' on center
Travel Way	
Bicycle Lanes	2
Bicycle Lane Width	6' minimum
Driving Lanes	2
Driving Lane Width	11'
Parking Lanes	2
Parking Lane Width	8'
Median	n/a

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023

- d. Neighborhood internal streets.
  - i. Neighborhood internal street sections.

Figure 44-306-D: Cross-Section of Neighborhood Internal Streets

Neighborhood Internal - 60' ROW



- ii. Description of street elements - neighborhood internal streets.

Table 44-306-3: Neighborhood Internal Street Design Standards

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

Right-of-Way	60' minimum
Streetscape	
Sidewalk Width	6' minimum
Shared Use Trail Width	n/a
Boulevard Width	5' minimum
Tree Spacing	25' on center
Travel Way	
Bicycle Lanes	2
Bicycle Lane Width	6' minimum
Driving Lanes	2
Driving Lane Width	11' maximum
Parking Lanes	2 maximum
Parking Lane Width	8' maximum
Median	n/a

- (4) Open space standards.
- a. Public open space. For each new subdivision, a minimum of ten percent of the lot area shall be dedicated, designed, and accessible as public open space in alignment with the North End District Open Space Network and Types regulating plan in Figure 44-303-B.
    - i. This public open space requirement supersedes the requirements of ch. 26 - Parks and Recreation, and the city's park accessibility charge (PAC).
    - ii. The standards in Table 4 shall apply to all land dedicated and deeded as public open spaces. The property owner or developer shall be responsible for making certain improvements to land dedicated, including, but not limited to, finish grading, ground cover, construction of trails and clearly identifying park and trail boundaries with city-approved markers.
    - iii. If a development site's location does not coincide with the North End District Open Space Network and Types (section 44-303, figure 44-303-B), the city council, at its discretion, may require a developer to pay to the city cash fees in lieu of dedication of land for park, recreational, and open space purposes. The cash contribution in lieu of land dedication must be provided prior to the city releasing the final subdivision. The amount of any cash in lieu contribution shall be equivalent to the average fair market value of the ten percent of land that would otherwise be required to be dedicated. For purposes of this section, "fair market value" means the value of land as determined based on tax valuation or other relevant data, or as set forth in the city's fee schedule. If the applicant disputes the amount of the proposed cash contribution in lieu of the land dedication, the applicant, at their own expense, may obtain an appraisal of the property. The appraisal shall be made by approved members of the MAI, or equivalent real estate appraisal societies. If the city disputes such appraisal the city may, at the applicant's expense, obtain an appraisal of

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT
CHAPTER 44 – ZONING
ARTICLE II. DISTRICT REGULATIONS
OCTOBER 8, 2023

the property by a qualified real estate appraisal. This appraisal shall be conclusive evidence of the fair market value of the land.

Table 44-306-4 Public Open Space Standards

Table with 5 columns: Name, Size, Type, Access, and Description. Rows include Neighborhood Park, Pocket Park (or Plaza), and Greenway.

- b. Private usable open space. Each development, both residential and non-residential, shall provide a minimum of ten percent of the lot area as private usable open space. Private usable open spaces will not count toward public open space dedication requirements. Usable open space means designed outdoor space intended for passive or active recreation that is accessible and suited to the needs of the development's residents and/or employees, and shall generally have the following characteristics:
i. Functional and aesthetic design that relates to the principal building or buildings, with clear edges, including seating, landscaping, recreational facilities, sidewalk connections, and other amenities;
ii. May be designed as courtyards, plazas, picnic areas, swimming pools, play areas, rooftop patios/gardens, or trails within natural areas;
iii. Compatible with or expands upon existing pedestrian connections and public parks or open space;
iv. May include both private common areas for use by all residents of that development, as well as a private unit's open space for exclusive use by that unit's residents; and
v. Does not include driveways, parking areas, steep slopes, or stormwater ponds.

- (5) Lot standards.
a. Each lot must have a primary frontage along a public or private street, except where parcels shown on the regulating plan front on a public space or greenway.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

- b. Where a lot has multiple street frontages, the primary entrance should be on the frontage with the highest priority, in accordance with section 44-303; if a lot has multiple street frontages of the same street type, the frontage with the primary entrance shall be determined by the director of community development.
- c. Minimum lot width along a street frontage shall be 50 feet.
- d. Flag lots are prohibited.

**Secs. 44-307. Site design standards.**

- (1) Building placement standards.
  - a. All buildings shall meet the building placement standards in the following table:

Table 44-307-1: Building Placement Standards by Street Type

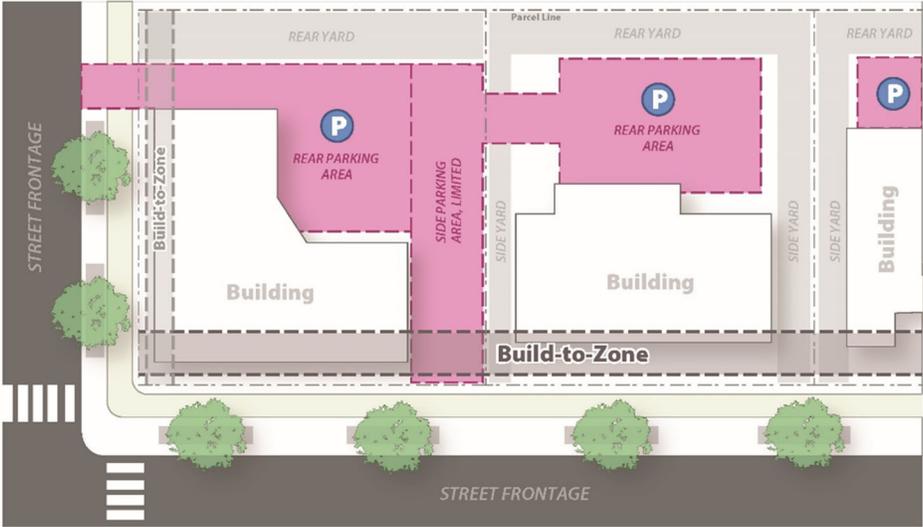
	Minor Arterial/ Major Collector	Local Connector	Neighborhood Main Street	Neighborhood Internal Street
<i>Build-to Zone for Street Frontage</i>	15 ft. - 30 ft.	10 ft. - 25 ft.	5 ft. - 15 ft.	15 ft. - 25 ft.
<i>Minimum Side Yard</i>	5 ft.	5 ft.	5 ft.	5 ft.
<i>Minimum Rear Yard</i>	5 ft.	5 ft.	5 ft.	5 ft.
<i>Minimum Street Frontage Coverage</i>	60%	60%	80%	40%

- b. Setback areas.
  - i. Common setback areas must be treated as a unified, planted landscape buffer area that is required to be installed and maintained by the building owner or homeowner's association.
  - ii. Walls, fences, monument signs, lighting, elevated private outdoor space, stairs leading to residential entries, guardrails, handrails and other similar building and landscape elements are allowed encroachments within the setback area.
  - iii. Utilities, transformers and telecommunications equipment shall, to the extent feasible, not be located in front of a building and shall be architecturally integrated or screened by landscaping.
  - iv. Awnings, canopies, marquees, signs, shading devices, cornices and lighting are allowed to encroach into the public right-of-way and into the minimum setback area above a minimum height of ten feet from sidewalk grade.
- (2) Off-street parking and loading standards.
  - a. Off-street vehicle parking placement and design.
    - i. All street types: Off-street parking shall not be permitted to be located between the front of the building and the street.

2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023

- ii. Neighborhood main street type: Off-street parking also shall not be permitted to be located in the side yard.
- iii. Off-street parking spaces for residential uses shall be located in a central location designed to support multiple uses or multiple units.
- iv. Vehicular entrances and exits to parking facilities shall have a maximum linear width of 11 feet if accommodating one direction of travel, and maximum linear width of 22 feet if accommodating both an exit and entrance at one opening. Entrances and/or exits that are shared with loading and service access may be 12 feet wide when accommodating one-way traffic and 24 feet wide when accommodating two-way traffic.
- v. Open surface parking areas must be limited to no more than 20 percent of total site area for any particular project.
- vi. Parapet edges of the parking areas, including the roof, and screening around open surface parking areas must be higher than vehicle headlights in order to screen adjacent properties.

Figure 44-307-A: Off-Street Vehicle Parking Placement



- b. Quantity of off-street vehicle parking spaces. The number of off-street vehicle parking spaces shall meet the minimum and maximum ratios listed in Table 44-307-2, Off-Street Vehicle Parking Spaces.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

Table 44-307-2: Off-Street Vehicle Parking Spaces

Type of Use	Minimum Off-Street Vehicle Parking Spaces	Maximum Off-Street Vehicle Parking Spaces
Residential within 1/4 mile of the BRT station	0.5 spaces/unit	2.0 spaces/unit
Residential outside 1/4 mile of the BRT station	1.0 space/unit	2.5 spaces/unit
Lodging	0.5 spaces/guest room	1.25 space/guest room
Business	1 space/1,000 sf	5 spaces/1,000 sf
Public, social or health care	1 space/1,000 sf	5 spaces/1,000 sf
Arts, entertainment or recreation	1 space/1,000 sf	5 spaces/1,000 sf
Transportation	1 space/1,000 sf	5 spaces/1,000 sf

- c. Off-street bicycle parking. Off-street bicycle parking must be provided for new buildings in the minimum quantities listed in Table 44-307-3, Minimum Bicycle Parking Spaces.

Table 44-307-3: Minimum Bicycle Parking Spaces

Land use	Short Term (Visitor)	Long Term (Tenant)	Support Facilities
Non-residential uses	4 spaces plus 5% of required automobile parking for visitors	1 space plus 5% of required automobile parking for tenants/occupants	1 shower/changing facility per gender per 100 employees
Residential buildings with shared parking facilities	4 spaces plus 0.10 spaces per unit	2 spaces plus 0.50 spaces per unit	N/A
Residential buildings with an individual private garage	4 spaces plus 0.10 spaces per unit	N/A	N/A

- d. Shared parking. Shared off-street parking facilities are allowed to collectively provide parking in any district for more than one structure or use, subject to the following conditions:
- i. The uses must have their highest peak demand for parking at substantially different times of the day or week, or an adequate amount of parking shall be available for both uses during shared hours of peak demand. A parking plan shall address the hours, size and mode of operation of the respective uses.
  - ii. The minimum spaces required under a shared parking agreement shall be based on the number of spaces required for the use that requires the most parking.
  - iii. Shared parking facilities shall be protected by an irrevocable covenant running with the land and recorded with the county in a form approved by the city attorney. A certified copy of the recorded document shall be

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

provided to the zoning administrator within 60 days after approval of the agreement by the city council.

- e. Off-street loading facilities.
    - i. Individual off-street loading spaces shall have a maximum width of ten feet and a maximum vertical clearance of 16 feet. Loading docks shall be screened, both architecturally and with landscaping to minimize visibility from the street and neighboring buildings.
    - ii. A maximum of one curb cut for loading and service is permitted every 600 linear feet of street frontage.
    - iii. Garage, loading and service entry areas must include either opaque or translucent garage door panels. Loading entries must be well lit at night and obscure views into loading areas under daylight and night light conditions.
  - f. On-street loading spaces. On-street loading spaces shall be sized to accommodate appropriate vehicles. On-street loading spaces are allowed to be used as regular vehicular parking spaces and scheduled for loading.
- (3) Screening standards.
- a. Refuse storage. Storage of refuse containers should be accommodated inside the buildings, however, outdoor storage can be provided if adequately screened both architecturally and with landscaping. The location should minimize visibility from the street and neighboring buildings. No refuse storage is allowed in front of the building, adjacent to the street; corner lots shall not have refuse storage adjacent to either street.
  - b. Mechanical equipment.
    - i. To avoid noise and air quality impacts on open space areas, mechanical ducts or vents, with the exception of residential kitchen and bathroom vents, shall not be located adjacent to areas designated for courtyards or common activity areas.
    - ii. Rooftop mechanical equipment greater than four feet in height shall be screened in an enclosure that also considers views from above. All screening shall be at least of equal height to the mechanical equipment that it screens.

**Secs. 44-308. Building design standards.**

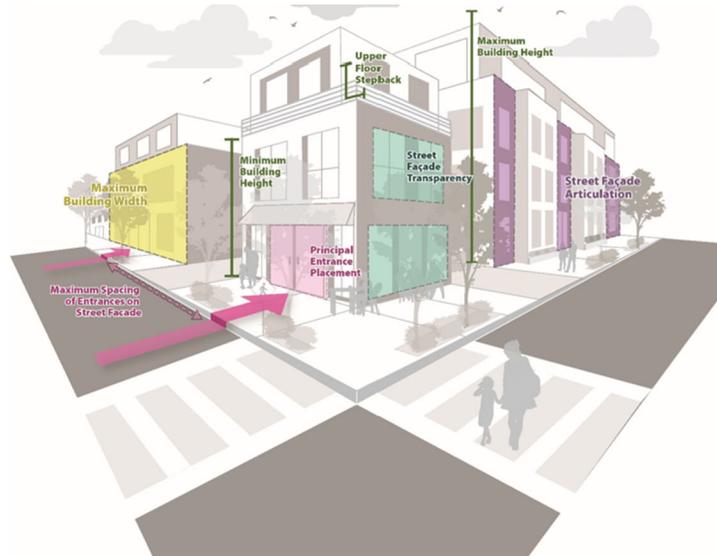
- (1) Buildings shall be constructed to meet the form requirements described in the sections below:
  - a. Building size standards.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

Table 44-308-1: Building Size Standards by Street Type

	Minor Arterial/ Major Collector	Local Connector	Neighborhood Main Street	Neighborhood Internal Street
Minimum Building Height	2 stories	2 stories	2 stories	2 stories
Maximum Building Height	8 stories	6 stories	6 stories	6 stories
Upper Floors Stepback*	Stepback required above 4 stories	Stepback required above 4 stories	Stepback required above 3 stories	Stepback required above 2 stories
Maximum Building Length	250 ft.	250 ft.	250 ft.	250 ft.
*Stepbacks shall be a minimum of 10'				

Figure 44-308-A: Building Design Element Illustration



b. Building façade standards.

Table 44-308-2. Building Façade Standards by Street Type

	Minor Arterial/ Major Collector	Local Connector	Neighborhood Main Street	Neighborhood Internal Street
Principal Entrance Placement	Minimum of one required on street façade			
Spacing of Entrances on Street Façade	At least every 75 ft.			
Street Façade Articulation	At least every 55 ft.	At least every 45 ft.	At least every 35 ft.	At least every 20 ft.
Minimum Street Façade Transparency: Ground Floor	50%	50%	65%	20%

i. Parking structures.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

1. All off-street parking structures that front a public street must be lined with a minimum of 18 feet of occupied habitable space at the ground floor between the parking area and exterior wall of the building.
2. All other frontages must visually screen the interior from the exterior under daylighting and night lighting conditions.
- ii. Exterior building materials. Exterior-building materials shall be classified as primary, secondary or accent material. Primary materials shall cover at least 60 percent of all façades of a building. Secondary materials may cover no more than 30 percent of all façades of a building. Accent materials may include door and window frames, lintels, cornices and other minor elements, and may cover no more than ten percent of all façades of a building.
  1. Primary exterior building materials may be brick, stone or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.
  2. Secondary exterior building materials may be decorative block or stucco.
  3. Synthetic stucco may be permitted as a secondary material on upper floors only.
  4. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.
  5. All primary and secondary materials shall be integrally colored with no painted materials.

*Secs. 44-309 —44-310. Reserved.*

**DIVISION 18. PUD PLANNED UNIT DEVELOPMENTS**

***Secs. 44-311. Planned unit development—fixed district.***

- (1) The purpose of the planned unit development—fixed district is to allow for the continuance of planned unit developments approved through conditional use permits prior to September 1, 2020.
- (2) There shall be no new parcels zoned to the planned unit development—fixed district after September 1, 2020.
- (3) All preliminary and final development plans approved as part of a conditional use permit for a planned unit development prior to September 1, 2020 shall remain in full force and effect as part of this overlay district. Provided new development in the planned unit development—fixed district is in compliance with the approved plans, the development shall be considered in conformance.
- (4) Amendments to development plans for property in the planned unit development - fixed district shall be processed according to the provisions in article VII, division 2. Minor amendments will be considered while major amendments shall require the establishment of a new planned unit development district.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

**Secs. 44-312. PUD Planned unit development.**

- (1) The PUD planned unit development provisions are intended to encourage more efficient use of land, public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of certain districts through lot-by-lot development. Although planned unit developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD is intended to allow flexibility in design in order to promote developments which will be an asset to the city by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. A PUD may be used as a special district adapting any base zoning district or combination of zoning districts.
- (2) A planned unit development shall be established by rezoning to a newly created, numbered planned unit development district that outlines the uses, dimensions, and design standards of the new PUD zoning district following the procedures set forth in article VII, division 2.
- (3) No planned unit developments may be created in the M-U District or the N-E District.
- (4) Planned unit developments shall be on a tract of land more than one acre.
- (5) Permitted uses shall generally be consistent with the permitted or conditional uses of the underlying base district. However, a PUD district can request alternative uses to the permitted uses of the underlying base district, subject to the approval by the city council as part of the establishment of the PUD.
- (6) Density of development must meet the guidance set by the comprehensive plan's future land use designation and map.
- (7) The following provisions shall be addressed as part of the PUD. When it is intended that regulations vary from the underlying district, the applicant shall propose them as part of the PUD application process:
  - a. A PUD shall be designed to complement existing and planned future land uses of adjacent uses and infrastructure.
  - b. Lot area may vary from the underlying base district standard in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this chapter.
  - c. Setbacks may vary from underlying base district standards in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this chapter. Perimeter setbacks shall be consistent with the setbacks of the underlying base zoning district.
  - d. Building height may vary from the underlying base district standard. The city may request cross sections, elevations and other information from the developer in order to determine if the structure height meets the provisions of this chapter.
  - e. A PUD shall be designed to preserve existing vegetation and topography where practical and shall be consistent with the goals and objectives of the comprehensive plan.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- f. Overall architectural design shall be generally compatible with the characteristics of the surrounding developments.
- g. Parking ratios may deviate from the off-street parking space standards. Where alternative parking ratios are not stated in the PUD application, they shall conform to section 44-17 off-street parking.
- h. All publicly dedicated streets, utilities and storm-water facilities shall be designed in accordance with the city code, policies, and design standards. The city may consider flexible standards for streets if the developer has demonstrated that the proposed design and layout warrants varying standards and the design meets the provisions of this chapter.
- i. Circulation/access.
  - i. Vehicular access to lots adjoining an arterial street as defined by the functional classification system shall be designed by way of a frontage road, service road or local street.
  - ii. Streets in a PUD shall be designed to promote a grid network of streets, minimizing dead ends and culs-de-sac and connecting to adjoining developments where streets have been 'stubbed in' for the purpose of continuation.
  - iii. A PUD shall include provisions for pedestrians, bicycles and transit.
- j. A landscape and screening plan shall be included in the PUD submittal. The plan should include street tree provisions, screening, parking lot landscaping where applicable and the preservation of mature, healthy hardwood trees where applicable.
- k. A comprehensive sign plan shall be adopted following the requirements of chapter 44, Zoning, article III, Sign regulations. Preliminary plans related to signage shall be submitted as part of the PUD application. While the comprehensive sign plan will be adopted subsequently to the PUD, if an exception to the city's signage regulations are needed they shall be evaluated and adopted as part of the PUD process. Freestanding pylon type signs shall consolidate tenants or uses in predetermined locations, minimizing the number of freestanding signs where possible.

*Secs. 44-313 —44-320. Reserved.*

**DIVISION 19. USE SPECIFIC STANDARDS**

***Secs. 44-321. Principal Uses***

- (1) Animal veterinary clinic
  - a. No exterior kennels are allowed.
- (2) Bed and Breakfast
  - a. Bed and breakfast establishments shall only be allowed within the following types of structures:
    - i. Single-unit dwelling if the bed and breakfast has four or fewer guestrooms and as a conditional use permit if the bed and breakfast has more than four guestrooms;

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- ii. Commercial building; and
    - iii. Mixed-use building
  - b. All bed and breakfast establishments must meet the required number of off-street parking spaces as specified in section 44-17 off-street parking.
- (3) CNG (compressed natural gas) or LPG (liquid petroleum gas) dispensing facilities
  - a. Tanks shall not exceed a water capacity of 1,500 gallons for those dispensing facilities whose primary purpose is to produce power and light for nonvehicle uses, such as at 3M, NSP's facility on Century Avenue, or for temporary use on construction sites.
  - b. Facilities shall meet licensing requirements in chapter 14, article X.
- (4) Currency exchange
  - a. Must be located at least 500 feet from a residential lot line and at least 500 feet of any school or religious institution.
  - b. Must have city licensing as regulated in chapter 14, article XII.
- (5) Dwelling, double (duplex)
  - a. In the R-3 Residence District:
    - i. In any of the R-3 subdistricts, double dwellings (duplexes) are only allowed as part of a townhouse development.
  - b. In the M-U District:
    - i. Any pre-existing conforming or nonconforming double-dwelling (duplex) residential use or structure which became nonconforming by adoption of the mixed-use zoning district may be expanded or intensified so long as such expansion or intensification would be permitted under the R-1 single-dwelling residential district or the R-2 double-dwelling residential district and/or MU mixed-use district.
- (6) Dwelling, single-unit
  - a. For the purpose of use specific standards, the following definitions shall apply:
    - i. One-story dwelling means a dwelling having a single floor level, usually at grade level.
    - ii. One and one-half-story dwelling means a dwelling having two floor levels, one at grade and one above grade, which does not have full ceiling height for the entire above grade level.
    - iii. Bilevel dwelling means a dwelling having two floor levels, usually one four feet below grade, one four feet above grade, both with full ceiling height. It may be on a sloping lot with the lower level partially exposed.
    - iv. Trilevel dwelling means a dwelling having three floor levels, usually one four feet below grade, one at grade, and one four feet above grade, all with full ceiling height.
    - v. Two-story dwelling means a dwelling having two floor levels, one at grade and one above grade, both with full ceiling height.
  - b. In the R-1 District:
    - i. One single-unit dwelling and its accessory buildings and uses on each lot. Property owners may construct a second single-family dwelling on their lot, if they meet the following conditions:

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

1. The property owner shall sign a statement prepared by the city. This statement shall include an agreement to remove the existing house, including the basement and footings, and clean up the site within 90 days of completion or occupancy of the new house. If adverse weather conditions occur which cause a delay in the demolition or removal, the director of community development may grant a one-time extension for the required removal, site cleanup and restoration of up to 60 days. The city council may approve one additional time extension.
  2. The property owner giving the city an irrevocable letter of credit or cash escrow equal to 1½ times the estimated cost of the removal or demolition of the existing house. This surety is to ensure the removal of the existing house and cleanup of the site.
  3. The property owner signing a right-of-entry agreement allowing city-designated workers or contractors on the property to remove the older house or clean up the property.
  4. Compliance with section 44-18, concerning access.
  5. The property owner shall site the new house so there is adequate emergency vehicle access to both houses. This shall be subject to the approval of the police chief.
  6. The property owner must occupy the existing (old) house.
- c. In the BC District:
- i. A single unit dwelling is permitted with a business unit. The single-dwelling unit and the principal business use must be in the same structure.
- d. In the M-U District:
- i. Any pre-existing conforming or nonconforming single-unit dwelling which became nonconforming by adoption of the mixed-use zoning district may be expanded or intensified so long as such expansion, or intensification would be permitted under the R-1 single-dwelling residential district or the R-2 double-dwelling residential district and/or MU mixed-use district.
- (7) Live-work units
- a. The workspace component must be located on the first floor or basement of the building, with an entrance facing the primary abutting road.
  - b. The dwelling unit component must be located above or behind the workspace and maintain a separate entrance accessible from the primary abutting road.
  - c. The office or business component of the workspace shall not exceed 30 percent of the total gross floor area of the principal dwelling unit and shall meet all building code requirements.
  - d. A total of two off-street parking spaces shall be provided on site for a live-work unit, located to the rear of the unit, or underground/enclosed (including attached or detached garage parking spaces.)

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- e. No more than one passenger or light commercial vehicle (i.e., delivery truck) associated with the office or business component of the workspace may be stored on site. Heavy commercial vehicles are prohibited.
  - f. The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building and will require different construction standards.
  - g. The workspace component of the building may include the following uses: offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit or limited retail associated with fine arts or crafts. The workspace component shall be limited to those uses otherwise permitted in the district that do not require a separation from residentially zoned or occupied property. The workspace component may not include a wholesale business, manufacturing business, motor vehicle service or repair for any vehicles other than those registered to residents of the property and a commercial food service requiring a license, except for a catering business which meets all conditional use permit requirements as specified in article V. (conditional use permits.)
  - h. Signage *for a live-work* unit is restricted to one 15-square-foot wall sign and shall not be internally illuminated.
  - i. Live-work units do not require a home occupation license as specified in section 14-56 home occupations.
- (8) Livestock raising and handling
- a. The workspace component must be located on the first floor or basement of the building, with an entrance facing the primary abutting road.
  - b. The dwelling unit component must be located above or behind the workspace and maintain a separate entrance accessible from the primary abutting road.
  - c. The office or business component of the workspace shall not exceed 30 percent of the total gross floor area of the principal dwelling unit and shall meet all building code requirements.
  - d. A total of two off-street parking spaces shall be provided on site for a live-work unit, located to the rear of the unit, or underground/enclosed (including attached or detached garage parking spaces.)
  - e. No more than one passenger or light commercial vehicle (i.e., delivery truck) associated with the office or business component of the workspace may be stored on site. Heavy commercial vehicles are prohibited.
  - f. The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building and will require different construction standards.
  - g. The workspace component of the building may include the following uses: offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit or limited retail associated with fine arts or crafts. The workspace component shall be limited to those uses otherwise permitted in the district that do not require a separation from residentially zoned or occupied

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- property. The workspace component may not include a wholesale business, manufacturing business, motor vehicle service or repair for any vehicles other than those registered to residents of the property and a commercial food service requiring a license, except for a catering business which meets all conditional use permit requirements as specified in article V. (conditional use permits.)
- h. Signage for a live-work unit is restricted to one 15-square-foot wall sign and shall not be internally illuminated.
- (9) **Manufactured home**
- a. All new installations of manufactured homes shall be tied to ground anchoring systems. Such installations shall be in compliance with the current state rules and regulations concerning such installations.
- b. Manufactured homes must meet the most recent HUD certification requirements. Manufactured homes that have been previously lived in require a moving permit under chapter 12, article III.
- (10) **Manufacturing, light**
- a. A conditional use permit is needed if such use has more than 5,000 square feet of gross floor area, in which case total floor area shall not exceed 10,000 square feet.
- (11) **Mining**
- a. Mining shall not be located within 350 feet of any property that the city is planning for residential use.
- (12) **Minor motor vehicle stations**
- a. Minor motor vehicle stations with canopies are allowed to place signage on the canopy and the building; the area of the sign will contribute to the overall area allowance for wall and projecting signs described in part a. above, as long as they do not exceed the requirements above.
- (13) **Motor vehicle accessory installation**
- a. No petroleum products are allowed to be added to, applied to, or removed from the vehicle.
- b. There shall be no maintenance, servicing or repair of vehicles or parts of vehicles, including car washing.
- c. There shall be no vehicle hoist or lift.
- d. There shall be no noxious materials used.
- (14) **Motor vehicle maintenance garage**
- a. The setback of any overhead canopy shall be at least 15 feet from the street right-of-way line and five feet from a nonresidential property line.
- b. The setbacks to a residential lot line in section 44-20(c)(6) shall include motor vehicle washes, fuel dispensers or canopies.
- c. All parts of major motor fuel stations, motor vehicle washes or maintenance garages shall be at least 350 feet from any property the city is planning for residential use.
- d. No unlicensed or inoperable vehicles shall be stored on the premises for more than 48 hours, except in storage areas that are fully screened from public view.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- e. All trash, waste materials and obsolete parts shall be stored within an enclosed trash container.
  - f. All repair, assembly, disassembly and maintenance shall occur within an enclosed building, except minor maintenance. Minor maintenance shall include work such as tire replacement or inflation, adding oil or wiper fluid replacement.
  - g. The city must approve the location and type of outdoor storage in the conditional use permit.
  - h. Noise from operations, including external speakers, shall not exceed the noise standards of the state pollution control agency.
  - i. No motor fuel station or maintenance garage within 350 feet of a residential lot line shall be open to the public between the hours of 11:00 p.m. and 6:00 a.m. The city council may allow or require different hours of operation as part of the approval process of a conditional use permit for maintenance garages and motor fuel stations.
  - j. Fuel station dispenser islands, parking areas, and drives shall be screened from residential lot lines in conformance with section 44-19(c) and (d).
  - k. Parking shall be limited to paved areas.
  - l. All new or replacement underground fuel storage tanks shall meet the standards of state statutes and the standards of the state pollution control agency. Such tanks shall also have a UL listing appropriate for their use. In addition, installation plans shall be submitted to the state fire marshal's office for approval.
  - m. There shall be leak detection equipment on all new and existing tanks according to U.S. Environmental Protection Agency (EPA) schedule deadlines. Leak detection facilities shall include electronic (in tank) monitoring equipment as well as manual daily measurement and recording of tank levels. Records of daily tank levels, fuel purchases and fuel sales shall always be available on site for inspection by the fire marshal.
  - n. Vents from an underground fuel storage tank shall be 200 feet from a residential lot line. The city council may approve a lesser setback if the developer can prove that the topography or existing or proposed buildings will prevent fumes from reaching a residential lot line.
- (15) Motor vehicle major motor fuel station
- a. All stations shall meet the standards set forth for motor vehicle maintenance garage above.
  - b. Gas station canopies. Gas stations are allowed one additional wall sign that may be attached to the façade of the building or the overhanging canopy above the pump island. The wall sign on the canopy shall not exceed 50 percent of the face of the canopy, or the maximum size specified above, whichever is less.
- (16) Motor vehicle minor motor fuel station
- a. In the BC, BC(M), M-1, and M-2 Districts:
    - i. Any motor vehicle minor fuel station shall meet the standards set forth for motor vehicle maintenance garage above.
  - b. In the M-U and N-E Districts:

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- i. All parts of the minor motor fuel station shall be at least 100 feet from any residential use within the mixed-use zoning district, including mixed-use buildings that comprise at least 50 percent residential uses.
  - ii. All parts of the minor motor fuel station shall be at least 350 feet from any single, double or multi-family residentially zoned land.
  - iii. All new or replacement underground fuel storage tanks shall meet the standards of state statutes and the standards of the state pollution control agency. Such tanks shall also have a UL listing appropriate for their use. In addition, installation plans shall be submitted to the state fire marshal's office for approval.
  - iv. There shall be leak detection equipment on all new and existing tanks according to the Federal Environmental Protection Agency schedule deadlines. Leak detection facilities shall include electronic (in tank) monitoring equipment and manual measurement and recording equipment of tank levels for daily records. Records of daily tank levels, fuel purchases and fuel sales shall always be available on site for inspection by the fire marshal.
- (17) Motor vehicle wash
- a. All motor vehicle washes shall meet the standards set forth for motor vehicle maintenance garage above and the following additional standards:
    - i. Water from a motor vehicle wash shall not drain onto a public street or access. A drainage system shall be installed, subject to the approval of the city engineer.
    - ii. There shall be stacking space for at least four vehicles.
- (18) On-sale liquor
- a. Must be located at least 350 feet from any property that the city is planning for residential use.
  - b. All business, storage, or display, except signs and parking, shall be in a closed building.
- (19) Pawnbroker
- a. Must be located at least 500 feet from a residential lot line and at least 500 feet of any school or church.
  - b. Must have city licensing as regulated in chapter 14, article XII.
- (20) Publishing and printing establishments
- a. Shall only be allowed within an entirely commercial structure, meaning a structure that does not have any residential uses.
- (21) Recycling facility
- a. Shall not be located within 350 feet of any property that the city is planning for residential use.
  - b. All activities shall be located within an enclosed building.
- (22) Repair shop
- a. All business, storage, or display, except signs and parking, shall be in a closed building.
- (23) Retail firearms sales

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

- a. Must be located within a business, store or shop which is at least 350 feet from any property the city is planning for residential use.
  - b. Must obtain and meet all applicable state and federal licenses.
- (24) Sale or leasing of new or used motor vehicles
- a. Shall not be located within 350 feet of any property that the city is planning for residential use.
  - b. Auto dealerships. Auto dealerships may have one freestanding sign, plus one freestanding sign for each car franchise. The maximum sign area and height for the freestanding signs shall be determined by the classification of the abutting roads, as specified above. More than one freestanding sign may be allowed per street frontage provided said signs are separated by more than 150 feet measured in a straight line between the signs.

**Secs. 44-322. Accessory Uses**

- (1) Accessory buildings.
  - a. In the RE, R-1, R-1S, and R-2 Districts:
    - i. The areas of accessory buildings shall be limited to the areas in the following table:

Table 44-352-1: Accessory Building Size Maximum

Lot Areas (sq. ft.)	Detached Buildings Without an Attached Garage	Attached Garages Without Detached Garage Buildings	Combination of Detached and Attached Garage * Buildings
Under 8,000	768	768	1,188
8,000—11,999	1,000	1,000	1,420
12,000—15,999	1,000	1,000	1,480
16,000—20,999	1,100	1,100	1,660
21,000—41,999	1,250	1,250	1,850
42,000+	1,250 (garages)	1,250	2,500
	1,000 (all other accessory buildings)		

- ii. A private garage shall not exceed 16 feet as measured from grade.
    - iii. The city council may approve an increase in height or area by conditional use permit.
  - b. Within the R-1(R) District:
    - i. The following size standards shall apply to accessory buildings and garages:

Table 44-352-2 Accessory Building Size Maximum for R-1 (R)

	Detached Buildings (Max Area, Square Feet)	Attached Garages (Max Area, Square Feet)	Combination of detached buildings and attached Garage (Max Area)
Tier I	1,400 (garages), 1,100 (other)	1,400	2,800
Tier II	1,250 SF Total	1,250	1,850

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- ii. A private garage shall not exceed 16 feet as measured from grade.
  - iii. The city council may approve an increase in height or area by conditional use permit.
- (2) Accessory dwelling unit (ADU)
  - a. Only one (1) ADU may be created per single-family property.
  - b. The property owner shall comply with the Residential Rental Code.
  - c. An ADU shall be between 250 and 900 square feet in size.
  - d. Off-street parking spaces must be available for use by the owner-occupant(s) and tenant(s) with at least two (2) spaces available for the principal residence and one (1) space available for the accessory dwelling unit.
  - e. A deed restriction shall be created and recorded with Ramsey County restricting the independent sale of an ADU and requiring adherence to size limitations and other requirements found in this Chapter.
  - f. An ADU in a detached accessory structure must also meet the following requirements:
    - i. The square footage of the detached ADU shall be counted toward to the total allowable accessory structure area on a lot as listed in the individual zoning district.
    - ii. The accessory structure containing the ADU shall follow the setback standards for a principal structure. An existing accessory structure may not be converted into an accessory dwelling unit if required setbacks are not met.
    - iii. The accessory structure containing the ADU shall be located at least five (5) feet from any other structure.
    - iv. Water and sewer connection shall meet building code requirements.
    - v. The accessory structure containing the ADU must meet zoning district height restrictions for an accessory structure.
- (3) Citizen band radio towers, amateur radio towers, television antennas, and flagpoles
  - a. In the RE, R-1(R), R-1, R-1S, R-2, and R-3 Districts:
    - i. Use only allowed for residential (non-commercial) purposes.
    - ii. A five foot setback shall be maintained from all property lines.
- (4) Day care, family
  - a. In the R-3 District:
    - i. Only permitted in double (duplex) dwellings.
- (5) Direct to consumer sales
  - a. Shall meet the licensing and permitting requirements of chapter 14, article VI; chapter 20, article IV; and chapter 28, article II.
- (6) Drive-up food or beverage window, drive-through sales and service
  - a. Any message board may not exceed 64 square feet and six feet in height. A message board shall not be located as to impair the vision of the driver of a vehicle traveling into, out of, or through the drive-through isle.
- (7) Landscape business (or any other similar use that is determined to be the same general character as a landscape business)

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE II. DISTRICT REGULATIONS**  
**OCTOBER 8, 2023**

- a. Allowed as an accessory use to residential property if on a parcel of land which is four acres or larger.
  - b. Where there is a question concerning the appropriateness of a similar use as a conditional use within the farm residence district, the planning commission shall review the question and forward a recommendation to the city council for final determination.
  - c. There shall be no exterior storage of commercial vehicles, equipment, or material associated with the business. Storage of these items must be in an approved accessory structure that meets the following findings:
    - i. The accessory structure must meet the size and height requirements as specified for accessory structures.
    - ii. When adjacent a residential lot, the accessory structure must comply with the setback requirements specified in section 44-20(c)(6)b, which pertains to additional design standards. When adjacent to a commercial lot, the accessory structure must comply with the identified setbacks in the residential district.
    - iii. When adjacent a residential lot, the accessory structure and other areas of the lot where deemed necessary shall comply with section 44-19(a), (b), (c), and (d), which pertain to landscaping and screening.
  - d. No more than one nonresident employee shall be allowed to work on the premises.
  - e. The hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- (8) Sacred community
- a. The sacred community, and any micro-units constructed within it, shall meet the requirements of Minn. Stats. § 327.30, as may be amended. This shall include the requirement that any sacred community not located on the grounds of a religious institution's primary worship location, shall be located on a contiguous parcel to that primary worship location.
  - b. On an annual basis, a certification must be provided which demonstrates that the sacred community meets the requirements of Minn. Stats. § 327.30, including that the residents meet the eligibility requirements.
- (9) Storage or parking of heavy commercial vehicles or commercial equipment or more than one light commercial vehicle
- a. In the RE, R-1(R), R-1, R-1S, and R-2 Districts:
    - i. The storage or parking is subject to the approval of the city council and subject to the following standards:
      - 1. The owner or operator of the vehicle or commercial equipment must reside on the property.
      - 2. The vehicle or commercial equipment shall be parked in an enclosed structure or on a hard-surface driveway that meets the applicable zoning district requirements.
      - 3. Noise from idling the engine shall not exceed the L50 standards provided for in state statutes. The owner or operator shall not let the

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE II. DISTRICT REGULATIONS  
OCTOBER 8, 2023**

vehicle's engine idle for more than 30 minutes in any one-hour period. In no exception may the owner or operator run or let the engine idle for more than two periods, lasting 30 minutes each, in one 24-hour period.

- ii. The following are exceptions to subsection (1)a of this section:
  1. Those commercial vehicles or commercial equipment used for authorized on-site construction, repair or service at the residence.
  2. Any motor truck, pickup truck, or other commercial vehicle being used by a public utility, moving company, or similar company, which is being used to service a residence not belonging to or occupied by the operator of the vehicle.
  3. Any vehicle that is making a pickup or delivery at the location where the driver or operator has parked it. Parking shall not be for the time beyond that the driver or operator needs to make such a pickup or delivery and shall only be for the time necessary to complete the pickup or the delivery.
  4. Lawful nonconforming and permitted uses.

- (10) Supportive commercial uses
  - a. In the CO District:
    - i. Supportive commercial uses shall not exceed 25 percent of the total net floor area of the building.

*Secs. 44-323-44-731 Reserved.*

Principal Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

E1, Attachment 3

Use Type	Agriculture		Residential									Use Specific Standard
	OSP	F	R-E	R-1R	R-1S	R-1	R-2	R-3A	R-3B	R-3C	R-3	
<b>Residential</b>												
<b>Household Living</b>												
Dwelling, single-unit		P	P	P	P	P	P					See Division 19 of Chapter 44
Dwelling, double (duplex)							P	P	P	P	P	See Division 19 of Chapter 44
Dwelling, townhouse										P		
Dwelling, apartment								P	P	P	P	
Live-work unit												See Division 19 of Chapter 44
Dwelling, apartment mixed use												
Manufactured home		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 19 of Chapter 44
Manufactured home park		CUP					CUP	CUP	CUP	CUP	CUP	
<b>Group Living</b>												
Assisted living facility								CUP	CUP	CUP	CUP	
Continuing care facility								CUP	CUP	CUP	CUP	
Long-term or transitional care facility								CUP	CUP	CUP	CUP	
Residential care, licensed in-home (6 or fewer)		P	P	P	P	P	P	P	P	P	P	
Residential care, licensed in-home (7 or more)		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<b>Lodging</b>												
Bed and breakfast												See Division 19 of Chapter 44
Boardinghouse, roominghouse, or lodginghouse								CUP	CUP	CUP	CUP	
Hotel or motel												
Short-term vacation rental	P	P	P	P	P	P	P	P	P	P	P	
<b>Public, Social &amp; Institutional</b>												
Adult day or child care center												
Club, lodge or hall												
Cemetery, crematory, or mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Clinic, medical, dental, or health related												
Funeral home or mortuary												
Religious institution	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Private school, day care center or community service use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public and quasipublic uses appropriate to the district, such as hospitals; and professional, business and technical schools.	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
School	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<b>Commercial</b>												
<b>Food, Beverage, &amp; Indoor Entertainment</b>												
Adult uses and sexually oriented businesses												
Health/sports club												
Indoor organized athletic activities, such as dance, physical fitness or karate												
Indoor theater												

Principal Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

Use Type	Agriculture		Residential									Use Specific Standard
	OSP	F	R-E	R-1R	R-1S	R-1	R-2	R-3A	R-3B	R-3C	R-3	
On-sale liquor												
Place of amusement, recreation or assembly, other than an indoor theater, indoor athletic activity or itinerant carnival												
Restaurant												
Specialty food or coffee shop												
<b>Retail Sales and Services</b>												
Animal boarding, shelter, or daycare center												
Animal veterinary clinic												See Division 19 of Chapter 44
Currency exchange business												See Division 19 of Chapter 44
Financial institution												
Motor vehicle accessory installation center												
Motor vehicle maintenance garage												See Division 19 of Chapter 44
Motor vehicle major motor fuel station												See Division 19 of Chapter 44
Motor vehicle minor motor fuel station												See Division 19 of Chapter 44
Motor vehicle wash												See Division 19 of Chapter 44
Personal service												
Pawnbroker												See Division 19 of Chapter 44
Repair shop, except motor fuel stations or maintenance garages												See Division 19 of Chapter 44
Small appliance and electronic component or equipment repair												
Retail												
Retail firearms sales												See Division 19 of Chapter 44
Retail or commercial rental activities												
Sale or leasing of new or used motor vehicles												See Division 19 of Chapter 44
Storage or rental of motor vehicles												
Studio or makerspace												
<b>Business &amp; Technical Services</b>												
Medical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sales and distribution.												
Office												
Publishing or printing establishment												
<b>Industrial</b>												
Brewery, winery, distillery												
Carpet and rug cleaning												
CNG (compressed natural gas) or LPG (liquid petroleum gas) dispensing facilities												
Contractor shop and yard												

Principal Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

E1, Attachment 3

Use Type	Agriculture		Residential									Use Specific Standard
	OSP	F	R-E	R-1R	R-1S	R-1	R-2	R-3A	R-3B	R-3C	R-3	
Incinerator												
Laboratory, research, experimental, or testing												
Manufacturing, light												See Division 19 of Chapter 44
Manufacturing, heavy												
Mining												See Division 19 of Chapter 44
Processing and distributing station for beverages												
Processing of rags or junk when enclosed within a building												
Recycling facility												See Division 19 of Chapter 44
Scrap, salvage, or junk yard												
Storage and sale of machinery and equipment												
Storage facility, personal												
Storage yard												
Wood pulp and fiber reduction and processing												
Trucking yard or terminal												
Warehouse & distribution facility												
Wholesale business establishments												
Agriculture, Recreation & Open Space												
Commercial farming or gardening		P		CUP								
Commercial greenhouses or nurseries		P										
Community and market garden, more than 1 acre in size	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Division 9 of Article V of Chapter 18
Community and market garden, under 1 acre in size	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 9 of Article V of Chapter 18
Golf courses		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Livestock raising and handling		CUP										
Public open space and park lands	P											
Public parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	
Utilities & Transportation												
Antennas and towers	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Article XI of Chapter 44
Heliport												
Public and private utilities (see CUP section)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Off-street parking	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Parking lot												

Principal Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

E1, Attachment 3

Use Type	Mixed Use		Commercial						Industrial		Use Specific Standard
	MU	NE	NC	CO	BC	LBC	BC (M)	SC	M-1	M-2	
<b>Residential</b>											
<b>Household Living</b>											
Dwelling, single-unit	PS				PS				PS	PS	See Division 19 of Chapter 44
Dwelling, double (duplex)	PS				CUP		CUP		CUP		See Division 19 of Chapter 44
Dwelling, townhouse		P									
Dwelling, apartment	P	P			CUP		CUP				
Live-work unit	CUP	P			P				P	P	See Division 19 of Chapter 44
Dwelling, apartment mixed use	P	P									
Manufactured home					CUP		PS				See Division 19 of Chapter 44
Manufactured home park		CUP			CUP		CUP				
<b>Group Living</b>											
Assisted living facility	CUP	P									
Continuing care facility	CUP	P									
Long-term or transitional care facility		P									
Residential care, licensed in-home (6 or fewer)	P	P	P	P	P	P	P	P	P	P	
Residential care, licensed in-home (7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<b>Lodging</b>											
Bed and breakfast	PS/CUP										See Division 19 of Chapter 44
Boardinghouse, roominghouse, or lodginghouse											
Hotel or motel		P			P		P		P	P	
Short-term vacation rental	P	P	P	P	P	P	P	P			
<b>Public, Social &amp; Institutional</b>											
Adult day or child care center	P	P	P		P	P	P	P	P	P	
Club, lodge or hall	P	P	CUP	CUP	P		CUP		P	P	
Cemetery, crematory, or mausoleum	CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Clinic, medical, dental, or health related	P	P	P	P	P	P	P		P	P	
Funeral home or mortuary					P		P		P	P	
Religious institution	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Private school, day care center or community service use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public and quasipublic uses appropriate to the district, such as hospitals; and professional, business and technical schools.	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
School	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP	
<b>Commercial</b>											
<b>Food, Beverage, &amp; Indoor Entertainment</b>											
Adult uses and sexually oriented businesses					P				P		
Health/sports club	P	P									
Indoor organized athletic activities, such as dance, physical fitness or karate	P	P			P		P	P	P	P	

Principal Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

E1, Attachment 3

Use Type	Mixed Use		Commercial						Industrial		Use Specific Standard
	MU	NE	NC	CO	BC	LBC	BC (M)	SC	M-1	M-2	
Indoor theater	P	P			P		P	P	P	P	
On-sale liquor	P	P			P		CUP		P	P	
Place of amusement, recreation or assembly, other than an indoor theater, indoor athletic activity or itinerant carnival	P				CUP		CUP	CUP	CUP	CUP	
Restaurant	P	P	CUP	CUP	P		CUP		P	P	
Specialty food or coffee shop	P	P	P		P		P	P	P	P	
Retail Sales and Services											
Animal boarding, shelter, or daycare center	CUP	CUP			P		P	P	P	P	
Animal veterinary clinic	PS	PS	PS		P		P		P	P	See Division 19 of Chapter 44
Currency exchange business					CUP				CUP	CUP	See Division 19 of Chapter 44
Financial institution	P	P		P	P		P		P	P	
Motor vehicle accessory installation center					P		P	P	P	P	
Motor vehicle maintenance garage					CUP				CUP	CUP	See Division 19 of Chapter 44
Motor vehicle major motor fuel station					CUP				CUP	CUP	See Division 19 of Chapter 44
Motor vehicle minor motor fuel station	CUP	CUP			CUP		CUP		CUP	CUP	See Division 19 of Chapter 44
Motor vehicle wash					CUP				CUP	CUP	See Division 19 of Chapter 44
Personal service	P	P			P		P		P	P	
Pawnbroker					CUP				CUP	CUP	See Division 19 of Chapter 44
Repair shop, except motor fuel stations or maintenance garages			PS		PS		P	P	P	P	See Division 19 of Chapter 44
Small appliance and electronic component or equipment repair	P	P									
Retail	P	P	P		P	P	P	P			
Retail firearms sales					CUP				CUP	CUP	See Division 19 of Chapter 44
Retail or commercial rental activities					P		P	P			
Sale or leasing of new or used motor vehicles					PS				PS	PS	See Division 19 of Chapter 44
Storage or rental of motor vehicles					CUP				CUP	CUP	
Studio or makerspace	CUP	P	P		P		P	P	P	P	
Business & Technical Services											
Medical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sales and distribution.				CUP							
Office	P	P		P	P	P	P		P	P	
Publishing or printing establishment	PS		P		P		P	P	P	P	
Industrial											
Brewery, winery, distillery	CUP	CUP			P			P	P	P	
Carpet and rug cleaning									P	P	

Principal Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

E1, Attachment 3

Use Type	Mixed Use		Commercial						Industrial		Use Specific Standard
	MU	NE	NC	CO	BC	LBC	BC (M)	SC	M-1	M-2	
CNG (compressed natural gas) or LPG (liquid petroleum gas) dispensing facilities					PS				P	P	
Contractor shop and yard									P	P	
Incinerator										CUP	
Laboratory, research, experimental, or testing									P	P	
Manufacturing, light	CUP								P	P	See Division 19 of Chapter 44
Manufacturing, heavy										CUP	
Mining					CUP				CUP	CUP	See Division 19 of Chapter 44
Processing and distributing station for beverages					CUP				P	P	
Processing of rags or junk when enclosed within a building										CUP	
Recycling facility					CUP				CUP	CUP	See Division 19 of Chapter 44
Scrap, salvage, or junk yard									CUP	CUP	
Storage and sale of machinery and equipment									P	P	
Storage facility, personal					CUP				CUP	CUP	
Storage yard					CUP				CUP	CUP	
Wood pulp and fiber reduction and processing										CUP	
Trucking yard or terminal									CUP	CUP	
Warehouse & distribution facility									P	P	
Wholesale business establishments									P	P	
<b>Agriculture, Recreation &amp; Open Space</b>											
Commercial farming or gardening											
Commercial greenhouses or nurseries											
Community and market garden, more than 1 acre in size	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Division 9 of Article V of Chapter 18
Community and market garden, under 1 acre in size	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 9 of Article V of Chapter 18
Golf courses											
Livestock raising and handling											
Public open space and park lands											
Public parks and playgrounds		P						CUP			
<b>Utilities &amp; Transportation</b>											
Antennas and towers	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Article XI of Chapter 44
Heliport										CUP	
Public and private utilities (see CUP section)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Off-street parking	CUP	CUP									

**Principal Use Table**

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

**E1, Attachment 3**

Use Type	Mixed Use		Commercial						Industrial		Use Specific Standard
	MU	NE	NC	CO	BC	LBC	BC (M)	SC	M-1	M-2	
Parking lot					P				P	P	

Accessory Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

Use Type	Agriculture		Residential									Use Specific Standards
	OSP	F	R-E	R-1R	R-1S	R-1	R-2	R-3A	R-3B	R-3C	R-3	
Accessory building		P	P	P	P	P	P	P	P	P	P	See Division 19 of Chapter 44
Accessory dwelling unit (ADU)			P	P	P	P	P					See Division 19 of Chapter 44
Adult use												See Article III of Chapter 14
Antennas and towers	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Article XI of Chapter 44
Beekeeping	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Article XI of Chapter 10
Cemetery, crematory, or mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Community or market garden, more than 1 acre in size	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Division 9 of Article V of Chapter 18
Community or market garden, under 1 acre in size	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 9 of Article V of Chapter 18
Day care, family		P	P	P	P	P	P	PS	PS	PS	PS	See Division 19 of Chapter 44
Direct to consumer sales, less than 4 (four) months)												See Division 19 of Chapter 44
Direct to consumer sales, more than 4 (four) months)												See Division 19 of Chapter 44
Drive-up food or beverage window, drive-through sales and service												
Exterior storage, display, sale or distribution of goods or materials												
Helistop	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Home garden		P	P	P	P	P	P	P	P	P	P	
Home occupation		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 2 of Chapter 14
Itinerant carnivals												See Chapter 8 of Article IV of Chapter 18
Landscape business		CUP										See Division 19 of Chapter 44
Metal storage buildings		PS		CUP								See Section 12-5
Public passenger transportation terminal (bus stop, transit station)												
Sacred community	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 19 of Chapter 44
Signs	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Article III of Chapter 44
Solar Energy Systems	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 5 of Article V of Chapter 18
Stands for the sale of agricultural products produced on the premises		P		CUP								
Storage or parking of heavy commercial vehicles or commercial equipment or more than one light commercial vehicle						CUP						
Supportive commercial uses								PS	PS	PS	PS	See Division 19 of Chapter 44
Wind Energy Conversion System, Large							CUP	CUP	CUP	CUP	CUP	See Division 5 of Article V of Chapter 18
Wind Energy Conversion System, Small (ground mounted)							PS	PS	PS	PS	PS	See Division 5 of Article V of Chapter 18
Wind Energy Conversion System, Small (roof mounted)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 5 of Article V of Chapter 18

Accessory Use Table

P=Permitted PS=Permitted with Standards CUP=Conditional Use Permit Blank=Prohibited

Use Type	Mixed Use		Commercial						Industrial		Use Specific Standards
	MU	NE	NC	CO	BC	LBC	BC (M)	SC	M-1	M-2	
Accessory building					CUP		P		CUP	CUP	See Division 19 of Chapter 44
Accessory dwelling unit (ADU)	P										See Division 19 of Chapter 44
Adult use					PS			PS	PS	PS	See Article III of Chapter 14
Antennas and towers	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Article XI of Chapter 44
Beekeeping	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Article XI of Chapter 10
Cemetery, crematory, or mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Community or market garden, more than 1 acre in size	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Division 9 of Article V of Chapter 18
Community or market garden, under 1 acre in size	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 9 of Article V of Chapter 18
Day care, family	P				P						See Division 19 of Chapter 44
Direct to consumer sales, less than 4 (four) months)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 19 of Chapter 44
Direct to consumer sales, more than 4 (four) months)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 19 of Chapter 44
Drive-up food or beverage window, drive-through sales and service	CUP	P	CUP	CUP	P		CUP		P	P	
Exterior storage, display, sale or distribution of goods or materials	P							CUP			
Helistop	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Home garden							CUP				
Home occupation					CUP		CUP				See Division 2 of Chapter 14
Itinerant carnivals					PS		PS	PS	PS	PS	See Chapter 8 of Article IV of Chapter 18
Landscape business											See Division 19 of Chapter 44
Metal storage buildings					CUP				PS	PS	See Section 12-5
Public passenger transportation terminal (bus stop, transit station)		P	CUP								
Sacred community	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 19 of Chapter 44
Signs	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Article III of Chapter 44
Solar Energy Systems	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 5 of Article V of Chapter 18
Stands for the sale of agricultural products produced on the premises											
Storage or parking of heavy commercial vehicles or commercial equipment or more than one light commercial vehicle											
Supportive commercial uses				PS						PS	See Division 19 of Chapter 44
Wind Energy Conversion System, Large	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Division 5 of Article V of Chapter 18
Wind Energy Conversion System, Small (ground mounted)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 5 of Article V of Chapter 18
Wind Energy Conversion System, Small (roof mounted)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See Division 5 of Article V of Chapter 18

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 8, 2023**

**Section I. Chapter 44, Article II. Sign and Mural Regulations is hereby repealed in its entirety and replaced with the following:**

**ARTICLE II. SIGN AND MURAL REGULATIONS**

***Secs. 44-731. Purpose and intent.***

- (1) The purpose of this article is to establish a comprehensive and impartial system of sign regulations that balances the needs for effective visual communication including business identification and the needs for a safe, well-maintained, and attractive community. It is intended through the provisions contained herein to:
- a. Promote signs which by their design and dimensions are integrated and harmonized with the surrounding environment and the buildings and sites they occupy.
  - b. Protect the public from damage or injury caused by signs that are poorly designed or maintained and from signs that cause distractions or hazards to motorists and pedestrians using the public streets, sidewalks, and public right-of-way.
  - c. Avoid excessive signage in order to give each business or use optimum visibility to passer-by traffic and prevent cluttering of the streetscape.

***Secs. 44-732. Definitions. (see illustrations of sign types at the end of the draft regulations)***

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

*Abandoned sign* means a sign or sign structure that is located on a building or property that has been vacant or unoccupied for a period of three months or more, or a sign which pertains to a time, event, or purpose that no longer applies. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of at least six months.

*Administrator* means the director of community development or other person charged with the administration and enforcement of this article.

*Alteration, major* means any major alteration to a sign, but shall not include routine maintenance, painting, or change of the sign face of an existing sign.

*Alteration, minor* means a change of sign copy, sign face, sign color, or modifications or repairs to an existing sign that are cosmetic in nature or include a replacement of parts. Expansion of an existing sign does not constitute a minor alteration.

*Awning* means a covering attached on the façade of a building which projects typically over a door, window, or sidewalk.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE III. SIGN REGULATIONS**  
**OCTOBER 8, 2023**

*Awning/canopy sign* means a sign affixed flat to the surface of an awning or canopy which does not extend vertically or horizontally beyond the limits of such awning or canopy.

*Banner sign* means a temporary sign that is constructed of cloth, flexible plastic, or fabric of any kind which can be easily folded or rolled. This term does not include flags.

*Billboard* means a freestanding, off-site sign located adjacent to a principal arterial street.

*Building sign* means any sign affixed to a building or an appurtenance of a building including wall signs, projecting signs, window signs, and awning/canopy signs.

*Changeable copy message board* means a sign or portion of a sign which is characterized by interchangeable letters and figures. This definition shall not include dynamic display signs.

*Commercial sign* means any sign, display, or device designed, intended or used to encourage or promote purchase or use of goods or services.

*Comprehensive sign or mural plan* means a coordinated plan for all signs and/or murals located on a site or within a single development.

*Community design review board* means the body established in Section 2 of this Ordinance as a committee of the City Council which reviews site plans, building design, landscape plans, and signage.

*Dynamic display sign* means any sign designed for outdoor use that is capable of displaying a video signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors.

*Flag* means any device generally made of flexible materials, such as cloth, and designed to be attached to a flagpole on one edge only.

*Flashing sign* means an illuminated sign which contains flashing lights or exhibits with noticeable changes in light intensity.

*Freestanding sign* means a sign that is attached to, erected on, or supported by an architecturally-planned structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. This definition includes pylon signs and monument signs.

*Graffiti* means unauthorized markings of paint, dye, or other similar substance that have been placed on real or personal property such as buildings, fences, transportation equipment, or

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 8, 2023**

other structures, or the unauthorized etching or scratching of the surfaces of such real or personal property, any of which markings, scratching, or etchings are visible from the site open to the public.

*Ground banner sign* means a sign constructed of cloth, canvas, or other similar light material which is affixed to the ground.

*Ground grade* means the elevation of the ground closest to the sign to which reference is made.

*Illuminated sign* means a sign that is illuminated internally by a light source inside the sign or externally by means of external light fixtures directed at the sign.

*Institutional or public uses* means uses such as public schools, fire stations, libraries, water system facilities, religious institutions, cemeteries, private schools, and other city, county, and state-used and owned properties.

*Message display face* means the surface of the sign where the sign's image or message is displayed.

*Monument sign* means a permanent, freestanding sign located directly at ground grade where the width dimension of the architecturally designed base is 50 percent or more of the greatest width of the sign face.

*Multiple tenant building* means a commercial building containing two or more tenants.

*Mural* means artwork on the exterior of a building, generally for the purpose of decoration or artistic expression, including, but not limited to, paintings, markings, and etchings. A mural is not intended or used to encourage or promote purchase or use of goods or services.

*Noncommercial sign* means a sign which expresses an opinion, point of view, or statement such as political, religious, or ideological sentiment, or support or opposition to a candidate or proposition for public election.

*Nonconforming sign* means a sign lawfully erected and maintained prior to the adoption of this article that does not conform to the requirements of this article.

*Off-site sign* means a sign located outside of the parcel lines or boundaries of the property or development for which the sign is constructed.

*On-site sign* means a sign located within the parcel lines or boundaries of the property or development for which the sign is constructed.

*Painted wall sign* means a sign painted or applied through adhesive tape directly on the exterior wall of a building or structure.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 8, 2023**

*Permanent sign* means a sign permanently attached to a building, structure, or the ground which is constructed of durable materials and intended for long-term use.

*Projecting sign* means a sign, other than a wall sign, which is supported and projects from more than 18 inches at a right angle from the wall of a building.

*Property Identification sign* means a sign identifying the street address of a building for public safety reasons.

*Pylon sign* means a sign that is mounted on a narrow freestanding pole or other support structure so that the bottom edge of the sign face is at least six feet above the architecturally designed base.

*Roof line* means the uppermost line of the roof of a building or, in the case of an extended façade, the uppermost height of said façade.

*Roof sign* means a sign erected upon the roof of a building or extending above the roof line of the building to which it is attached, and which is wholly or partially supported by said building.

*Sign* means a communication device displaying graphics, symbols, or written copy visible from the public right-of-way and designed to attract the attention of the general public. This definition does not include murals or architectural lighting, such as neon that has no sign copy. For the purpose of removal, signs shall also include all sign structures.

*Sign face* means the surface of the sign including letters and background upon, against, or through which the message is displayed or illustrated.

*Sign structure* means the supports, braces, and framework of a sign.

*Street* means public or private thoroughfare for vehicular traffic which affords primary means of access to abutting property.

*Street frontage* means the lot line of a parcel abutting a street.

*Street, collector* means a street designated in the city's comprehensive plan which is designed to serve as a traffic way for a neighborhood or as a feeder to an arterial street.

*Street, local* means a street designated in the city's comprehensive plan which serves short trips at low speeds.

*Street, minor arterial* means a street designated in the city's comprehensive plan which connects sub-regions that are the closest routes parallel to the principal arterials and supplements and provides relief for traffic to the principal arterial.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE III. SIGN REGULATIONS**  
**OCTOBER 8, 2023**

*Street, principal arterial*, means a street designated in the city's comprehensive plan which is designed to carry the highest volume of traffic, allows the highest speeds, and provides sub-regional, regional, and inter-community access.

*Temporary sign* means any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a limited period of time only.

*Wall sign* means a flat sign which does not project more than 18 inches from the face or wall of the building upon which it is attached, running parallel for its whole length to the face or wall of the building, and which does not extend beyond the horizontal width of such building.

*Wall surface of the building* means the total horizontal surface area of the building face to which the sign is attached, including windows and door areas, measured to the extreme outer limits of such wall surface.

*Window sign* means a sign that is attached directly to a window with a type of film that adheres to the glass without damaging it. A window sign may not be etched, painted, or hung inside the window. This does not include merchandise on display in a window, seasonal displays of holiday pictures, lights, or signs which are legally required to be posted.

**Secs. 44-733. Sign area and height computation.**

- (1) The area of a sign is determined by the Administrator using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants.
- a. *Sign area*. Sign area shall be calculated by measuring the entire area within a continuous perimeter enclosing the extreme limits of the sign message and background.
    - i. Where the sign is a separate panel, structure, or other material forming a single display, the area of the message display face shall constitute the area of the sign.
    - ii. Where the sign consists of any combination of individual letters, panels, numbers, figures, illustrations, or of a line or lines, to form a display or sign, the area of the sign shall be computed using the outside dimensions of the various words, figures, and illustrations composing the entire sign.
    - iii. In the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface that is visible from any ground position at one time.
    - iv. The supports, uprights, bases, or structures on which any sign is supported shall not count towards the sign area unless the supports, uprights, bases, or structures are an integral part of the sign display.
  - b. *Sign height*. The height of a sign shall be measured by the vertical distance from the ground grade to the top of a sign and includes its support structures.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE III. SIGN REGULATIONS**  
**OCTOBER 8, 2023**

**Secs. 44-734. Prohibited signs.**

- (1) The following signs are prohibited:
- a. Signs or sign structures attached or supported on balconies, fences, or other non-permanent structures.
  - b. Signs attached or supported on a permanently parked vehicle or semi-trailers. This shall not include signs painted directly on a parked vehicle or semi-trailer used in the business or facility or on site.
  - c. Signs on rocks, trees, or other natural features or public utility poles.
  - d. Permanent or temporary signs that have blinking, flashing, or fluttering lights, or that make noise.
  - e. Signs or sign structures that obstruct any part of a fire escape, doorway, standpipe, or opening intended to provide ingress or egress for any building structures.
  - f. Signs that by reason of location, color, or intensity create a hazard to the safe, efficient movement of vehicles or pedestrian traffic. No sign on private property shall contain words which might be construed as traffic controls such as "stop," "caution," "warning," etc., unless such sign is intended to direct traffic on the site.
  - g. Painted wall signs.
  - h. Roof signs.
  - i. Off-site signs except for where specifically permitted in this article.
  - j. Signs having features or incorporating parts of any sign prohibited in this article.

**Secs. 44-735. General regulations and standards.**

- (1) All signs shall be constructed in a manner and of such materials that they shall be safe and in compliance with the building ordinance. In addition, all signs containing electrical wiring shall be subject to the provisions of the current state electrical ordinance.
- a. *Maintenance.* All signs, together with all of their supports, braces, 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. Banners shall be designed in such a way as to avoid becoming torn or weathered.
  - b. Every sign and the immediate surrounding site shall be maintained by the owner or person in charge thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds.
  - c. *Attachment to buildings.* All signs attached to a building shall not obstruct any fire escape, exit, standpipe, or any window required for light or ventilation. The signs shall be placed flat against the building and project no further than 18 inches from the building except where specifically allowed in this article.
  - d. *Freestanding sign placement.*
    - i. All signs not attached to any building or structure shall maintain at least a ten-foot setback from any lot line and shall not be placed in a public right-of-way unless specifically stated otherwise in this article.
    - ii. No such sign shall project over a property line or a public right-of-way, except where allowed in this article, and all required clearances from overhead power and service lines must be maintained.
    - iii. Signs shall not block or obstruct the view of driveways.

**2023 CITY CODE AMENDMENTS PUBLIC HEARING DRAFT**  
**CHAPTER 44 – ZONING**  
**ARTICLE III. SIGN REGULATIONS**  
**OCTOBER 8, 2023**

- iv. Signs placed near the corner of two intersecting streets shall comply with clear sight triangle requirements in Article VII Site Obstructions at Intersections of Chapter 32 – Streets, Sidewalks and Other Public Places.
- e. *Illumination.* All illuminated signs must be in compliance with the city's outdoor lighting requirements in section 44-20. In addition, illumination for all signs shall be constant and steady.
- f. *Abandoned signs.* Abandoned signs shall be removed by the owner of the site by removing the sign face, painting the sign face a neutral color or installing blank sign face panels. The inner components of the sign must not be exposed. If the sign face is not re-used after one year, the remaining sign structure must be removed unless the Administrator grants an extension subject to the owner submitting a statement of intent and a reasonable timeline for reuse of the sign structure.
- g. *Licensing.* All contractors installing permanent signs must first obtain a contractor's license prior to issuance of a sign permit or installation of a permanent sign as defined in the city contractor and subcontractor ordinance (see chapter, article VI, division 2).

**Secs. 44-736. Exempt signs.**

- (1) Any sign listed below shall be exempt from obtaining a sign permit but shall be required to meet any general standards identified in this chapter.
  - a. Any public notice or warning sign required to be maintained or posted by law or governmental order, rule, or regulation.
  - b. Flags and emblems that are political or ideological.
  - c. Any sign inside a building that is not attached to an exterior window or not legible from a distance of more than ten feet from outside the building.
  - d. Any sign located within a multi-tenant building, such as a mall or an office building, that is only viewable from inside the building.
  - e. Traffic control signs as defined by state law.
  - f. Property identification sign.
  - g. One wall sign of not more than two square feet for a residence with a permitted home occupation.
  - h. Temporary displays of lights and decorations.
  - i. Signs not exceeding nine square feet, located upon private property, and directed towards the prevention of trespassing.

**Secs. 44-737. Temporary signs.**

- (1) Unless specifically identified below, all temporary signs do not require a sign permit or a comprehensive sign plan, and shall not count towards the building or property permanent sign maximum signage allowed:
  - a. *Temporary Signs Allowed in Any District*
    - i. *On-site temporary signs*
      - 1. *Temporary freestanding sign.*
        - a. One nonilluminated temporary freestanding sign not exceeding three square feet in area and no more than three feet in height is

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 11, 2023**

permitted on private property for a period not to exceed 30 days, four times per year.

- b. No part of such sign shall be closer than five feet to the street pavement or one foot to a sidewalk or trail. Said sign shall not be located between the street and a sidewalk or trail.
2. *Temporary signs and displays under 12 square feet in area.*
    - a. One nonilluminated temporary sign or display under 12 square feet is allowed per property (except for single and double-dwelling properties) for a period not to exceed 30 days total per sign, four times per year.
    - b. For commercial buildings with multiple occupants, each separate tenant is permitted one such sign.
    - c. No more than three temporary signs under 12 square feet shall be allowed at a property at any one time.
  3. *Properties with open building permits.*
    - a. A property with an open building permit is permitted to have more than one temporary construction sign immediately prior to or during the construction of a development.
    - b. Each such sign shall not exceed 64 square feet in area and ten feet in height.
    - c. The sign shall be removed within 30 days after major construction has finished.
  4. *Properties that are for sale or rent.*
    - a. One temporary freestanding sign is permitted for each street upon which the property has frontage.
      - i. For single and double-dwelling lots, such sign shall not exceed nine square feet in area.
      - ii. For all other types of property, each sign shall not exceed a ratio of one square foot of sign area for each 1,000 square feet of lot area. In no case shall the area of any one sign exceed 64 square feet or ten feet in height.
    - b. All such signs shall be removed within seven calendar days of the close of the property or when 90 percent or more of the units on the property have been sold, leased, or rented.
  5. *Noncommercial signs.*
    - a. Any sign which meets MS § 211B.045.
    - b. One noncommercial sign which shall not be illuminated, exceed 16 square feet in area, and shall be no more than six feet in height. For multiple-unit developments, the sign shall be attached to the dwelling unit or placed in a location that clearly indicates ownership.
- ii. *Off-site temporary signs*
1. Off-site signs on private property. An off-site sign not exceeding three square feet in area may be placed on private property. Such signs require a permit, shall not be located in the public right-of-way, and

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 11, 2023**

the sign owner/installer must supply written permission to the city from the property owner on which property the sign is installed. Each development is limited to one such sign.

2. *Off-site signs in the public right of way.* An off-site sign not exceeding three square feet in area and no more than three feet in height may be placed on the public right-of-way.
    - a. No part of such sign shall be closer than five feet to the street pavement or one foot to a sidewalk or trail. Said sign shall not be placed between the street and a sidewalk or trail.
    - b. Off-site signs may be placed in the public right-of-way for 30 days maximum.
  3. *Signs for nonprofit or civic businesses.* Off-site temporary signs for legally recognized nonprofit businesses (e.g., 501.c3 designations) as well as civic organizations (i.e. places of worship, parks, nature centers, historic sites, etc.) are allowed in the public right-of-way.
    - a. Said sign is limited to four square feet in area with a maximum of three signs per nonprofit or civic organization.
    - b. The location of off-site temporary signs must be approved by the city prior to installation.
- b. *Temporary Signs on Properties Designated Park in the Maplewood Comprehensive Plan.*
- i. Temporary signs located within a park and/or sports facility are allowed subject to the following standards:
    1. Banners. Banners may be displayed in parks for special events sponsored or approved by the city. No more than three banners may be displayed per park at any one time. Each banner shall not exceed 64 square feet. Banners shall be designed to be professional looking and prevented from becoming torn or weathered.
    2. Signs for baseball, softball, and hockey fields. Signs may be allowed with the approval of a comprehensive sign plan as described in section 44-742.
      - a. Number and size of signs shall be determined by an approved comprehensive sign plan.
      - b. No sign shall be illuminated except by the regular sports facility lighting during hours of use.
      - c. Signs are allowed to be installed for a period of one year during the baseball, softball, or hockey season.
      - d. Signs placed at baseball and softball fields shall be located on the outfield fences or the scoreboard, or both. Such signs shall be oriented toward the field of play.
      - e. Signs placed at hockey rinks shall be located on the interior sides of the hockey boards.
    3. The Maplewood Parks & Natural Resources Department will administer all temporary park and sports facility signs in accordance with the approved comprehensive sign plan.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 11, 2023**

4. Sponsorships collected for such signs will be used to help fund recreational facilities within the park in which they are installed.
- c. *Temporary Signs in Residential Districts.*
- i. In addition to the temporary signs allowed for all zoning districts, the following temporary signs shall be allowed in any residential zoning district unless specifically stated:
    1. *Temporary banners.*
      - a. Temporary banners may be displayed without a permit for residential subdivisions and multiple-unit developments and for all legal nonresidential uses excluding home occupation businesses for a period not to exceed 60 days per year, per property.
      - b. No more than one banner may be displayed per property at any one time.
      - c. Each banner shall not exceed 32 square feet in area and must be attached to a building or other permanent structure.
    2. *Temporary signs and displays over 12 square feet.*
      - a. One temporary sign or display over 12 square feet is permitted by sign permit for up to 30 days per year, per property. The city shall consider a sign displayed for part of a day as having been up for an entire day.
      - b. All signs require a sign permit unless otherwise noted. The permit fee shall not be charged for temporary signs and displays erected by civic organizations, religious organizations, or other nonprofit organizations.
      - c. In no case shall the area of the sign exceed 32 square feet in area or eight feet in height.
    3. *Ground banner signs.*
      - a. Public or institutional uses in any residential district shall be allowed one ground banner sign per every 150 feet of street frontage.
      - b. Townhouse and apartment developments in the R-3 district shall be allowed one ground banner sign per every 150 feet of street frontage.
      - c. The sign shall not exceed 32 square feet in size.
      - d. All ground banner signs shall be removed after 60 days.
- d. *Temporary Signs in Non-Residential Districts.*
- i. In addition to the temporary signs allowed for all zoning districts, the following temporary signs shall be allowed in any non-residential zoning district:
    1. *Temporary banners.*
      - a. For single-tenant buildings, temporary banners may be displayed without a sign permit for a period not to exceed 60 days total per year. No more than one banner may be displayed per property at any one time.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 11, 2023**

- b. For multiple-tenant buildings, each separate tenant may display temporary banners without a sign permit for a period not to exceed 60 days total per year. No more than one banner may be displayed per separate tenant at any one time.
- c. Each banner shall be attached to a building or other permanent structure.
- d. Maximum size.
  - i. In the LBC (limited business commercial), CO (commercial office), SC (shopping center), and NC (neighborhood commercial) zoning districts each banner shall not exceed 32 square feet in size.
  - ii. In the BC (business commercial), BC(M) (business commercial modified), M-1 (light manufacturing), and M-2 (heavy manufacturing) zoning districts, each banner shall not exceed 64 square feet in size.
- ii. *Temporary window signs.*
  - 1. Temporary window signs are allowed without a permit.
  - 2. Temporary window signs shall be attached to the surface of a window, but shall cover no more than 30 percent of the total area of the window.
- iii. *Temporary signs and displays over 12 square feet.*
  - 1. One temporary sign or display over 12 square feet is permitted for up to 30 days per year, per business. The time period may be extended to 60 days during the first year of operation of a new business and 90 days for a temporary seasonal business. The city shall consider a sign displayed for part of a day as having been up for an entire day.
  - 2. All signs require a sign permit unless otherwise noted. The permit fee shall not be charged for temporary signs and displays erected by civic organizations, religious organizations, or other nonprofit organizations or groups.
  - 3. Maximum size.
    - a. In the LBC (limited business commercial), CO (commercial office), SC (shopping center), and NC (neighborhood commercial) zoning districts each sign or display shall not exceed 32 square feet in size.
    - b. In the BC (business commercial), BC-M (business commercial modified), M-1 (light manufacturing), and M-2 (heavy manufacturing) zoning districts, each sign or display shall not exceed 64 square feet in size.
    - c. No sign or display shall exceed eight feet in height.
- iv. *Ground banner signs.*
  - 1. One ground banner sign shall be allowed per every 150 feet of street frontage.
  - 2. The sign shall not exceed 32 square feet in size.
  - 3. All ground banner signs shall be removed after 60 days.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 11, 2023**

- e. *Temporary Signs in Mixed-Use Districts.*
- i. In addition to the temporary signs allowed for all zoning districts, the following temporary signs shall be allowed in the Mixed-Use (MU) and North End (NE) zoning districts:
1. *Temporary banners.*
    - a. For single tenant buildings, temporary banners may be displayed without a sign permit for a period not to exceed 60 days total per year. No more than one banner may be displayed per property at any one time.
    - b. For multiple-tenant buildings, each separate tenant may display temporary banners without a sign permit for a period not to exceed 60 days total per year. No more than one banner may be displayed per separate tenant at any one time.
    - c. Each banner shall be attached to a building or other permanent structure.
    - d. No banner shall exceed 32 square feet in area.
  2. *Temporary window signs.*
    - a. Temporary window signs are allowed without a permit in any building or portion of a building occupied by a nonresidential use.
    - b. Temporary window signs shall be attached to the surface of a window, but shall cover no more than 30 percent of the total area of the window.
  3. *Temporary signs and displays over 12 square feet.*
    - a. One temporary sign or display over 12 square feet is permitted by sign permit for up to 30 days per year. The time period may be extended to 60 days during the first year of operation of a new business and 90 days for a temporary seasonal business. The city shall consider a sign displayed for part of a day as having been up for an entire day.
    - b. All signs require a sign permit unless otherwise noted. The permit fee shall not be charged for temporary signs and displays erected by civic organizations, religious organizations, or other nonprofit organizations.
    - c. In no case shall the area of the sign exceed 32 square feet in area or eight feet in height.
  4. *Ground banner signs.*
    - a. One ground banner sign shall be allowed per every 150 feet of street frontage.
    - b. The sign shall not exceed 32 square feet in size.
    - c. All ground banner signs shall be removed after 60 days.
- f. *Exemptions.*
- i. Temporary window and banner signs which exceed the size, number, or time display limits as specified in this Section may apply for an exemption as described below:
1. *Short-term exemption (up to three months).*

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 11, 2023**

- a. Applicant shall submit a temporary sign permit application and fee to the Administrator.
  - b. The Administrator shall approve the short-term exemption if the applicant shows that there are unusual circumstances with the request.
  - c. The Administrator may attach conditions to the approval to assure that the sign will be compatible with surrounding properties.
2. *Long-term exemption (longer than three months).*
- a. Applicant shall submit a comprehensive sign plan as specified in section 44-742 and fee to the city.
  - b. The community design review board shall approve the long-term exemption if the applicant shows that there are unusual circumstances with the request.
  - c. The community design review board may attach conditions to the approval to assure that the sign will be compatible with surrounding properties.

**Secs. 44-738. Permanent signs.**

- (1) Unless specifically identified below, all permanent signs require a sign permit and shall count towards the building or property maximum signage allowed:
- a. *Permanent Signs on Properties Designated Park in the Maplewood Comprehensive Plan.*
    - i. Wall signs. One wall sign up to 24 square feet per street frontage shall be allowed for each park building. The sign may be affixed to the wall of the building or an overhanging canopy or awning.
    - ii. Monument signs. One monument sign up to 32 square feet per street frontage shall be allowed to identify each park. Said sign shall be a maximum of six feet in height. The sign shall be designed to be architecturally compatible with the park structures and buildings with the base of the sign consisting of colors and materials compatible to the structures or buildings.
  - b. *Permanent Signs in Residential Districts.*
    - i. Wall sign. One wall sign up to 24 square feet per street frontage shall be allowed for residential subdivisions, townhomes, live-work buildings, apartments, and for all legal nonresidential uses excluding home occupation businesses. The sign may be affixed to the wall of the main building or an overhanging canopy or awning.
    - ii. Window signs. No window signs are allowed.
    - iii. Monument sign. One monument sign up to 32 square feet per street frontage shall be allowed by sign permit for residential subdivisions and multiple-unit developments and for all legal nonresidential uses excluding home occupation businesses. Said sign shall be a maximum of six feet in height. The sign shall be designed to be architecturally compatible with the building or project with the base of the sign consisting of colors and materials compatible to the building or project.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

- iv. Changeable copy message boards. Changeable copy message boards are permitted as part of a permanent freestanding monument sign or wall sign for all legal nonresidential uses excluding home occupation businesses. The message board shall not comprise more than 70 percent of the total square footage of said sign.
- v. On-site dynamic display signs for permitted institutional or public uses. (Refer to section 44-739 - dynamic display signs).
- c. *Permanent Signs in Non-Residential Districts.*
  - i. LBC (limited business commercial), CO (commercial office), SC (shopping center), and NC (neighborhood commercial) zoning districts:
    - 1. Wall signs.
      - a. For each occupant of a building, one wall sign is allowed for each street upon which the property has frontage. The total number of wall signs may be increased by one for each clearly differentiated department of a business or enterprise.
      - b. The total area of any one wall sign shall not cover more than 20 percent of the wall surface to which the sign is attached or 32 square feet, whichever is greater. As an alternative, a wall sign may be placed on an overhanging awning or canopy as long as the wall sign does not exceed 50 percent of the face of the awning or canopy, or 32 square feet, whichever is less.
      - c. For multiple tenant buildings, the wall surface for each tenant or user shall include only the surface area of the exterior façade of the site occupied by such tenant or user.
      - d. A window sign may be substituted for all or a portion of the allowable wall signage area as long as the window sign, which includes all pieces that convey the commercial brand, does not cover more than 1/3 of the window or door in which the sign is placed.
    - 2. Freestanding signs.
      - a. One freestanding sign up to 64 square feet in area and ten feet in height is permitted for each street upon which the property has frontage.
      - b. For buildings or developments with multiple street frontages, each additional freestanding sign must be located on a different street. Each freestanding sign must be separated by more than 100 feet measured in a straight line between the signs.
      - c. The sign shall be designed to be architecturally compatible with the building or project with the base of the sign consisting of colors and materials compatible to the building or project.
      - d. The area around the base of the sign shall also be landscaped including the bottom of a pylon sign.
    - 3. Changeable copy message boards. Changeable copy message boards are permitted as part of a permanent freestanding sign or wall

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

sign but shall comprise no more than 70 percent of the total square footage of said sign.

- 4. On-site dynamic display signs for permitted institutional or public uses. (Refer to section 44-739 - dynamic display signs).
  - ii. BC (business commercial), BC-M (business commercial modified), M-1 (light manufacturing), and M-2 (heavy manufacturing) zoning districts:
    - 1. Signage requirements for specific uses, including gas station canopies, auto dealerships, and drive-throughs are listed in sections 44-351 and 44-352 principal and accessory use-specific standards.
    - 2. Wall signs.
      - a. For each occupant of a building, one wall sign is allowed for each street upon which the property has frontage. The total number of wall signs may be increased by one for each clearly differentiated department of a business or enterprise.
      - b. The total size of all wall signage for single-tenant buildings is determined by the gross square footage of the principal structure on the property. The total coverage area of each wall sign, including each differentiated business, shall be based on the wall surface to which the sign is attached. The following table indicates maximum signage permitted for single-tenant buildings:
- | Principal Structure Gross Square Feet of Floor Area | Maximum Size and Coverage Area of Each Sign        |
|---|--|
| Less than 10,000 sq. ft                             | 80 sq. ft. or 20% of wall face, whichever is less  |
| 10,000 to 20,000 sq. ft.                            | 100 sq. ft. or 20% of wall face, whichever is less |
| 20,000 to 100,000 sq. ft.                           | 150 sq. ft. or 15% of wall face, whichever is less |
| Greater than 100,000 sq. ft                         | 200 sq. ft. or 10% of wall face, whichever is less |
- c. The total coverage area of each wall sign for multiple-tenant buildings is ten percent of the surface area of the exterior façade of the site occupied by such tenant, or 32 square feet, whichever is more.
    - d. A wall sign may be attached to an overhanging awning or canopy, instead of the façade of the building, as long as the wall sign does not exceed 50 percent of the face of the awning or canopy, or the maximum size specified above, whichever is less.
    - e. A window sign may be substituted for all or a portion of the allowable wall signage area as long as the window sign, which includes all pieces that convey the commercial brand, does not cover more than 1/3 of the window or door in which the sign is placed.
  - 3. Freestanding signs.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

- a. One freestanding sign is permitted for each street upon which the property has frontage. For properties with multiple street frontages, each additional freestanding sign must be located on a different street and each sign must be separated by more than 100 feet measured in a straight line between signs, excluding auto dealerships.
- b. The total size and maximum height of each freestanding sign is determined by the street classification (as designated in the Maplewood Comprehensive Plan) of the closest street to which each freestanding sign is located. In the case of signs located at an intersection, the higher ranking street classification should be used to determine the maximum height and size allowable for a freestanding sign. Businesses that are located on a frontage road designed to provide safe access to minor arterials and principal arterials shall be permitted to erect a freestanding sign up to the determined maximum height and size allowable for a freestanding sign on said minor arterial or principal arterial road to which it is adjacent.
- c. The following table lists the maximum size and heights permitted for freestanding signs:

Classification of Street Abutting Property	Maximum Sign Size (sq. ft.)	Maximum Height of Pylon Sign (feet)	Maximum Height of Monument Sign (feet)
Principal Arterial	180	25	12
Minor Arterial	140	20	12
Collector Street	100	15	10
Local Street	80	12	10

- d. The freestanding sign shall be designed to be architecturally compatible with the building or project, with the base of the sign, including pylon sign poles, consisting of materials and colors compatible to the building or project.
- 4. Changeable copy message boards. Changeable copy message boards are permitted as part of a permanent freestanding sign or wall sign but are limited to comprising no more than 70 percent of the total square footage of said sign.
- 5. On-site and off-site dynamic display signs. (Refer to section 44-739 - dynamic display signs).
- 6. Billboards.
  - a. Off-site billboards shall only be permitted with a conditional use permit and may only be located adjacent to a principal arterial street in the SC (shopping center), BC (business commercial), M-1 (light manufacturing), and M-2 (heavy manufacturing) districts.
  - b. Spacing. No billboard shall be located within 2,300 feet of another billboard on the same side of the street, within 100 feet to a commercial, industrial, institutional building, or an on-site sign, within 250 feet of a residential district, or within 800 feet of a

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

residence. Billboards shall maintain a setback of 50 feet from any property line, 500 feet to a local park, and 300 feet from the nearest intersecting street corner of two public roads.

- c. Size. The maximum area of the sign face of a billboard shall not exceed 450 square feet, including border and trim, but excluding base, apron supports, and other structural members. The maximum size limitation shall apply to each side of a sign structure.
  - d. The maximum height for billboards shall be 35 feet.
  - e. A billboard may only display one message at a time on any sign face.
  - f. Signs may be placed back-to-back or in a V-type arrangement if there are no more than two sign faces, provided that the open end separation shall not exceed 15 feet.
- d. *Permanent Signs in Mixed-Use and North End Districts.*
- i. The following signs shall be allowed in the Mixed-Use (MU) and North End (NE) zoning districts:
    - 1. Signage requirements for minor motor vehicle stations are listed in sections 44-351 and 44-352 principal and accessory use-specific standards.
    - 2. Building signs.
      - a. Building signage in the MU and NE districts may include wall, projecting, window, or awning/canopy signage.
      - b. Total allowable area of all building signage for each establishment is one and one-half square feet of signage per lineal foot of building or frontage on a road, public open space or private parking area, or 32 square feet, whichever is greater.
      - c. Each wall shall be calculated individually and sign area may not be transferred to another side of the building.
      - d. Wall signs shall not cover windows or architectural trim and detail.
      - e. No part of a building sign shall be placed higher than the sills of the second-story window of a multi-story building.
      - f. Additional standards for projecting signs.
        - i. Projecting signs may not extend more than four feet over a public right-of-way, private road, or sidewalk/trail, and must not project out further than the sign's height.
        - ii. Projecting signs shall have a minimum clearance of eight feet above ground level, unless projecting over a vehicular right-of-way, in which case minimum clearance shall be 14 feet. Projecting signs shall be no larger than 20 square feet per sign face.
      - g. Window signs. A window sign, which includes all pieces that convey the commercial brand, shall not cover more than 1/3 of the window or door in which the sign is placed.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

- h. Awning/canopy signs. Signs on street-level awnings/canopies are permitted if the sign on each awning/canopy is either less than seven square feet in size or eight inches in height, is located on the face of the awning/canopy (valance or skirt), and is parallel to the building façade. Where there are multiple awnings on a building, all awning signs shall have a consistent size and location on the awnings.
- 3. Monument signs. One monument sign for each establishment is allowed if the building is set back at least 20 feet from the front property line. Monument signs must meet the following requirements:
  - a. Limited to six feet in height and 40 square feet.
  - b. Maintain a five-foot setback from any side or rear property line, but can be constructed up to the front property line.
  - c. Must consist of a base constructed of materials and design features similar to those of the front façade of the building or development.
  - d. Must be landscaped with flowers or shrubbery or integrated into a plaza area.
- 4. Lighting. Signage lighting in the MU or NE districts is permitted as long as it does not cast illumination on residential units and meets one of the following standards of external or internal illumination:
  - a. External illumination.
    - i. The light source shall be a separate fixture directed onto the sign face; or
    - ii. A halo effect/reverse illumination is used, which is an external light source behind the sign face or individual letters.
  - b. Internal illumination.
    - i. An internal light source shall be permitted only for a sign that is less than 200 square inches in size that is made of exposed neon or LED that has the appearance of exposed neon.

**Secs. 44-739. Dynamic display signs.**

- (1) Dynamic displays are allowed as stated in this article with significant controls to minimize their proliferation and their potential threats to public health, safety, and welfare.
  - a. *General Standards.* All dynamic display signs shall meet the following standards:
    - i. The images and messages displayed shall be static. Unless otherwise specified, each display shall be maintained for a minimum of 15 seconds.
    - ii. The transition from one display to another shall be instantaneous without any special effects. Motion, animation and video images are prohibited on dynamic LED sign displays. No portion of the images may flash, scroll, twirl, change color, or in any manner imitate movement.
    - iii. The images and messages displayed shall be complete in themselves, without continuation in content to the next image or message or to any other sign.
    - iv. Only one, contiguous dynamic display area is allowed on a sign face.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

- v. Audio speakers or any audio component is prohibited. The sign shall not emit any sound.
- vi. Every line of copy and graphics in a dynamic display shall be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.
- vii. Dynamic display signs must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must stop the dynamic display within one hour of being notified by the city that it is not meeting the standards of this article.
- viii. Brightness standards.
  1. The following brightness standards are required for all dynamic display signs:
    - a. No sign shall be brighter than is necessary for clear and adequate visibility.
    - b. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
    - c. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
  2. The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made within one hour upon notice of noncompliance from the city.
  3. All dynamic display signs installed after August of 2008 must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if the sign malfunctions, and the sign owner or operator must turn off the sign or lighting within one hour after being notified by the city that it is not meeting the standards of this section.
  4. Dynamic displays must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between a ½-hour before sunset and a ½-hour after sunrise.
  5. In addition to the brightness standards required above, dynamic display signs shall meet the city's outdoor lighting requirements (subsection 44-20(1)).
- ix. Reduction of sign surfaces for off-site dynamic display signs.
  1. A person or sign operator may obtain a permit for a dynamic display sign on one surface of an existing off-site sign if the following requirements are met:

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

- a. The applicant agrees in writing to reduce its off-site sign surfaces by one by permanently removing, within 15 days after issuance of the permit, one surface of an off-site sign in the city that is owned or leased by the applicant, which sign surface must satisfy the criteria of part b. of this subsection. This removal must include the complete removal of the structure and foundation supporting each removed sign surface. The applicant must agree that the city may remove the sign surface if the applicant does not do so, and the application must identify the sign surface to be removed and be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign surface voluntarily and that it has no right to compensation for the removed sign surface under any law. Replacement of an existing sign surface of an off-site sign with a dynamic display sign does not constitute a removal of a sign surface.
  - b. If the removed sign surface is one that a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign surface. The sign that is the subject of the dynamic display sign permit cannot begin to operate until the sign owner or operator provides proof to the city that the state permit has been surrendered.
2. If the applicant meets the permit requirements noted above, the city shall issue a dynamic display sign permit for the designated off-site sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every 15 seconds. The designated sign must meet all other requirements of this article.
- x. *Licensing.* No person shall operate any dynamic display sign in the city without first obtaining a yearly license as defined in the city licensing ordinance (article II).
  - xi. *Public safety.* If city staff determines that a dynamic display sign is not being operated pursuant to this section due to its location or display capabilities, city staff may require that the sign be moved, removed, or modified after notice to the property owner.
- b. *Zoning District Standards.* In addition to the general standards above, dynamic display signs shall adhere to the following district-specific requirements:
    - i. On-site dynamic display signs in conjunction with a permitted institutional or public use in the residential, LBC, CO, SC, and NC zoning districts are permitted subject to the following conditions:
      1. Dynamic display signs require approval of a comprehensive sign plan.
      2. All properties within 350 feet of a proposed dynamic display sign shall be notified of the application for a comprehensive sign plan.
      3. Dynamic display signs are only permitted on monument signs. The area around the base of the sign shall be landscaped.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

4. One dynamic display sign as part of a monument sign is permitted for each property. The entire monument sign shall not exceed eight feet in height and 50 square feet in size.
  5. The digital display portion of the sign shall not comprise more than 50 percent of the sign area. The remainder of the sign shall not have the capability to have a dynamic display.
  6. All monument signs with a digital display shall maintain at least a ten-foot setback from any lot line and shall not be placed in a public right-of-way. This setback shall be increased to 20 feet if the adjacent property is used or shown on the city's land use plan for residential use.
  7. The dynamic display shall not be illuminated between 10:00 p.m. and 6:00 a.m.
- ii. On-site dynamic display signs located in the Mixed use (MU) or North End (NE) zoning districts are allowed subject to the following conditions:
1. Dynamic display signs require approval of a comprehensive sign plan.
  2. One dynamic display sign as part of a monument sign is permitted for each property.
  3. The entire monument sign shall not exceed eight feet in height and 50 square feet in size.
    - a. The area around the base of the sign shall be landscaped.
    - b. The digital display portion of the sign shall not comprise more than 50 percent of the sign area. The remainder of the sign shall not have the capability to have a dynamic display.
  4. The monument sign with a digital display shall maintain at least a ten-foot setback from any lot line and shall not be placed in a public right-of-way. This setback shall be increased to 20 feet if the adjacent property is outside of the MU or NE districts and used or shown on the city's land use plan for residential use.
  5. The dynamic display shall not be illuminated between 10:00 p.m. and 6:00 a.m.
- iii. On-site dynamic display signs located in the business commercial (BC) or heavy or light industrial (M-2 and M-1) zoning districts:
1. Are allowed as part of a permanent freestanding sign, provided that the sign comprises no more than 50 percent of the total square footage of said sign face.
  2. Must be located at least 200 feet from any property where there are structures used for residential purposes or from any park or open space land use district.
  3. Must be located at least 100 feet from any side property line.
  4. Displays shall be maintained for a minimum of 15 seconds.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

**Secs. 44-740. Murals.**

- (1) Murals shall only be permitted within non-residential districts. A comprehensive mural plan is required for approval following the requirements of section 44-742 and shall meet the following standards:
- a. Murals shall be maintained in good repair, free from peeling paint or damage to age, weather, or vandalism. Removal of a mural must be accomplished by physical removal from a wall and/or by covering the mural completely with paint. The mural must be rendered completely invisible while maintaining the structural and architectural integrity of the structure.
  - b. Murals shall be composed of permanent materials and applied only to permanent surfaces. Murals may not be applied to any fabric or temporary surface.
  - c. Murals shall be allowed only on building facades that face a side or rear property line.
  - d. Murals with the following features shall not be allowed:
    - i. Moving parts, including solar-, wind-, or water-driven devices.
    - ii. Projections from the wall surface
    - iii. Words (in any language), symbols, or representations that are obscene, offensive, of a political nature, or are derogatory.
    - iv. Representations that imitate or appear to imitate any official traffic sign or device to direct the movement of traffic.
    - v. Colors that are predominantly fluorescent, metallic, or reflective.

**Secs. 44-741. Sign permits.**

- (1) If a sign requires a permit, the property owner shall secure the sign permit prior to the construction or major alteration of such a sign. No sign permit shall be issued for an existing or proposed sign unless such sign is in compliance with the requirements of this article.
- a. *Application.* The application to erect or alter any sign shall be in writing, using a current sign permit application, and signed by the owner or occupant of the building. The application shall specify the location, height, dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached and total square footage of the building. Applications shall be accompanied by the permit fee, a sketch of the sign, and any other facts the city requires for full information of the nature and safety of the proposal. An electrical permit is also required for all signs containing electrical wiring.
  - b. *Fees.* The city council shall set all sign permit fees annually.
  - c. *Time limits.*
    - i. All permits for the erection or alteration of signs shall be issued for the useful life of the sign. Minor alterations to an existing sign, including routine maintenance, painting, or refacing the copy, do not require a new sign permit.
    - ii. A sign permit shall become null and void if the work for which the permit was issued has not been completed within one year of the issuance or renewal.

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

- d. *Appeals.* When a sign permit under this article is denied, the administrator shall give notice to the applicant within 30 days of denial, together with reasons for denial. Appeals from the decisions of the administrator under the provisions of this article shall be made to the city council. Denial shall be based on noncompliance with this article.

**Secs. 44-742. Comprehensive sign or mural plan.**

- (1) A comprehensive sign or mural plan shall be provided for the following:
- a. Any non-residential property with five or more tenants on the site or any multiple-story buildings with two or more tenants in the building.
  - b. All permitted institutional or public uses.
  - c. All developments approved as a planned unit development.
  - d. Large campuses consisting of buildings and land of ten or more acres.
  - e. Shared signs that serve both the parcel on which they are placed and an adjacent parcel.
  - f. Murals.
  - g. Dynamic display wall signs (also refer to section 44-739 - dynamic display signs).
  - h. Long-term exemptions to temporary window and banner signs (also refer to section 44-737 - signs exempt from regulations in this section).
  - i. Temporary signs on park designated land in the Maplewood Comprehensive Plan (also refer to sections 44-737 and 44-738).
- (2) A comprehensive sign or mural plan request shall include the location, size, height, color, lighting, and orientation of all signs and/or murals. Requests for a comprehensive mural plan shall also include a design sketch and photos of the proposed site. Exceptions to the regulations of this article may be permitted as follows:
- a. For sign areas, densities, and dynamic display changeover rates for the plan as a whole if the signs are in conformity with the intent of this article
  - b. If the exception results in an improved relationship between the various parts of the plan,
  - c. If it encourages and promotes the removal of nonconforming signs through the use of shared signs,
  - d. If for long-term exemptions to temporary window and banner signs, the comprehensive sign plan shows that there are unusual circumstances with the request.
- (3) Comprehensive sign or mural plans shall be reviewed by the community design review board. The applicant, staff, and city council may appeal the community design review board's decision. An appeal shall be presented to the administrator within 15 days of the community design review board's decision to be considered by the city council.

**Secs. 44-743. Nonconforming signs.**

- (1) *Nonconforming permanent signs.* Nonconforming permanent signs lawfully existing on the effective date of this article shall be allowed to continue in use, but shall not be rebuilt, relocated or altered, other than minor alterations including routine maintenance, painting, or refacing the sign copy, without being brought into compliance with this

**PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
SEPTEMBER 12, 2023**

article. After a nonconforming sign has been removed, it shall not be replaced by another nonconforming sign.

**Secs. 44-744. Enforcement procedures.**

- (1) *Temporary signs.* The city shall send a notice to the owner of any illegal temporary sign or temporary sign in violation of this article and allow seven days for the owner to correct all ordinance violations or remove the sign. If the sign is not a safety hazard, the city shall allow 30 days for the owner to correct the violation. If the sign is a safety hazard the city shall take immediate action to end the hazard.
- (2) *Permanent signs.* The city shall send a notice to the owner of any permanent sign in violation of the provisions of this article. The notice shall require that the owner to correct all ordinance violations. If the sign is not a safety hazard, the city shall allow 30 days for the owner to correct the violation. If the sign is a safety hazard the city shall take immediate action to end the hazard.
- (3) *Abandoned signs.* The city shall send notice to the owner of the property on which any abandoned sign exists that violates the provisions of this article. The notice shall require that the owner correct all ordinance violations. If the sign is not a safety hazard, the city shall allow 30 days for the owner to correct the violation. If the sign is a safety hazard the city shall take immediate action to end the hazard.
- (4) *Removal of signs.* If the sign owner does not obey the city's orders, the city may remove or alter the sign at the owner's expense under the procedures of sections 18-36 through 18-38 (notice to abate). The city may remove illegal signs on a public right-of-way without notice. If the city removes a sign the city may sell or dispose of it if the owner does not reclaim the sign and pay any removal costs within 30 days of the sign's removal.
- (5) *Murals.* The city shall send a notice to the owner of any mural that is in violation with the provisions of this article. The article shall require the owner to correct all ordinance violations. The city shall allow 60 days for the owner to correct the violation. If the mural is failed to be removed and/or maintained, the city may cause the removal of the mural. The owner shall pay all expenses under the procedures of sections 18-36 through 18-38 incurred by the city for the removal.

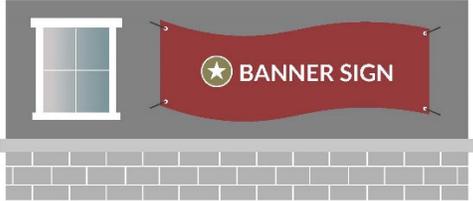
**Secs. 44-745—44-1050. Reserved.**

PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 8, 2023

ILLUSTRATIONS OF SIGN TYPES



*Awning/Canopy Sign*



*Banner Sign*



*Changeable Copy Message Board*



*Dynamic Display Sign*



*Ground Banner Sign*



*Monument Sign*

PLANNING COMMISSION REVIEW  
CHAPTER 44 – ZONING  
ARTICLE III. SIGN REGULATIONS  
OCTOBER 8, 2023



*Projecting Sign*



*Pylon Signs*



*Pylon Signs*



*Property Identification Sign*



*Wall Sign*



*Window Sign*

**THIS PAGE IS INTENTIONALLY LEFT BLANK**

## PLANNING COMMISSION STAFF REPORT

Meeting Date October 17, 2023

**REPORT TO:** Melinda Coleman, City Manager

**REPORT FROM:** Joe Rueb, Finance Director

**PRESENTER:** Joe Rueb, Finance Director

**AGENDA ITEM:** Capital Improvement Plan 2024-2028 Planning Commission

**Action Requested:**  Motion  Discussion  Public Hearing

**Form of Action:**  Resolution  Ordinance  Contract/Agreement  Proclamation

### **Policy Issue:**

The Capital Improvement Plan coordinates the planning, financing and timing of major equipment purchases and construction projects. By law, the Planning Commission must review the CIP. The City Council will consider the adoption of the CIP along with the 2024 budget in December. The role of the Planning Commission is to ensure that the projects included within the plan are in alignment with the Comprehensive Plan and other planning processes.

### **Recommended Action:**

Motion to approve the draft 2024-2028 Capital Improvement Plan.

### **Fiscal Impact:**

Is There a Fiscal Impact?  No  Yes, the true or estimated cost is \$62,972,442

Financing source(s):  Adopted Budget  Budget Modification  New Revenue Source  
 Use of Reserves  Other: N/A

### **Strategic Plan Relevance:**

Community Inclusiveness  Financial & Asset Mgmt  Environmental Stewardship  
 Integrated Communication  Operational Effectiveness  Targeted Redevelopment

### **Background:**

The City Council will hold a public hearing prior to adoption of the plan. The CIP will be available on the City's webpage.

### **Attachments:**

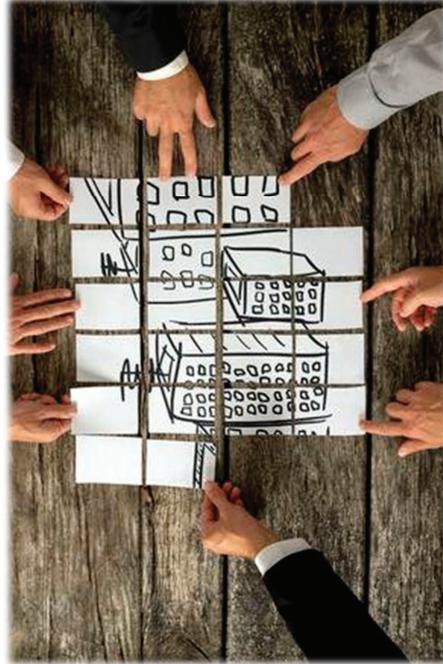
1. PowerPoint
2. List of CIP Projects by Department and Funding Source



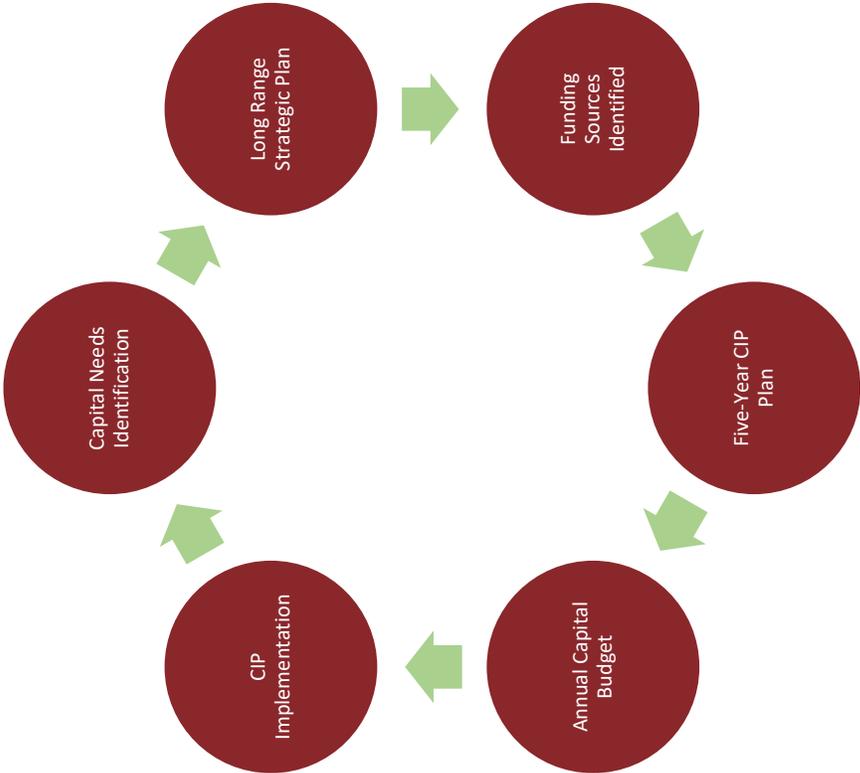
**Capital Improvement Plan Workshop**  
Planning Commission  
October 17, 2023

# Capital Improvement Plan Workshop Objectives

- Ensure projects are in alignment with comprehensive plan and other planning processes



# Capital Improvement Plan Process



# Capital Improvement Plan Financing

## Vehicles and Equipment

- Pay-as-you-go (PAYG)
- Tax exempt lease

## Building Improvements

- Building Funds
- Debt

## Streets and Infrastructure

- Debt
- Franchise Fees
- Local Government Aid
- Municipal State Aid

## Park Improvements

- Park Dedication Fees
- Debt

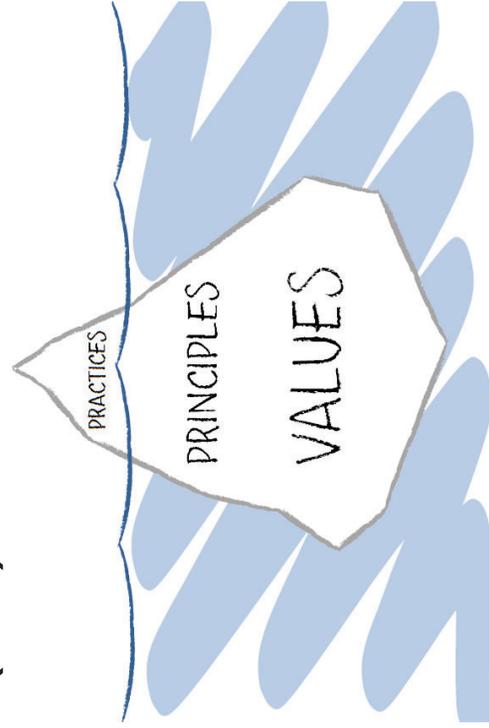
## Redevelopment

- Tax Increment Financing



# Capital Improvement Plan Guiding Principles

- Council Priorities
- Debt Reduction
- Street Improvements
- Leverage Local Government Aid (LGA)
- Pay-As-You-Go
- Sustainability
- Economic Development
- Balance



# 2024-2028 Capital Improvement Plan Timeline

- August 14, 2023 City Council Budget/CIP Workshop #1
- August 28, 2023 City Council Budget/CIP Workshop #2
- October 17, 2023 Planning Commission Hearing
- December 11, 2023 City Council CIP Hearing
- December 11, 2023 City Council CIP Adoption



# Purpose of the Capital Improvement Plan

- Capital Improvement Planning Document for 5 Years
  - Does not authorize expenditures
  - Council must authorize each item prior to spending
- Adoption Required to Issue Debt to Finance the Projects, § M.S. 475.521



# 2024–2028 Capital Improvement Plan

## Summary of CIP Projects by Category

Category	FY2024	FY2025	FY2026	FY2027	FY2028
Building	\$ 255,000	\$ 450,000	\$250,000	\$ 250,000	\$ 300,000
Equipment	\$2,791,000	\$1,284,540	\$1,131,090	\$1,241,756	\$2,617,922
Parks	\$1,425,000	\$1,565,000	\$399,000	\$165,000	\$250,000
Redevelopment	\$1,100,000	\$100,000	\$1,100,000	\$100,000	\$100,000
Street	\$10,920,000	\$10,037,134	\$11,170,000	\$9,090,000	\$4,880,000
<b>Total</b>	<b>\$16,491,000</b>	<b>\$13,436,674</b>	<b>\$14,050,090</b>	<b>\$10,846,756</b>	<b>\$8,147,922</b>



# 2024-2028 Street CIP Plans

- Proposed CIP Miles for 2024-2028
  - 17.29 Miles of Proposed Street Construction
    - 12.8% of City Streets

## • Spot Paving

- Temporary Fix Until a CIP Project is Implemented
- Provide Relief and Increased Level of Service
- Add Annual Spot Paving to Pavement Management Practices
- Recommend \$80,000/year from the SRF Fund



# 2024 Street CIP Projects

- Area A:
  - Maplewood Dr./Cypress Neighborhood Streets
  - 1.98 Miles
  - Average PCI: 36/100
- Area B:
  - East Shore Drive Area Neighborhood Streets
  - 2.33 Miles
  - Average PCI: 31/100



**Total Cost for 2024 Street Improvements = \$10,820,000**

**Total Miles of 2024 Street Improvements = 4.31**



# Other Major Projects 2024-2028

- Gladstone Redevelopment
- Park Upgrades
- Open Space Improvements
- Nature Center Improvements
- Facility Upgrades
- Lift Station Upgrades
- County Road C
- White Bear Ave/Larpenteur (Ramsey County)



# Planning Commission Considerations

- Do the Projects Conform with the Comprehensive Plan and other Planning Processes?
- 2024 Capital Improvement Projects



Questions?



Department	Request Title	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Administration	Broadcast Equipment	\$300,000.00					\$300,000.00
	<b>Total Administration</b>	<b>\$300,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$300,000.00</b>
Community Development	Housing Replacement Program	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$500,000.00
	Gladstone Redevelopment	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$2,000,000.00
<b>Total Community Development</b>		<b>\$1,100,000.00</b>	<b>\$1,100,000.00</b>	<b>\$1,100,000.00</b>	<b>\$1,100,000.00</b>	<b>\$1,100,000.00</b>	<b>\$2,500,000.00</b>
Fire	Automated CPR Device Replacement				\$150,000.00		\$150,000.00
	Self Contained Breathing Apparatus (SCBA) replacement						
	Ambulance Stretcher-Powerload Replacement	\$173,000.00					\$173,000.00
	Cardiac Monitor Replacement						
	Firefighter Turnout Gear Replacement					\$180,000.00	\$180,000.00
	South Fire Station-Station Alerting Improvement	\$95,000.00					\$95,000.00
	Fire Squad Replacements	\$62,000.00	\$65,000.00	\$68,000.00	\$71,000.00	\$74,000.00	\$340,000.00
	Police & Fire 800 MHz Radios Replacement	\$114,000.00	\$120,840.00	\$128,090.00	\$135,756.00	\$143,922.00	\$642,608.00
	Fire Engine Replacement	\$1,100,000.00				\$1,300,000.00	\$2,400,000.00
	Ambulance Replacement	\$282,000.00	\$287,000.00				\$569,000.00
<b>Total Fire</b>		<b>\$1,826,000.00</b>	<b>\$472,840.00</b>	<b>\$196,090.00</b>	<b>\$356,756.00</b>	<b>\$1,697,922.00</b>	<b>\$4,549,608.00</b>
Parks and Recreation	Solar Panels and Electric Vehicle Charging Station for Wakefield Building		\$100,000.00				\$100,000.00
	Hazelwood Park	\$550,000.00					\$550,000.00
	Picnic Shelters in Maplewood Area Neighborhoods	\$250,000.00		\$250,000.00			\$500,000.00
	Maplewood Nature Center Improvements		\$200,000.00				\$200,000.00
	Fish Creek Open Space		\$300,000.00				\$300,000.00
	Park Maintenance & Reinvestment		\$1,000,000.00				\$1,000,000.00
	Open Space Improvements	\$50,000.00	\$25,000.00	\$25,000.00	\$25,000.00		\$125,000.00
	Park Upgrades to Existing Parks	\$130,000.00	\$140,000.00	\$14,000.00	\$140,000.00		\$564,000.00
	Edgerton Community Garden Improvements	\$35,000.00					\$35,000.00
	Harvest Park Master Plan	\$300,000.00					\$300,000.00
<b>Total Parks and Recreation</b>		<b>\$1,315,000.00</b>	<b>\$1,765,000.00</b>	<b>\$289,000.00</b>	<b>\$165,000.00</b>	<b>\$140,000.00</b>	<b>\$3,674,000.00</b>
Police	Mobile Command Center	\$300,000.00					\$300,000.00
	Squad Replacement	\$275,000.00	\$275,000.00	\$275,000.00	\$275,000.00	\$300,000.00	\$1,400,000.00
<b>Total Police</b>		<b>\$575,000.00</b>	<b>\$275,000.00</b>	<b>\$275,000.00</b>	<b>\$275,000.00</b>	<b>\$300,000.00</b>	<b>\$1,700,000.00</b>
Public Works	Unit 620 Emergency Sewer Pump			\$70,000.00			\$70,000.00
	Unit 511 SUV						
	Unit 516 One Half Ton Truck						
	Unit 645 Half Ton Truck						
	Unit 541 One and One-Half Ton Dump Truck					\$100,000.00	\$100,000.00
	Unit 732 and Unit 737: Two Toolcat Work Machines						
	Unit 650 One and One-Half Ton Dump Truck					\$100,000.00	\$100,000.00
	Unit 643 One and One-half Ton Dump Truck						
	Unit 714 Street Sweeper						
	Unit 611 and Unit 531: Two 1/2 Ton Trucks		\$56,700.00				\$56,700.00
	Unit 654: Park Maintenance Machine			\$70,000.00			\$70,000.00
	Unit 653 and Unit 545: Two Park Maintenance Machines			\$140,000.00			\$140,000.00
	Unit 621 Half-Ton Truck			\$30,000.00			\$30,000.00
	Unit 623 CCTV Truck			\$300,000.00			\$300,000.00



Funding Source	Request Title	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Ambulance Fund	Automated CPR Device Replacement				\$150,000.00		\$150,000.00
	Ambulance Stretcher-Powerload Replacement	\$173,000.00					\$173,000.00
	Cardiac Monitor Replacement	\$282,000.00	\$287,000.00				\$569,000.00
	Ambulance Replacement	\$455,000.00	\$287,000.00	\$0.00	\$150,000.00	\$0.00	\$892,000.00
<b>Total Ambulance Fund</b>							
Building Fund	Park Maintenance Roof Replacement	\$160,000.00					\$160,000.00
	Municipal Facility Upgrades	\$160,000.00	\$250,000.00	\$250,000.00	\$250,000.00	\$300,000.00	\$1,050,000.00
<b>Total Building Fund</b>		\$160,000.00	\$250,000.00	\$250,000.00	\$250,000.00	\$300,000.00	\$1,210,000.00
Capital Improvement Fund	Solar Panels and Electric Vehicle Charging Station for Wakefield Building		\$50,000.00				\$50,000.00
	Park Upgrades to Existing Parks	\$130,000.00	\$140,000.00	\$14,000.00	\$140,000.00	\$140,000.00	\$564,000.00
	Police & Fire 800 MHz Radios Replacement	\$114,000.00	\$120,840.00	\$128,090.00	\$135,756.00	\$143,922.00	\$642,608.00
<b>Total Capital Improvement Fund</b>		\$244,000.00	\$310,840.00	\$142,090.00	\$275,756.00	\$283,922.00	\$1,256,608.00
City of St. Paul	2027 Maplewood Street Improvements				\$1,160,000.00		\$1,160,000.00
<b>Total City of St. Paul</b>		\$0.00	\$0.00	\$0.00	\$1,160,000.00	\$0.00	\$1,160,000.00
Communications Fund	Broadcast Equipment	\$300,000.00					\$300,000.00
<b>Total Communications Fund</b>		\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00
EDA Fund	Housing Replacement Program	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$500,000.00
<b>Total EDA Fund</b>		\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$500,000.00
Environmental Utility Fund	Solar Panels and Electric Vehicle Charging Station for Wakefield Building		\$50,000.00				\$50,000.00
	2028 Maplewood Street Improvements				\$1,795,900.00	\$550,000.00	\$550,000.00
	2027 Maplewood Street Improvements						\$1,795,900.00
	County Road B/I-35E Storm Water Improvements	\$100,000.00					\$100,000.00
	2025 Maplewood Street Improvements		\$1,443,000.00				\$1,443,000.00
	2024 Maplewood Street Improvements	\$2,156,000.00					\$2,156,000.00
	2026 Maplewood Street Improvements			\$2,077,000.00			\$2,077,000.00
	Pond Cleaning/Dredging Projects	\$110,000.00		\$110,000.00		\$110,000.00	\$330,000.00
<b>Total Environmental Utility Fund</b>		\$2,366,000.00	\$1,493,000.00	\$2,187,000.00	\$1,795,900.00	\$660,000.00	\$8,501,900.00
Fire Building Fund	South Fire Station-Station Alerting Improvement	\$95,000.00					\$95,000.00
<b>Total Fire Building Fund</b>		\$95,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$95,000.00
Fleet Fund	Unit 620 Emergency Sewer Pump			\$70,000.00			\$70,000.00
	Unit 511 SUV						
	Unit 516 One Half Ton Truck						
	Unit 645 Half Ton Truck						
	Unit 541 One and One-Half Ton Dump Truck					\$100,000.00	\$100,000.00
	Unit 732 and Unit 737: Two Toolcat Work Machines						
	Unit 650 One and One-Half Ton Dump Truck					\$100,000.00	\$100,000.00
	Unit 643 One and One-half Ton Dump Truck				\$0.00	\$100,000.00	\$100,000.00
	Unit 714 Street Sweeper				\$260,000.00		\$260,000.00
	Unit 611 and Unit 531: Two 1/2 Ton Trucks		\$56,700.00				\$56,700.00
	Unit 654: Park Maintenance Machine			\$70,000.00			\$70,000.00
	Unit 653 and Unit 545: Two Park Maintenance Machines			\$140,000.00			\$140,000.00
	Unit 621 Half-Ton Truck			\$30,000.00			\$30,000.00
	Unit 623 CCTV Truck			\$300,000.00			\$300,000.00



Ramsey County	Fish Creek Open Space	\$150,000.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00
<b>Total Ramsey County</b>		<b>\$0.00</b>	<b>\$150,000.00</b>					<b>\$0.00</b>	<b>\$150,000.00</b>
SRF Special Assessment	2028 Maplewood Street Improvements							\$1,045,469.00	\$1,045,469.00
	2027 Maplewood Street Improvements						\$1,139,031.00		\$1,139,031.00
	2025 Maplewood Street Improvements	\$1,322,801.00							\$1,322,801.00
	2024 Maplewood Street Improvements	\$1,698,378.00							\$1,698,378.00
	2026 Maplewood Street Improvements		\$1,832,250.00						\$1,832,250.00
<b>Total SRF Special Assessment</b>		<b>\$1,698,378.00</b>	<b>\$1,322,801.00</b>				<b>\$1,139,031.00</b>	<b>\$1,045,469.00</b>	<b>\$7,037,929.00</b>
Sanitary Sewer Fund	2028 Maplewood Street Improvements							\$313,000.00	\$313,000.00
	2027 Maplewood Street Improvements					\$846,400.00			\$846,400.00
	2025 Maplewood Street Improvements	\$608,000.00							\$608,000.00
	2024 Maplewood Street Improvements	\$729,500.00							\$729,500.00
	2026 Maplewood Street Improvements		\$802,000.00						\$802,000.00
	Lift Station Upgrade Program	\$20,000.00	\$20,000.00				\$20,000.00	\$20,000.00	\$100,000.00
<b>Total Sanitary Sewer Fund</b>		<b>\$749,500.00</b>	<b>\$628,000.00</b>			<b>\$866,400.00</b>	<b>\$20,000.00</b>	<b>\$333,000.00</b>	<b>\$3,398,900.00</b>
St. Paul Regional Water	2028 Maplewood Street Improvements							\$271,200.00	\$271,200.00
	2027 Maplewood Street Improvements					\$1,000,800.00			\$1,000,800.00
	2025 Maplewood Street Improvements	\$648,000.00							\$648,000.00
	2024 Maplewood Street Improvements	\$325,500.00							\$325,500.00
	2026 Maplewood Street Improvements		\$254,700.00						\$254,700.00
<b>Total St. Paul Regional Water</b>		<b>\$325,500.00</b>	<b>\$648,000.00</b>			<b>\$1,000,800.00</b>	<b>\$254,700.00</b>	<b>\$271,200.00</b>	<b>\$2,500,200.00</b>
Street Revitalization Fund	2028 Maplewood Street Improvements							\$745,031.00	\$745,031.00
	2027 Maplewood Street Improvements					\$761,469.00			\$761,469.00
	2025 Maplewood Street Improvements	\$1,937,639.00							\$1,937,639.00
	2024 Maplewood Street Improvements	\$658,082.00							\$658,082.00
	2026 Maplewood Street Improvements		\$972,450.00						\$972,450.00
<b>Total Street Revitalization Fund</b>		<b>\$658,082.00</b>	<b>\$1,937,639.00</b>			<b>\$761,469.00</b>	<b>\$972,450.00</b>	<b>\$745,031.00</b>	<b>\$5,074,671.00</b>
Water Area Fund	2028 Maplewood Street Improvements							\$178,000.00	\$178,000.00
	2027 Maplewood Street Improvements					\$434,000.00			\$434,000.00
	2025 Maplewood Street Improvements	\$347,800.00							\$347,800.00
	2024 Maplewood Street Improvements	\$458,900.00							\$458,900.00
	2026 Maplewood Street Improvements		\$323,200.00						\$323,200.00
<b>Total Water Area Fund</b>		<b>\$458,900.00</b>	<b>\$347,800.00</b>			<b>\$434,000.00</b>	<b>\$323,200.00</b>	<b>\$178,000.00</b>	<b>\$1,741,900.00</b>
<b>Total Funding Sources</b>		<b>\$16,491,000.00</b>	<b>\$13,436,674.00</b>			<b>\$14,050,090.00</b>	<b>\$10,846,756.00</b>	<b>\$8,147,922.00</b>	<b>\$62,972,442.00</b>

**THIS PAGE IS INTENTIONALLY LEFT BLANK**