



**AGENDA – REGULAR MEETING**  
**6:00 p.m., October 21, 2019**

**Planning Commission**

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. APPROVAL OF AGENDA** (Unanimous additions required)
- 4. APPROVAL OF MINUTES**

Planning Commission Minutes of September 19, 2019

- 5. PUBLIC COMMENTS**
- 6. PUBLIC HEARINGS**

Amend Zoning Code in accordance with 2040 Comprehensive Plan Update

- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 10. ADJOURNMENT**

**OSSEO PLANNING COMMISSION MINUTES  
REGULAR MEETING  
September 16, 2019**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Plzak at 6:00 pm, Monday, September 16, 2019.

2. OATH OF OFFICE FOR NEW PLANNING COMMISSION MEMBERS

Abts administered the Oath of Office to new Planning Commission Members Dan Penny and Ashlee Thostenson. A round of applause was offered by all in attendance.

3. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Michael Olkives, Dan Penny, Ashlee Thostenson, Alden Webster, and Chair Barbara Plzak

Absent: None.

Others present: James Kelly, Preston Kroska, Harold E. Johnson, and City Planner Nancy Abts.

4. APPROVAL OF AGENDA

**A motion was made by Bonn, seconded by Burke, to approve the Agenda as presented. The motion carried 7-0.**

5. APPROVAL OF MINUTES

A. Approve August 19, 2019, Minutes

**A motion was made by Burke, seconded by Thostenson, to approve the August 19, 2019, minutes. The motion carried 7-0.**

6. PUBLIC COMMENTS

Chair Plzak advised this is the time for public comments for items that are not on the agenda for tonight's meeting. There were no comments from the public.

James Kelly, 624 Third Avenue NE, stated when it comes to New Business he asked if the public had opportunity to join in the conversation. Chair Plzak explained this did not typically occur.

Mr. Kelly commented on the preliminary zoning code update information. He expressed concern with the current minimum lot size in the R-1 District and the number of existing nonconforming lots under this requirement.

7. PUBLIC HEARINGS

a. Conditional Use Permit Amendment for Osseo Gun Club at 22 4<sup>th</sup> Street NW

Abts stated the Osseo Gun Club has asked that the restriction limiting hours of operation be removed from the CUP. City Staff, including representatives from the Osseo Police Department, have reviewed the request and believe it is reasonable. Staff recommend replacing Condition 19 above with the following statement:

19. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:
  - a. Noise arising from the use should not constitute a Public Nuisance Affecting Peace and Safety as defined in Osseo City Code § 93.18.

Olkives asked if the Osseo Gun Club would still have posted regular hours. Abts stated it was her understanding this was their general intent.

**A motion was made by Bonn, seconded by Webster, to open the Public Hearing. The motion carried 7-0.**

Jeanine Gill, President and Owner of the Osseo Gun Club, thanked the Commission for their consideration. She noted the gun club would be sticking to its regular hours of operation but would appreciate having extended hours for special groups.

Bonn questioned if the Osseo Gun Club had ever received any noise complaints. Ms. Gill reported there have been no noise complaints.

Burke inquired if the change in hours would create parking concerns. Ms. Gill stated this would not be the case because the Osseo Gun Club had its own parking lot.

Webster reported he has walked by the Osseo Gun Club hundreds of times in the last five years and has not heard any noise from the street.

Preston Kroska, 601 Second Avenue NE, commented the City allows roofers and contractors to begin working at 7:00 a.m. He supported allowing the gun club to begin operation at the same time.

Plzak reported when the City first approved this use an abundance of caution was written into the conditions for approval.

**A motion was made by Olkives, seconded by Bonn, to close the public hearing at 6:43 p.m. The motion carried 7-0.**

**A motion was made by Olkives, seconded by Webster, to approve the CUP Amendment request for the property at 22 4<sup>th</sup> Street NW with the following Conditions of Approval. The motion carried 7-0.**

1. The Developer shall construct the firearms shooting range in accordance with federal, state, and local building codes relating to firing ranges;

2. The Developer shall include key components in the construction of the firearms shooting range in accordance with federal law enforcement grade firing range standards;
3. The Developer shall construct the building with approved building materials in accordance with Osseo Code §153.053;
4. The Developer shall construct the building using approved construction standards in accordance with Osseo Code §153.055;
5. Windows shall be included along the west façade of the building in an attempt to visually break up overall length of the wall along 1st Avenue NW;
6. A minimum of a four (4) foot green space shall be included along the west façade of the building in an attempt to visually break up the overall length of the wall along 1st Avenue NW;
7. A minimum of eighteen (18) trees shall be included on the project site in accordance with Osseo Code §153.057(1)(a);
8. A minimum of thirty-two (32) off-street, on-site parking stalls shall be included;
9. All parking stalls shall be constructed in accordance with Osseo Code §153.078 for design and maintenance;
10. A storm water mitigation plan shall be submitted to the City for review and subject to the approval of the Osseo City Engineer;
11. A landscape plan shall be submitted to the City for review and subject to the approval of the Osseo City Planner;
12. A final site plan shall be submitted to the City for review and subject to the approval of the Osseo City Planner, Osseo City Engineer, and the Osseo Building Inspector;
13. A fire suppression plan shall be submitted to the City for review and subject to the approval of the Osseo Fire Marshal and the Osseo Building Inspector;
14. All on-site lighting shall be shielded from adjacent properties;
15. The existing decorative light poles along 1st Avenue NW shall remain in place;
16. The Developer shall make every attempt to limit any audible noise as a result of the business and/or any onsite mechanical equipment from the adjacent residential areas;
17. The Developer shall maintain the current public sidewalks along 1st Avenue NW and 4th Street NW, or, as a result of damage during construction, shall construct new five (5) foot wide sidewalks along 1st Avenue NW and 4th Street NW;
18. All firearms not in use in firing range stalls shall be unloaded and properly cased at all times in accordance with Minnesota laws;
19. The hours of operation shall be no earlier than 9 a.m. Monday through Saturday, no earlier than 10 a.m. on Sunday, no later than 9 p.m. Monday through Saturday, and no later than 6 p.m. on Sunday;
20. The facility shall have an adequate security system to prevent theft of guns and ammunition.

B. Variance for Additional Signage at 337 County Road 81

Abts stated the property located at 337 County Road 81 is owned by Jason D MacDonald LLC. The LLC is considered In Good Standing by the Minnesota Secretary of State. The property is currently used by Prime Hail Repair, an automotive dent repair company from Denver, Colorado.

Abts commented under the new sign ordinance, the property is allowed 172 square feet of signage. Under the previous ordinance, the signs allowed for this property would have been a 62 square feet of wall sign (which was used on the property when The Tire Guy occupied the building), and a freestanding monument or pylon sign of up to 75 square feet, for a total of 137 square feet of signage. The new ordinance allows an additional 35 square feet of signage for the property.

Abts reported Prime Hail Repair has requested two wall signs, each 84 square feet for a total of 168 square feet of Class A signage, and a non-moving trailer functioning as an additional 152 square feet Class B of signage. This request would require a variance to allow an additional 47.6 square feet of Class A and 109 square feet of Class B signage, than would otherwise be permitted. Staff reviewed the three-factor test for granting a variance and recommended the Commission deny the variance request.

**A motion was made by Olkives, seconded by Burke, to open the Public Hearing. The motion carried 7-0.**

Olkives asked if the business was using this property on a temporary basis. Abts reported this was the case. She explained that if a variance were approved, however, it would remain with the property indefinitely.

Olkives stated the property already has a trailer on it with noticeable signage.

Plzak questioned if the trailer would have to be moved if the City were to deny the variance request. Abts reported this would be the case. Councilmember Johnson clarified there was also signage on the building.

**A motion was made by Bonn, seconded by Webster, to close the public hearing at 6:24 p.m. The motion carried 7-0.**

**A motion was made by Olkives, seconded by Webster, to recommend denial of the Variance request with findings of fact as follows. The motion carried 7-0.**

1. The limit on the amount of signage for the property does not prevent the property from the reasonable use (auto dent removal) occurring.
2. Although the property is uniquely small for the district where it is located, the application for a variance indicates additional signage is needed because the property has been vacant. Vacancy is not an inherent property characteristic not caused by the landowner.
3. Because of the property's small size, granting an extra 40 percent of Class A signage and an extra 300 percent Class B signage for a small area would impact the essential character of the surroundings.

8. OLD BUSINESS – None

9. NEW BUSINESS

A. Review Preliminary Zoning Code Update Information

Abts explained under Minnesota State Statute, a City's zoning ordinance should "carry out the policies and goals of the land use plan" (MN Statute 462.357 Subd. 2). As such, all cities that update their land use plans must then follow up with necessary revisions to the zoning ordinance to bring zoning controls into alignment with the goals and policies of the adopted comprehensive plan. Osseo began this process last month in coordination with planning consultants from WSB & Associates. Staff reviewed the proposed updates that would be made to code further with the Commission.

Bonn requested comment on the small lot size concern that was raised by Mr. Kelly. Abts explained approximately one-third of the residential lots in Osseo were a non-conforming size.

Olkives suggested the minimum lot size standard be reduced if one-third of the homes in the city were on a lot that was smaller than 8,500 square feet.

Further discussion ensued regarding setbacks, minimum lot sizes and what percentage of a lot could be covered with hard surface. The Commission supported exploring future administrative options to increase impervious area on residential lots.

Abts stated staff would like to see the maximum height for R-2 buildings lowered to 55 feet or four stories.

Bonn feared that this may limit future development in Osseo.

Burke and Olkives agreed.

Plzak indicated she would like to see downtown Osseo remain one and two stories in order to maintain the unique characteristics of this historical district.

Thostenson, Bonn, and Penny agreed.

Olkives stated he could support the downtown district building height moving from 35 to 45 feet.

Abts discussed the minimum lot sizes and proposed setbacks with the Commission.

Olkives commented he would also support reducing the minimum square footage for Highway Commercial lots from 15,000 to 7,200.

Plzak indicated she would also support reduced setbacks for all sides of a lot.

Abts discussed the recommendations for the Industrial district.

Plzak questioned why WSB was recommending no warehousing in this district. Abts reported this may have to do with jobs and noted warehousing was not known for creating high paying jobs.

Bonn supported Osseo having more manufacturing than warehousing.

Olkives commented he could support raising building height in the Industrial district.

Burke indicated she did not support limiting manufacturing companies from storing materials onsite.

Plzak agreed with this recommendation and suggested warehousing be allowed as an accessory use to a business, but not be allowed as a standalone use.

Abts commented on a new edge mixed-use zoning district being proposed by staff. The Commission responded favorably to the preliminary information.

Burke questioned where this zoning district would be located. Abts reviewed the parcels being recommended for rezoning to mixed-use.

Plzak asked if the City would ever consider allowing a coffee shop in Celtic Crossing. Abts commented this would be easier for the City to consider if a mixed-use zoning district were created. It may be possible to rezone these properties to the new district.

The Commission supported the new edge mixed-use zoning district concept.

Preston Kroska, 601 Second Avenue NE, asked if the edge mixed-use zoning would be put into effect after a property sold. Plzak commented the Commission was discussing this new zoning district on a very preliminary basis and those things have yet to be determined. Abts commented on the grandfathering process the City has followed in the past for zoning districts that have changed.

Mr. Kroska questioned if any buildings in downtown Osseo had been designated as historical structures. Abts reported there were no locally-designated historic structures, although the 1915 Water Tower is listed on the National Register of Historic Places.

#### 10. REPORTS OR COMMENTS: Staff, Chair & Commission Members

Abts invited the public to attend a Tree Care Open House on Monday, September 23<sup>rd</sup> from 4:00 p.m. to 6:00 p.m. at the Fire Department Meeting Room.

Olkives congratulated the Osseo Football team on their recent victory over Anoka.

Webster welcomed Thostenson and Penny to the Planning Commission. He invited residents to take in the local Osseo fall sports.

Bonn encouraged residents to attend the last two Osseo Farmer's Markets which would be held on Tuesday, September 17<sup>th</sup> and Tuesday, September 24<sup>th</sup>.

11. ADJOURNMENT

**A motion was made by Webster, seconded by Thostenson, to adjourn the meeting at 7:23 pm. The motion carried 7-0.**

Respectfully submitted,

Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*



## Osseo Planning Commission Meeting Item

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**Agenda Item:** Public Hearing for Zoning Code Amendments

**Meeting Date:** October 21, 2019

**Prepared by:** Nancy S. Abts, AICP, City Planner

**Attachments:** Public Hearing Notice  
Zoning Code 'Markup' showing proposed changes  
Summary Presentation highlighting proposed changes  
Memo from WSB regarding PI District  
Memo from WSB regarding dimensional standards  
Zoning excerpt from Comprehensive Plan

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**Policy Consideration:**

Hold a public hearing on proposed amendments to the Zoning Code.

**Previous Action or Discussion:**

A preliminary schedule for completing these updates was proposed in August:

August 19	<u>Planning Commission</u>	Provide initial input on Code Updates
September 16	<u>Planning Commission</u>	Review initial information on Code Updates
October 21	Planning Commission	Public Hearing on Code Updates
November 12	City Council	1 <sup>st</sup> Reading (including any revisions)
November 25	City Council	2 <sup>nd</sup> Reading & adoption

Previously, the Planning Commission held a preliminary discussion of work to implement the Comprehensive Plan at their April 15, 2019 meeting. Following direction from the City Administrator, additional work on Comprehensive Plan implementation was paused until adoption of the Plan.

On July 24, 2019, the Metropolitan Council reviewed and accepted Osseo's 2040 Comprehensive plan, and authorized the City to put the plan into effect. The Osseo City Council approved submitting the Comprehensive Plan to the Metropolitan Council on November 26, 2018, and adopted the 2040 Comprehensive Plan Update on August 12, 2019.

**Budget or Other Considerations:**

Some of the cost savings comes from having WSB attend only one Planning Commission and one City Council meeting for these conversations, instead of all three meetings where updates would be adopted.

**Background:**

Under Minnesota State Statute, a city's zoning ordinance should "carry out the policies and goals of the land use plan" (MN Statute 462.357 Subd. 2). As such, all cities that update their land use plans must then follow up with necessary revisions to the zoning ordinance to bring zoning controls into alignment with the goals and policies of the

adopted comprehensive plan. Osseo began this process this summer in coordination with planning consultants from WSB & Associates.

#### Dimensional Standard Review

Points of discussion around dimensional standards in existing districts are listed by district:

##### *R-1: One and Two Family Residential*

After discussion at last month's Planning Commission meeting, no changes are proposed.

##### *R-2: High-Density Residential*

After discussion at last month's Planning Commission meeting, no changes are proposed.

##### *CBD: Central Business District*

After discussion at last month's Planning Commission meeting, increasing the building height maximum from 35 to 45 feet is proposed. The increased height will better accommodate 3-story buildings.

##### *C2-Highway Commercial North & South*

After discussion at last month's Planning Commission meeting, decreasing the minimum lot size from 15,000 to 7,200 square feet is proposed. Reducing minimum lot dimensions is also suggested. For Width, 50 feet is proposed (reduced from 90). Front & Corner Side Yard setbacks are proposed to be 20 feet (down from 45), and Accessory Side/Rear Yard setbacks are proposed to be 10 feet (down from 20).

##### *M-Manufacturing and Industrial*

After discussion at last month's Planning Commission meeting, reducing minimum lot dimensions is suggested. Front & Corner Side Yard setbacks are proposed to be 20 feet (down from 50), and Accessory Side/Rear Yard setbacks are proposed to be 10 feet (down from 35).

#### Edge Mixed Use Zoning

A new 'Edge Mixed Use' zoning is proposed. This district would be applicable for certain redevelopment areas guided as "Edge Mixed Use" in the Comprehensive Plan. Overall, this new district is intended to allow certain types of development to take place without requiring the extensive negotiation and approvals process needed for a PUD. Projects would still undergo a standard Site/Building Plan Approval required for all development other than 1- and 2-family homes. (Development that doesn't meet the district requirements might proceed under a PUD.) This zoning is somewhat of a hybrid of the Central Business District and High-Density Residential District. However, unlike the CBD, it allows ground-floor residential by right. Unlike the R2 district, it allows some commercial uses by right.

Other features of the district include:

- A minimum of 3 dwelling units per residential structure
- A minimum and maximum front yard setback (to ensure consistency between buildings)
- Development substantially consistent with Osseo's Architectural Design Guidelines
- Limits on the amount of commercial space allowed by right in mixed-use buildings (larger commercial spaces are Conditional Uses)
- A height bonus for providing the "open space" or "park-like amenities" the land use guidance calls for
- Lower off-street parking requirements than R2 (1 space per dwelling unit, rather than 1.75) and no parking required for the first 3,000 square feet of commercial space
- Bicycle parking required (could apply just to this district, or citywide).

Many of the areas guided for Edge Mixed Use are located along the future Crystal Lake Regional Trail alignment along County Road 81 or the planned multiuse trail along County Road 30.

### Interim Use Permits

In addition to the updates identified in the Comprehensive Plan, staff is proposing updating City Code to allow Interim Uses. Interim Uses are somewhat similar to Conditional Uses, but are allowed to terminate at a certain date or if other conditions change. Unlike Conditional Permits, there does not necessarily need to be a permit violation or a discontinued use in order for an Interim Use to be removed from a property; an interim use may expire.

### Alternative Energy Systems

The Comprehensive Plan calls for Osseo to address solar energy in the zoning ordinance. The model ordinance for Alternative Energy Systems provided by WSB also has sections on Geothermal Heat Pumps and Wind Energy Systems. These sections are included for Planning Commission review.

In general, low-impact Alternative Energy Systems are proposed as allowed accessory uses in all Zoning Districts, subject to the limitations on size, location, and suitability laid out in the ordinance.

This ordinance has been in place in the City of North Saint Paul for several years. Their staff report a positive response and modest utilization of the systems. (A handful of properties have installed alternative energy systems since the ordinance was adopted.)

### Miscellaneous Updates

Some general miscellaneous/clerical updates are also proposed to the Zoning Ordinance, primarily to clarify requirements that already exist in code. Some reduced restrictions on Home Occupations are suggested, as are updated minimum dimensions for parking areas.

### **City Goals Met By This Action:**

- 4) Improve the City's aging and deteriorating infrastructure
- 5) Continue to give Staff the necessary tools to do their jobs effectively and efficiently
- 6) Update City policies
- 10) Develop and implement the Comprehensive Plan
- 14) Promote a healthy and high quality standard of living

### **Recommendation/Action Requested:**

Commission members should hold a public hearing to receive input on the proposed changes. A formal vote is required to both open and close the hearing.

Following the public hearing, the Commission should discuss the changes and vote on a recommendation.

### **Options:**

Following the public hearing, the Planning Commission may choose to:

1. Recommend the City Council approve the proposed changes to the zoning ordinance;
2. Recommend the City Council approve the proposed changes to the zoning ordinance with noted changes/as amended;
3. Recommend the City Council deny the proposed changes to the zoning ordinance;
4. Table action on this item for more information.

### **Next Step:**

Following the public hearing and Planning Commission review, the City Council will consider changes to the code. New or updated ordinances typically are read at two Council meetings before they are adopted.



## City of Osseo

415 Central Avenue  
Osseo, MN 55369-1195

P 763.425.2624 F 763.425.1111

[www.DiscoverOsseo.com](http://www.DiscoverOsseo.com)

# NOTICE

## Planning Commission Public Hearing

**APPLICANT:** City of Osseo

**REQUEST:** Amend City Code Chapter 153: ZONING in accordance with 2040 Comprehensive Plan Update. Amendments creating a new zoning district in support of Edge Mixed Use Land Use Guidance are proposed, as well as amendments to lot sizes, setbacks, and building height requirements citywide. Sections to define and allow Interim Uses and Accessory Alternative Energy Systems are proposed. General clerical updates are also incorporated throughout the chapter.

**LOCATION OF IMPACT:** Citywide

**TIME OF HEARING:** Monday, October 21, 2019 at 6:00 p.m. – City Hall Council Chambers

**HOW TO PARTICIPATE:**

- 1) You may attend the hearing and state your comments;
- 2) You may send a letter before the hearing to the City of Osseo, 415 Central Avenue, Osseo, MN 55369 or fax to 763-425-1111; or
- 3) You may send an email to [nabts@ci.osseo.mn.us](mailto:nabts@ci.osseo.mn.us)

If you want your comments to be made part of the public record, your letter, email, or fax must state your first and last name and your address. Thank you in advance for your cooperation.

**ANY QUESTIONS:** Please contact City Planner Nancy Abts at 763-425-1454

You may visit City Hall (415 Central Avenue) during business hours to discuss the proposal, or visit our website after October 17, 2019 at <http://www.discoverosseo.com/departments/planning-commission/>

**Publication Date:** The Press (October 10, 2019)

## CHAPTER 153: ZONING

### GENERAL PROVISIONS

#### § 153.001 TITLE.

This chapter shall be known, cited, and referred to as the city's Zoning Code, except as referred to herein, where it shall be known as this chapter.

(1997 Code, § 25.01) (Ord. passed 11-14-1994)

#### § 153.002 PURPOSE.

The purpose of this chapter is to:

- (A) Protect the public health, safety, comfort, convenience, and general welfare;
- (B) Promote orderly development of residential, commercial, industrial, institutional, and recreational areas of the city;
- (C) Divide the area within the city into zones and districts regulating the location, construction, reconstruction, alteration, and use of structures and land as well as regulating the bulk of structures in relationship to surrounding properties;
- (D) Protect and improve the quality of unique natural resources;
- (E) Preserve and protect property values;
- (F) Provide for the administration of this chapter and define the powers and duties of the administering officer as provided hereinafter; and
- (G) Prescribe penalties for the violation of the provisions in this chapter or any amendment thereto.

(1997 Code, § 25.02) (Ord. passed 11-14-1994)

#### 153.00X RELATIONSHIP TO COMPREHENSIVE PLAN.

It is the policy of the city that the enactment, amendment, and administration of this chapter be accomplished with due consideration of the policies and recommendations contained in the Osseo comprehensive plan as amended from time to time by the city council.

#### § 153.003 JURISDICTION; ANNEXATIONS.

#### § 153.004 AUTHORITY.

#### § 153.005 APPLICATION; MINIMUM REQUIREMENTS; COMPLIANCE REQUIRED.

#### § 153.006 GREATER RESTRICTIONS.

#### § 153.007 ESSENTIAL SERVICES.

#### § 153.008 INTERPRETATIONS.

In construing this chapter, the following rules of construction shall govern, unless their observance would involve a construction inconsistent with the manifest intent of the Council, or be repugnant to the context of this chapter.

**Commented [NA1]:** Available in its entirety at via [http://library.amlegal.com/nxt/gateway.dll/Minnesota/osseo\\_mn/cityofosseominnesotacodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:osseo\\_mn](http://library.amlegal.com/nxt/gateway.dll/Minnesota/osseo_mn/cityofosseominnesotacodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:osseo_mn)

or

[www.discoverosseo.com/departments/city-council/city-code/](http://www.discoverosseo.com/departments/city-council/city-code/)

**Commented [NA2]:** No changes.

(A) Words used in the present tense shall include the past and future tenses, and the future tense shall include the present.

(B) Words in the singular shall include the plural, and the plural shall include the singular.

(C) The word shall is mandatory, and the word may is permissive.

(D) The use of one gender shall include all other genders.

(E) References herein to the Administrator, ~~Zoning Officer~~, Planner, Assessor, Engineer, Building Officer, ~~City Administrator~~, ~~City Clerk~~, or Treasurer shall mean the person who then holds that position in the city, unless otherwise expressly stated.

(F) The use of the phrase “used for” shall include the phrases “designed for,” “intended for,” “improved for,” “maintained for,” “offered for,” and “occupied for.”

(G) Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and others as have acquired a special meaning, or are defined in this chapter, shall be construed according to that special meaning or their definition.

(H) References in this chapter to this chapter or to another city ordinance or code provision, whether or not by specific number, shall mean this chapter, and the referred-to ordinance or code provision, as it is in force as of the effective date of this chapter, and as it may from time to time thereafter be amended and modified, and shall also mean and include any ordinances that may supersede or be substituted for the ordinance or code provision so referred to.

(I) All measured distances expressed in feet shall be rounded to the nearest tenth of a foot.

(1997 Code, § 25.03) (Ord. passed 11-14-1994)

#### § 153.009 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUTTING.** Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way, or navigable waters.

**ACCESSORY BUILDING OR USE.** A subordinate building or use, attached or detached, which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of that building or main use. A building or use subordinate to and serving the principal building or use on the same lot, attached or detached, and clearly and customarily incidental thereto.

**ACCESSORY DWELLING UNIT.** A dwelling unit that is located on the same lot as a one-family detached dwelling to which it is accessory to and subordinate in size. An accessory dwelling unit may be within or attached to the one-family dwelling, or in a detached accessory building on the same lot.

**ACCESSORY STRUCTURE.** A subordinate building or other subordinate structure, including but not limited to detached garages, sheds, gazebos, or swimming pools, the use of which is clearly subordinate or accessory to the principal use of the building or property.

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**Commented [NA3]:** I would like to number the individual definitions so that they can be more easily referenced. However, convention is to use capital letters for Level 1 subdivisions of a section. Perhaps there's a way to make all of the individual definitions a Level 2 item instead.

**ADDITION.** A physical enlargement of an existing structure.

▼ **ADMINISTRATOR.** The officer, duly authorized deputy, or other person charged with the administration and enforcement of this chapter.

▼ **ALLEY.** A public right-of-way which affords a secondary means of access to abutting property, not to exceed 30 feet in width at its intersection with a street.

**ALTERATION.** Any change in the size, shape, character, or use of a building or structure; or any change made to a sign; but shall not include routine maintenance, painting, or change of copy of an existing sign.

**ANTENNAE.** Equipment located on the exterior of or outside of a building or structure used for transmitting or receiving radio, television, or telecommunication signals.

**APARTMENT.** See **DWELLING UNIT**.

**APARTMENT BUILDING.** See **DWELLING, MULTIPLE-FAMILY**.

**APPLICANT.** Unless otherwise specified, an owner or agent for the owner, including a subdivider, developer, attorney, or similar representative who has filed an application for development or sign approval with the city.

**APPLICATION.** The process by which the owner, or their agent, of a parcel of land within the city submits a written request for any type of development or sign approval.

▼ **AUTO REDUCTION YARD.** A lot or yard where three or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment.

**AUTOMOBILE DETAILING.** Any facility that provides extensive vehicle cleaning in exchange for a fee or as part of a service to customers, including but not limited to the use of vacuums, shampoos and other cleaning products, steam cleaners, and manual detailed cleaning inside and outside the vehicle.

**AUTOMOBILE REPAIR, MAJOR.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; including body work, frame work, and major painting service.

**AUTOMOBILE REPAIR, MINOR.** Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under the definition of automobile repair, major.

**AUTOMOBILE SERVICE STATION.** Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, or minor accessories, minor automobile repairs, and greasing or washing of individual automobiles. When sales, services, and repairs as detailed here are offered to the public, the premises will be classified as a **public garage**. **AUTOMOBILE SERVICE STATIONS** shall not include the sale or storage of vehicles; shall not include premises offering major automobile repairs, automobile wrecking, or detached car washes.

**Deleted:** **ADDRESS SIGN.** A sign communicating street address only, whether in script or in numerical form.¶

**Deleted:** .

**Deleted:** **ADVERTISING SIGN.** A billboard, poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premises on which the sign is located. For purposes of this chapter, a sign posted no more than 120 hours in any eight-day period shall not be considered an **ADVERTISING SIGN**.¶

**Deleted:** **AREA IDENTIFICATION SIGN.** A sign which identifies the name of a shopping center consisting of three or more separate business concerns, a singular freestanding commercial or institutional building 50,000 square feet or larger, an industrial building in excess of 100,000 square feet, an industrial area, an office or institutional complex consisting of three or more buildings, or any combination of the above. An **AREA IDENTIFICATION SIGN** shall contain no advertisement, except on a reader board.¶

**AUTOMOBILE WASHING (CAR WASH).** Any facility that provides an area for washing and cleaning of motor vehicles using water, whether it be automated or self-serve, in exchange for a fee or as part of a service to customers and may include vacuums.

**AUTOMOBILE WRECKING.** See **JUNK YARD**.

**AWNING.** A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded, or collapsed against the face of a supporting building.

**BASEMENT.** The portion of a building having more than one-half of the clear floor-to-ceiling height below the average level of the adjoining finished grade. A **BASEMENT** shall be counted as a story when the ceiling of the **BASEMENT** extends more than five feet above the highest level of the adjoining finished grade; otherwise it shall not be counted as a story.

**BILLBOARD.** See **OFF-PREMISE SIGN**.

**BLOCK.** A tract of land bounded by streets, highways, expressways, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the city.

**BOARD.** The Zoning Board of Appeals.

**BOARDING HOUSE.** A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed eight persons.

**BROADCASTING ANTENNA, RADIO AND TELEVISION.** Commercial or public broadcasting towers over 200 feet in height, or more than one tower in each installation of any height, or accessory use non-commercial towers of any height if not located on the same lot or parcel as the principal use.

**BUILDABLE AREA.** The space remaining on a zoning lot after the minimum setbacks and open space requirements of this chapter are met.

**BUILDING.** The portion of a structure that consists of a roof and is enclosed so as to afford persons or property protection from the elements, which structure is used or intended for supporting or sheltering any use or occupancy; and when the structure is divided by party walls without openings, each portion of the **BUILDING** so separated shall be deemed a separate **BUILDING**.

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

**BUILDING, DETACHED.** A building surrounded by open space on the same lot as the principal building.

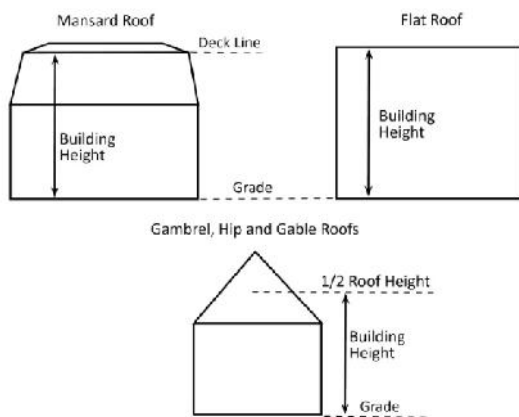
**BUILDING FACADE.** The area of any exterior elevation of a building extending from grade to the top of the exterior wall and the entire width of the building elevation, including parapets, awnings, canopies, mansards, or other appendages or architectural treatments to the wall. The **FACADE** does not include flat roof sections of multi-level buildings nor the shingled faces of hip roofs or gable roofs.

**Deleted: BANNERS.** Temporary signs or other attention-getting devices used to announce open houses, grand openings, special announcements, sales, or other matters.¶

**Deleted: BENCH SIGNS.** A sign which is affixed to a bench, such as at a bus stop.¶

**Deleted: ADVERTISING**

**BUILDING HEIGHT.** The vertical distance measured from curb level or its equivalent, to the highest point of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambol roofs. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building, provided its setback from the street line is not less than the height of the finished grade above the established curb level.



**Figure 1: Illustration of building height**

**BUILDING LINE.** An imaginary line separating buildable area and required yards.

**BUILDING, NON-CONFORMING.** Any building or structure which does not comply with all the regulations of this chapter or any amendment thereto governing the zoning district in which the building or structure is located.

**BUILDING OFFICIAL.** A city official appointed by the City Council to provide for the enforcement of the Building Code.

**BUILDING, PRINCIPAL.** A non-accessory building in which the primary use of the lot on which it is located is conducted.

**BUSINESS.** Any establishment, occupation, employment, or enterprise wherein merchandise is manufactured, exhibited, or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

**CANOPY.** A projection or extension of a building or structure erected in a manner so as to provide a shelter or cover over the approach to any entrance to a store, building, or place of assembly.

**Deleted: BUSINESS SIGN.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.¶

**CAMPAIGN SIGN.** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.¶

▼ **CANOPY, VEHICULAR SERVICE.** A permanent roof-like structure either attached or detached from a permitted building, designed to provide cover for off-street vehicle service areas, such as gasoline station pump islands, drive-in establishments, truck loading berths, and the like.

**Deleted:** **CANOPY SIGN.** Any message or identification affixed to a canopy.¶

▼ **RELIGIOUS INSTUTUTION.** A building, together with its accessory buildings, where persons regularly assemble for public worship as the principal use and where the buildings and uses are maintained and controlled by a religious body, organized to sustain public worship.

**Deleted:** **CHURCH**

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**CITY.** The City of Osseo, unless otherwise provided by the context.

**CLINIC, MEDICAL.** A building in which a group of physicians, dentists, or combination thereof, and professional assistants, are associated for carrying on their profession. The **CLINIC** may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.

**COMMERCE, RETAIL SERVICE.** An enterprise that involves the offering of a service or entertainment to the general public for compensation.

**COMMERCE, RETAIL TRADE.** An enterprise that involves the offering of a product to the general public for compensation.

**CONDITIONAL USE.** A use which, although generally compatible with the basic use classification of a particular zone, should not be permitted to be located as a matter of right in every area included within a zone because of hazards in the use itself or special problems which its proposed location may present.

**CONDOMINIUM.** A form of individual ownership within a multiple-family structure which entails joint responsibility for maintenance and repairs; each dwelling unit is owned outright, and each occupant owns a share of the land and other property.

▼ **COUNCIL.** The City Council.

**Deleted:** ~~**CONSTRUCTION SIGN.** A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.¶~~

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of the front. Where no curb elevation has been established, the City Engineer shall establish a curb elevation. When a building has frontage on more than one street, the lowest **CURB LEVEL** as determined above will apply.

▼ **DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including buildings or other structures; dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment or materials.

▼ **DISTRICT.** Refers to a specific zoning district as defined by this chapter.

**Deleted:** **DIRECTION SIGN.** A sign erected on public or private property which bears the address and/or name of a business, institution, church, or other use or activity, plus directional arrows or information regarding location.¶

**DISTRICT, ZONING.** A portion of the corporate area of this city within which certain uniform regulations and requirements or various combinations thereof apply under the conditions of this chapter.

**DIRECTORY SIGN.** An exterior informational wall sign which identifies the names of businesses served by a common public entrance.¶

**DUPLEX.** A residential structure containing two dwelling units only, completely surrounded by open space.

**DWELLING.** A building or portion thereof designed or used wholly or in part for living or sleeping by human occupants, including one-family, two-family, and multiple-family dwelling units; but not including hotels, motels, boarding or rooming houses, recreational vehicles, tents, or cabins. Garages, tents, sheds, greenhouses, and similar accessory structures shall not be considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently. Tents may be used for recreational purposes.

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Deleted: residential occupancy

**DWELLING, DETACHED.** One which is completely surrounded by open space on the same lot.

**DWELLING, ONE-FAMILY ATTACHED.** A building, such as townhouses or row houses, containing dwellings in which: (a) each dwelling is located on its own parcel; (b) each dwelling is attached to another by party walls without openings; and (c) each dwelling has primary ground floor access to the outside.

**DWELLING, MULTIPLE-FAMILY.** A single structure specifically constructed and designed for and containing three or more dwelling units, with more than one unit connecting to a common corridor or entrance way or with the dwelling units having two or more contiguous party walls. For example, four-plexes and apartment buildings; but not including hotels, motels, or boarding houses.

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**DWELLING, ONE-FAMILY.** A residential structure containing only one dwelling unit.

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**DWELLING, TWO-FAMILY.** A building designed exclusively for occupancy by two families living independently of each other, typically referred to as a double bungalow or duplex, where the entire building is located on a single lot. Neither dwelling unit comprising a two-family dwelling shall be an accessory dwelling unit.

**DWELLING UNIT.** One or more rooms which are arranged, designed, or used exclusively as living quarters for one family or one individual only. Complete single kitchen facilities and individual bathrooms, permanently installed, shall always be included with each **DWELLING UNIT**.

**EAVES.** The edge of a roof, usually projecting beyond the walls, the height of which edge is measured from the lowest point thereof to grade.

**EFFICIENCY UNIT.** A dwelling unit with one primary room which doubles as a living room, dining room, and bedroom.

**EROSION.** The wearing away of the land surface by the action of natural elements.

**ESSENTIAL SERVICES.** Underground or overhead gas, electrical, steam, or water transmission or distribution system; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment or accessory equipment in conjunction therewith, not including buildings.

**FAMILY.** One or more persons related by blood, marriage, or adoption, including foster children, all of the members of which have common use and access to all living and eating areas, bathrooms, and food preparation and serving areas and which is based on an intentionally

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structured relationship providing organization and stability, maintaining a common household in a dwelling unit.

↓ **FENCE.** A structure, including walls, hedges, or similar barriers, providing enclosure, but not necessarily protection, against the elements, or which provides a visual barrier between adjacent property and the area enclosed.

↓ **FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building or buildings on a zoning lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, **FLOOR AREA** will include:

- (1) Basement space (as basement is defined herein);
- (2) Attic floor space where the structural headroom exceeds seven and one-half feet;
- (3) Interior balconies and mezzanines;
- (4) Enclosed porches, but not terraces and breezeways;
- (5) Stairwells at each level; and
- (6) Accessory structures.

**FLOOR AREA, LIVABLE.** The same area as defined in the definition of floor area herein, excluding all areas occupied by basements, garages, porches, attics, stairways, and storage, utility, and heating rooms, and other accessory uses.

**FLOOR AREA RATIO** or **F.A.R.** The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot, or in the case of planned development, by the net site area. The **F.A.R.** requirements, as set forth in each zoning district, shall determine the maximum floor area allowable (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

↓ **FRONT BUILDING FACADE.** The side or sides of the building containing the public entrance.

**GARAGE, PRIVATE.** An attached or detached building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles and recreational vehicles. A private garage has no facilities for mechanical service or repair.

**GARAGE, PUBLIC.** A place where any or all of the services as set forth in the definition of automobile service station herein are offered to the public, and the services or sales are made directly into or on the motor vehicle.

↓ **GRADE.**

(1) For buildings and structures, the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

(2) For signs, the elevation of the ground immediately adjacent to the sign base.

↓ **HOME OCCUPATION.** An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services that is clearly customary, incidental, and accessory to the primary residential use.

**Deleted: FEEDLOT.** An enclosure for the purpose of feeding, breeding, raising, or holding poultry or livestock, not an accessory use incidental to an agricultural operation.¶

**Deleted: FLASHING SIGN.** A sign which contains rotating, flashing, or intermittent lights, or animation, or exhibits noticeable changes in color, intensity, texture, shape, pattern, or light intensity.¶

**Deleted: FREESTANDING SIGN.** Any stationary, self-supporting sign not affixed to any other structure and supported by a pole(s). A reader board may be attached to the **FREESTANDING SIGN** structure, but the reader board shall not exceed 20% of the area containing the sign copy. The reader board shall be included in calculating the allowable sign square foot area as required in the individual district.¶

**Deleted: GOVERNMENTAL SIGN.** A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.¶

**Deleted: GREENHOUSE.** A structure used for the cultivation or protection of flowers, vegetables, and nursery stock.¶

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▼ **HOSPITAL.** An institution providing persons with intensive medical or surgical care and devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

**HOTEL.** A building containing eight or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and where ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

▼ **IMPERVIOUS SURFACE.** Any structure or surface which ~~does not readily absorb~~ water into the ground ~~or retain water~~, including but not limited to ~~buildings~~, roofs, sidewalks, paved driveways and parking areas, patios, tennis courts, swimming pools, or any other ~~similar~~ surface.

**INDUSTRY.** An enterprise which involves the production, processing, or storage of materials, goods, or products.

▼ **JUNK YARD.** An area where used, waste, discarded, or salvaged equipment or materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and lumber. A **JUNK YARD** includes an automobile wrecking or dismantling yard, but does not include uses established in conjunction with a permitted manufacturing process when within an enclosed area or building.

**KENNEL.** Any structure or premises on which four or more dogs over four months of age are kept for sale, breeding, profit, boarding, and the like.

**LANDSCAPE.** Any changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**LOADING SPACE.** The portion of a lot designed to serve the purpose of loading and unloading all types of vehicles.

**LOT.** A zoning lot, except as the context shall indicate a lot of record, in which case a **LOT** is a lot of record.

**LOT AREA.** The area of a horizontal plane bounded by the front, side, and rear lot lines, measured within the lot boundaries, but not including any area occupied by the waters of a duly recorded lake or river.

**LOT, CORNER.** A lot situated at the intersection of two streets.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory structures.

**LOT DEPTH.** The average horizontal distance between the front and rear lot lines measured within the lot boundaries.

**LOT, INTERIOR.** A lot other than a corner lot.

**Deleted: —HOME OCCUPATION SIGN.** A sign directing attention to a home occupation.¶

**Deleted: —IDENTIFICATION SIGN or NAMEPLATE.** Any sign which states the name and/or address of the business or occupant of the lot or building where the sign is placed or may be a directory listing the names, addresses, and/or businesses of occupants. **IDENTIFICATION SIGNS** shall contain no advertisement.¶  
**—ILLUMINATED SIGN.** Any sign which is designed to be or is lighted by an artificial light source either directed upon it or illuminated from an interior source. All **ILLUMINATED SIGNS** shall have light sources shielded to confine direct illumination to the face area of the sign.¶

**Deleted:** interferes to any degree with the direct absorption of

**Deleted: —INFORMATION SIGN.** Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.¶  
**—INSTITUTIONAL SIGN.** A sign and/or reader board which identifies the name and other characteristics of an institutional use located within any zoning district and allowed by this chapter. **INSTITUTIONAL SIGNS** shall contain no advertisement. Examples: churches, schools, sanitariums, hospitals, government buildings, or nursing homes.¶  
**—INTEGRAL SIGN.** A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.¶

**LOT LINE, FRONT.** The boundary of a lot abutting a street. On a corner lot, the shortest street lot line will be the **FRONT LOT LINE**.

**LOT LINE, REAR.** The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds or Register of Titles prior to adoption of this chapter; or a parcel of land, the deed to which was recorded in the office of Register of Deeds or Register of Titles prior to adoption of this chapter.

**LOT, THROUGH.** A lot having a pair of opposite lot lines along two more or less parallel public streets. On such a lot, both street lines shall be deemed front lot lines.

**LOT WIDTH.** The horizontal distance between the side lot lines of a lot measured at the building setback line.

**LOT, ZONING.** A single tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A **ZONING LOT OR LOTS** may or may not coincide with a lot of record.

**MANUFACTURED HOME.** 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 established by M.S. § 327.31, Subd. 3, as it may be amended from time to time.

**MANUFACTURING.** To bring something into being by forming, shaping, combining, or altering materials.

**MANUFACTURING, ARTISAN.** The production of goods by the use of hand tools, light mechanical equipment, or similar means, occurring solely within an enclosed building. A building containing an artisan manufacturing use must have negligible negative impact on the urban fabric, surrounding properties, water resources, air quality, and/or public health. Such uses include, but are not limited to: production of alcohol including certain breweries and microdistilleries as allowed by city code and state law; woodworking and cabinet shops; ceramic studios; jewelry manufacturing; welding and metal fabricators; upholsterers; food processing; and arts and crafts.

**MATERIAL, DURABLE.** A hard-surfaced material such as concrete or asphalt, but not including gravel or crushed rock.

**MEASURED WALL.** The wall or walls comprising the front building facade.

**MIXED USE BUILDING.** A structure that contains at least one floor devoted to allowed nonresidential uses and at least one floor devoted to allowed residential uses.

**MOBILE HOME.** A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without permanent foundation; meaning that the support system is constructed with the intent that the **MOBILE HOME** placed thereon will be moved from time to time at the convenience of the owner. A manufactured home is not a mobile home.

**MODULAR, PRE-FABRICATED.** A dwelling unit which is of closed construction and which is made or assembled in manufacturing facilities on or off the building site for assembly and/or installation on the building site. A **MANUFACTURED DWELLING UNIT** may also mean a building of open construction, made or assembled in manufacturing facilities away from the building site for assembly and/or installation on the building site. This type of structure will be made permanently affixed to the building site, and shall be considered congruous to a one-family dwelling.

**MOTEL, MOTOR COURT, or MOTOR HOTEL.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single zoning lot and designed for use by transient automobile tourists and furnishing customary hotel services.

**MOTOR VEHICLE.** Any passenger vehicle, truck, truck-trailer, motorcycle, or recreational vehicle propelled or drawn by mechanical power.

**NON-CONFORMING SIGN.** A sign which was lawful at the time it was erected but which does not now conform with the regulations of this chapter; also known as a **LEGAL NON-CONFORMING SIGN**.

**NOXIOUS MATTER OR MATERIAL.** Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**NURSING, CONVALESCENT, AND RETIREMENT HOMES.** A home for aged, chronically ill, or convalescent persons in which two or more persons not of the immediate family are received, kept, or provided with food, shelter, and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury or mental illness.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**ODOROUS MATTER.** Any material or matter that yields an odor which is offensive in any way.

**OPEN SPACE.** Any open area not covered by structures owned by a person or persons including but not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, groundwater recharge areas, flood plain,

**Deleted: —MONUMENT SIGN.—¶**

— (1) A sign which is attached to or supported by a monument structure which bears entirely on the ground, extending horizontally for a minimum of 80% of the entire length of the sign face. The sign base shall be constructed of any one or combination of the following materials: brick, stone, decorative masonry, plastic, aluminum, colored metals, or decay-resistant wood. The base and supporting material shall constitute at least 25% of the total allowable sign square footage. A reader board may be attached to the **MONUMENT SIGN** but shall not exceed 20% of the area containing the sign copy. The sign copy, reader board, or message shall have a minimum clearance of three feet above grade. The area containing sign copy, including reader board, and the area of the monument structure itself shall be combined for determining the total square footage and height.¶

— (2) A sign attached to a retaining wall shall be considered to be a **MONUMENT SIGN** provided the message or copy does not exceed the allowable sign area as specified for the applicable zoning district, and all other provisions for a **MONUMENT SIGN** are met.¶

**Commented [NA6]:** I am not sure why we need this definition.

**Deleted: —MOTION SIGN.—** Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.¶

**Deleted: —NON-PROFIT ORGANIZATION.—** A corporation formed under M.S. Ch. 317A, as it may be amended from time to time, or similar statute of another state or governing entity, and which is formed for a purpose not involving pecuniary gain to its shareholders or members and paying no dividends or other pecuniary remuneration, directly or indirectly, to its shareholders or members; or a community or civic group such as the Lions Club, League of Women Voters, or the like.¶

**Deleted:** , maternity cases,

floodway, flood fringe, erodible slopes, woodland, and soils with severe limitations for development.

**OWNER OR PROPERTY OWNER.** The owner or taxpayer of record according to Hennepin County property tax records.

**PARAPET.** The part of any wall or wall-like structure entirely above the roof line.

**PARKING SPACE, AUTOMOBILE.** A suitably surfaced and permanently maintained area off the public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than 180 square feet, exclusive of passageways, driveways, or other means of circulation.

**PARTICULATE MATTER.** Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

**PARTY WALL.** A wall which divides a structure into two independent buildings.

**PENNANT.** Attention-getting devices, such as streamers, constructed of paper, cloth, plastic, or other materials; excluding banners and flags.

**PERFORMANCE STANDARDS.** Criteria established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare, or heat, generated by or inherent in uses of land and buildings.

**PERSON.** Any individual, firm, partnership, corporation, company, association, joint stock association, or political body; and includes any trustee, receiver, assignee, or other similar representative.

**PLANNING COMMISSION.** The Planning Commission of the city.

**PROPERTY LINES.** The lines bounding a zoning lot as defined herein.

**PUBLIC ENTRANCE.** A passage or opening in a building, which passage or opening is designed primarily to facilitate the ingress or egress of members of the general public who are seeking the goods or services offered therein.

(1) The term members of the general public shall not include supportive service- and maintenance-related personnel.

(2) Factors to be used in determining that a passage or opening is a **PUBLIC ENTRANCE** and which will be considered as affirming an entrance to be **PUBLIC** shall include such things as the location and design of the entrance, its role in the city's determination of the building's street address, and its use by the Postal Service as a delivery point of mail addressed to the building or the use therein.

**PUBLIC UTILITY.** A person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing to the public, under federal, state, or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**RESTAURANT OR EATING ESTABLISHMENT.** An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state. Restaurants or

**Deleted: —PERMANENT SIGN.** Any sign which is not a temporary sign.¶

**Deleted: —PORTABLE SIGN.** A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.¶

**—PRODUCT IDENTIFICATION SIGNS.** A sign that is not necessary to identify a business and identifies a product or service either sold on or off the premises on which the sign is located.¶

**—PROJECTING SIGN.** A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.¶

eating establishments may include, but are not limited to, cafes, coffee shops, and ice cream shops.

**RETAIL ESTABLISHMENTS.** Establishments primarily engaged in the sale of goods to the general public. Retail uses may include, but are not limited to, bookstores, bakeries, grocery stores, and other similar uses.

**RECREATIONAL VEHICLE.** Any type of vehicle, either self-powered or drawn by another vehicle, that is used primarily for purposes of recreation or transportation of recreational vehicles, equipment, and the like, including but not limited to campers, motor homes, travel trailers, snowmobiles, camper trailers, motorcycle trailers, snowmobile trailers, horse trailers, and the like.

**ROOF.** The outside top covering of a building designed to serve as the principal means of enclosing the building interior from descending outside elements such as, but not limited to, rain, snow, and sunlight.

**ROOF LINE.** The top of the coping or, where the building has a pitched roof, the intersection of the outside wall with the roof.

**RUMMAGE SALE or GARAGE SALE.** An infrequent temporary display and sale by an occupant on his or her premises of personal property, including general household rummage, used clothing, and appliances. The persons conducting the sale shall be residents of the property on which the sale is conducted.

**SATELLITE ANTENNA.** A structure and all supporting apparatus which is used for receiving satellite signals. If the structure is roof-mounted and exceeds ten feet in height above the highest point of the roof, it is considered a roof-mounted antenna. If the structure is ground-mounted it is considered an accessory structure.

#### **SETBACK.**

(1) For signs, the minimum horizontal distance from the closest part of a sign to the property line, or public street easement or right-of-way.

(2) For structures, the minimum horizontal distance between the front, rear, or side line of the building or structure (excluding steps, unroofed porches, and overhangs) and the front, rear, or side lot line, unless specifically designated otherwise.

**SHOPPING CENTER.** An integrated grouping of commercial stores, under single ownership or control.

**SIGN.** Any letter, word or symbol, poster, picture, reading matter, or representation in the nature of advertisement, announcement, message, or visual communication, other than a **FLAG** or **MURAL** as defined in this section, whether painted, posted, printed, affixed, engraved, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. This definition shall also include **FLAGS** that exceed the sizes specified by § 153.092(A)(3)(e).

Signs shall be further defined as follows:

**Deleted: —READER BOARD SIGN.** The portion of the sign used for removable or changeable letters and numbers to convey messages.¶  
**—REAL ESTATE SIGN.** A business sign placed upon a property advertising that particular property for sale, for rent, or for lease.¶

**Deleted: —ROOF SIGN.** Any sign which is erected, constructed, or attached wholly or in part upon or over the roof of a building.¶  
**—ROTATING SIGN.** A sign which revolves or rotates on its axis by mechanical means.¶

**Commented [NA7]:** Update definition in line with recent sign code update; relocate “accessory” definitions here.

**ABANDONED SIGN.** Any **SIGN** and/or its supporting sign structure, which has been removed or whose display surface remains blank for a period of one year or more, or any **SIGN** which has been erected in violation of this code. **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 one year or more. Any **SIGN** remaining after demolition of a principal structure shall be deemed to be abandoned. Any **SIGN** meeting this definition shall be considered abandoned even if the **SIGN** is legally non-conforming or authorized pursuant to a conditional use permit or variance.

**ANIMATED SIGN.** A **SIGN** that has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate, or visibly alter in appearance in a manner that is not permitted by these regulations. **ANIMATED SIGNS** do not inherently include **ELECTRONIC MESSAGE DISPLAY SIGNS**, although it is possible that electronic message display signs be used or programmed as **ANIMATED SIGNS**.

**ATTACHED SIGN.** Any **SIGN** that lacks a supporting framework and is therefore attached or anchored to any **BUILDING** or other **STRUCTURE**; any **SIGN** that is not a **FREESTANDING SIGN**.

**AWNING SIGN.** A **SIGN** printed on or in some fashion attached directly to the **AWNING** material.

**BANNER.** A **SIGN** constructed of cloth, paper, plastic, or other material upon which copy is written and supported, either between poles or fastened to buildings or other structures, and that is supported or anchored on two or more edges or at three or more corners. **BANNERS** also include such **SIGNS** which are supported by an internal frame (such as an umbrella) or are anchored along one edge or two corners, with weights or supports installed that substantially reduce the reaction of the **SIGN** to wind.

**BENCH SIGN.** A **SIGN** located on any part of the surface of a bench or a similar type of outdoor furniture or seating, usually placed on or adjacent to a **PUBLIC RIGHT-OF-WAY**.

**BUILDING SIGN.** Any **SIGN** attached to or supported by any **BUILDING**.

**CLASS A SIGNAGE.** Durable and permanent **SIGNS** including:

- (1) Any **SIGN** that requires a building or electrical permit to install; and
- (2) **SIGNS** constructed from wood, plastic, metal, concrete, or other durable, weather-proof materials, with a weather-proof display area; and not otherwise specified as **CLASS B** or **CLASS C SIGNS**.

**CLASS B SIGNAGE.** Non-durable, impermanent **SIGNS** including:

- (1) **DEMOUNTABLE LETTER SIGNS**;
- (2) **MOVEABLE SIGNS**;
- (3) **BANNERS**;
- (4) Other **SIGNS** not constructed from durable, weather-proof materials; and
- (5) Other **SIGNS**, which, due to design, material, and installation method are temporary in nature. This includes **SIGNS** not displayed or intended to be displayed for a length of 30 days or longer.

**CLASS C SIGNAGE.**

(1) Obtrusive, impermanent, moving, or otherwise dynamic **SIGNS** including:

(a) **INFLATED SIGNS;**

(b) **FEATHER BANNERS;**

(c) **PENNANT SIGNS;**

(d) **PORTABLE TRAIERED SIGNS;** and

(e) **SHIMMERING SIGNS;**

(2) But excluding **INTERIOR SIGNS** of all types.

**CUMULATIVE MAXIMUM SIGN AREA (CMSA).** The total maximum sign area which is allowed on any individual property within the city, and for the proportion of **CLASS A, CLASS B, and CLASS C SIGNS** as herein defined. Regardless of the allowance for signage in any class, no property, including those with a **NONCONFORMING SIGN**, may exceed its overall **CUMULATIVE MAXIMUM SIGN AREA.**

**DEMOUNTABLE LETTER SIGN.** A **SIGN** with individual letters, numbers, and symbols, but not entire words or phrases, which may be manually removed and replaced on a track or other mounting hardware on the sign. Also commonly known and referred to as a changeable letter sign or arrow sign, although a **DEMOUNTABLE LETTER SIGN** need not include an arrow.

**ELECTRICAL SIGN.** A **SIGN** that is powered by electricity.

**ELECTRONIC MESSAGE DISPLAY (EMD).** A single **SIGN** with up to two faces, capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

**EXTERIOR SIGN.** A **SIGN** located on the outside of a **BUILDING, STRUCTURE, or outdoor display area, or located on the interior of a BUILDING,** but which is primarily intended to be viewed from the exterior of the **BUILDING.**

**FEATHER BANNER.** A type of elongated **BANNER** and freestanding temporary sign typically made of a flexible fabric or similar material attached to a long rigid pole in the general shape of a feather, teardrop, or similar shape, not to exceed 28 square feet in total area. The definition includes functionally similar display devices. Also commonly known and referred to as a banana banner or teardrop banner.

**FLAG.** Any fabric or similar lightweight material attached at one edge or no more than two corners of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes, and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. If any dimension of a **FLAG** is more than three times as long as any other dimension, it shall be regulated as a **BANNER** for the purposes of this subchapter.

**FLASHING SIGN.** A type of **ANIMATED SIGN.** A directly or indirectly illuminated **SIGN** which exhibits changing light or color effect by any means so as to provide intermittent illumination or which includes the illusion of intermittent flashing light by means of animation or any other mode of lighting, which may include, but is not limited to, zooming, twinkling, or sparkling.

**FREESTANDING SIGN.** Any **SIGN** which has supporting framework that is placed on or anchored in the ground and which is independent from any **BUILDING** or other **STRUCTURE.**

**HEIGHT OF SIGN.** For **FREESTANDING SIGNS**, the **HEIGHT OF THE SIGN** shall be the vertical distance measured from the base of the **SIGN** at average **GRADE**, to the top of the highest attached component of the **SIGN**. For **SIGNS** attached to **BUILDINGS**, the height shall be the vertical distance from the lowest attached component of the **SIGN** to the highest attached component.

**ILLUMINATED SIGN.** Any **SIGN** illuminated by a source of light which is directly cast upon the exterior surface or face of the **SIGN** and intended to illuminate the **SIGN** by reflection, or which is illuminated from within or behind the **SIGN** so as to reflect or emanate light through the **SIGN**.

**INFLATED SIGN.** A **SIGN** consisting of a bag made of lightweight material supported by helium, hot, or pressurized air, which is secured to the ground or a **STRUCTURE** in some fashion, and which is greater than 18 inches in diameter.

**INTERIOR SIGN.** A **SIGN** which is located within the interior of any **BUILDING** or within an enclosed lobby or court of any **BUILDING** and which is primarily intended to be viewed from the interior of the **BUILDING**.

**MONUMENT SIGN.** Any **FREESTANDING SIGN** with its **SIGN FACE** mounted on the ground or mounted on a base, subject to the height limitations of the zoning district in which it is located.

**MOVEABLE SIGN.** A temporary **SIGN**, made of vinyl, paper, cloth or fabric, corrugated plastic, cardboard, plywood, or similar material, including **SIGNS** with wood or wire framing, posts, or stakes, supported by the ground but not permanently attached to the ground, which can be regularly moved from a location at periodic intervals, and which has a total height not exceeding four feet and a total area not exceeding six square feet. The term includes **SANDWICH BOARD SIGNS**. The term does not include **BANNERS**. A **MOVABLE SIGN** is not considered to be a **PORTABLE TRAIERED SIGN**.

**MURAL.** An image painted or applied on the exterior of a **BUILDING** wall or other permanent **STRUCTURE** and for which no more than 5% of the total area covered by the **MURAL**, or 100 square feet (whichever is less), consists of text.

**NONCOMMERCIAL SPEECH.** Speech not defined as **COMMERCIAL SPEECH** which includes, but is not limited to, speech concerning political, religious, social, ideological, public service, and informational topics.

**NONCONFORMING SIGN.** A **SIGN** which was lawful at the time of its construction but does not now conform to this subchapter.

**OFF-PREMISE SIGN.** A **COMMERCIAL SPEECHSIGN** which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same **PROPERTY** where such **SIGN** is located.

**OVERHANG SIGN.** A **SIGN** that overhangs sidewalk rights-of-way a maximum of one and one-half feet, with a minimum clearance of eight feet between the bottom of the **OVERHANG SIGN** and the sidewalk surface.

**PENNANTS.** Pieces of cloth, paper, plastic, or similar material intended to be individually supported or attached to each other by means of rope, string, or other material and intended to be hung on **BUILDINGS** or other **STRUCTURES** or between poles, and does not include any written material, graphic, or other form of copy.

**PENNANT SIGN.** A display of **PENNANTS** on one **PROPERTY** that exceed the sizes specified by § 153.092(A)(3)(e).

**PORTABLE TRAIERED SIGN.** Any **SIGN** which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another **SIGN** or attached temporarily or permanently to the ground. A **SIGN** mounted on a vehicle identifying a business when the vehicle is being used in the normal day to day operation of that business is not subject to the regulations set forth in this section, provided the vehicle is in operable condition, carrying a current, valid license tag, and the vehicle does not remain parked at the same location for 48 continuous hours. **BANNERS, MOVABLE SIGNS, PENANTS, PENANT SIGNS, and SANDWICH BOARD SIGNS** shall not be considered **PORTABLE TRAIERED SIGNS** for the purpose of this subchapter.

**PYLON SIGN.** Any freestanding **SIGN** which has its supportive structure(s) anchored in the ground and which has a **SIGN FACE** elevated above ground level by pole(s) or beam(s) more than eight feet and with the area below the **SIGN FACE** open.

**ROOF SIGN.** Any **SIGN** erected and constructed wholly on or above the **ROOF** or parapet of a **BUILDING** or **STRUCTURE** and which is supported by the roof structure.

**SANDWICH BOARD SIGN.** A type of **MOVEABLE SIGN** that is a freestanding, self-supporting **SIGN** hinged at the top, or attached in a way that forms a shape similar to the letter "A" when viewed from the side, also commonly known and referred to as an A-frame sign or a springboard sign.

**SEASONAL, HOLIDAY, and FESTIVE DECORATION.** **HOLIDAY** or **FESTIVE** shall mean a calendar date or dates associated with a specific event or season including, but not limited to, New Year's Day, Martin Luther King Jr. Day, Valentine's Day, Passover, Holi, Ramadan, Easter, Memorial Day, Independence Day, Labor Day, Halloween, Thanksgiving, Hanukah, Christmas, Kwanza; **DECORATION** shall mean ornaments, figures, statutes, inflatable characters, seasonal lighting, and related products that are placed on a property for a temporary period of time in observance of a holiday or festival.

**SHIMMERING SIGN.** A type of **ANIMATED SIGN** which reflects an oscillating or sometimes distorted visual image.

**TOTAL SITE SIGNAGE.** The maximum combined area of all **SIGNS** allowed on a

**WALL SIGN.** Any **BUILDING SIGN** attached parallel to, painted on the surface of, or erected on, and confined within the limits of, an outside wall of any **BUILDING** or **STRUCTURE**, which is supported by such **WALL** or **BUILDING**, and which displays only one **SIGN** surface.

**WINDOW SIGN.** A **SIGN** affixed to or inside of a window in view of the general public. This does not include merchandise on display.

**SITE AREA.** The area of a parcel or parcels of land to be developed under the R-2 and R-3 district regulations and to be developed as part of a single development action or a single stage of a staged development.

**SPECILAIZED CARE FACILITIES.** Any facility whose primary function is the provision, on a continuing basis, of nursing services and health-related services for treatment and in-patient

**Commented [NA8]:** We don't have an R-3 zone...

**Deleted:** Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is displayed to attract the attention of the public while on public streets, highways, or walkways to the object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. **SIGNS** do not include flags of any nation, state, city, religion, or fraternal or civic organization, merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, scoreboards on athletic fields, sound trucks or other moving advertising media while operated on a public right-of-way, official traffic signs or symbols, banners announcing civic celebrations or events of special interest, mounted house numbers under 12 inches in height, mounted nameplates or building address numbers under six square feet in area identifying the occupants or address of a building, or address or public information signs displayed for the convenience of the traveling public, when established by a public agency. **SIGNS** also do not include murals, color schemes, or facade patterns which by themselves would not convey a message about business or product without other sign elements present.¶

**SIGN, ADVERTISING.** A sign which directs attention to a business, service, event, or location not related to the premises where the sign is located.¶

**SIGN, MAXIMUM HEIGHT OF.** The vertical distance measured from the grade to the top of the sign.¶

**SIGN, MINIMUM HEIGHT OF.** The vertical distance measured from the nearest finished grade to the lower limit of the sign.¶

**SIGN STRUCTURE.** The supports, uprights, bracing, and framework for a sign, including the sign area.¶

care, such as nursing homes, memory care facilities, and hospices. This does not include senior housing or the residence of any individual who cares for another family member.

**STREET, ARTERIAL.** A street which provides for traffic movement to and from municipalities and the surrounding areas, to and from freeways or expressways and collector streets, and between major parts of an urban area. Intersections are at grade and direct access to abutting property should be avoided.

**STREET, COLLECTOR.** A street which collects and distributes the internal traffic within an area of a community such as a residential neighborhood or industrial district, and between arterial and local streets. It provides some access to abutting property.

**STREET FRONTAGE.** The proximity of a parcel of land to one or more streets. An interior lot has one **STREET FRONTAGE** and a corner lot has two **STREET FRONTAGES**.

**STREET, LOCAL.** A street of little or no continuity, designed to provide access to abutting property and leading into collector streets.

**STRUCTURAL ALTERATION.** Any change, other than incidental repairs, which would prolong or increase the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

**STRUCTURE.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, signs, billboards, retaining walls, or fences.

**SWIMMING POOL.** Any outdoor structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing used in connection with a residential dwelling and having a depth of more than 24 inches at any point and a surface area exceeding 150 square feet.

**TOWER.** A pole, spire, or structure, or any combination thereof, to which an antenna is attached, including supporting lines, wires, and braces.

**TOWNHOUSE.** A one-family dwelling unit horizontally attached to one or more similar dwelling units in a linear arrangement and structured on individual lots. Features of **TOWNHOUSES** are their private yards and private entrances. A **TOWNHOUSE** development normally includes common open space for athletic and recreational purposes. **TOWNHOUSES** by this definition do not include multiple units in a single structure such as triplexes, four-plexes, or apartment buildings.

**TOXIC MATTER OR MATERIAL.** Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**TRAVEL TRAILER.** A vehicular portable structure, built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses.

**TRIANGLE.** The triangular area defined as follows: beginning at the point of intersection of the rights-of-way of two intersecting streets or one intersecting street and one alley, thence 20 feet along one right-of-way line, thence diagonally to a point on the other right-of-way line 20 feet from the point of beginning, thence to the point of beginning.

Deleted: advertising

Deleted: ~~TEMPORARY SIGN.~~ Any sign which is erected or displayed with or without a permit for a specified period of time (such as banners, portable signs, searchlights, trucks, trailers, window signs, and the like).¶

**UNLAWFUL SIGN.** A sign which exists prior to or after the passage of this chapter or amendments thereto, which does not conform with the regulations of this chapter and is not an existing legal sign and is not a sign erected with a sign permit.

**USABLE OPEN SPACE.** The required portion of a lot at ground level, unoccupied by buildings, and available to all the occupants of the building. This space of minimum prescribed dimensions shall not be devoted to service driveways or off-street parking space or loading berths but shall be usable for greenery, recreational space, and other leisure activities normally carried on outdoors.

**USE.** The purpose or activity for which the land or buildings thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of that activity with respect to the performance standards of this chapter.

**USE, ACCESSORY.** A use ~~which is~~

- ~~(a) Is subordinate to and serves a principal building or principal use;~~
- ~~(b) Is subordinate in area, extent, and purpose to the principal structure or principal use as served; and~~
- ~~(c) Is located on the same lot as the principal structure or principal use served and except as otherwise expressly authorized by this chapter.~~

**USE, CONDITIONAL.** ~~A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.~~ After due consideration in each case of the impact of that use upon neighboring land, and the public need for the particular use at the particular location, the **CONDITIONAL USE** may or may not be granted.

**USE, INCOMPATIBLE.** A use which is contradictory, incongruent, or discordant with certain other uses.

**USE, NON-CONFORMING.** Any use of land, buildings, or structures lawfully existing at the time of adoption of this chapter which does not comply with all the regulations of this chapter or any amendments hereto governing the zoning district in which the use is located.

**USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of the district or districts.

**USE, PRINCIPAL.** The main use of land or buildings, as distinguished from a subordinate or accessory use. ~~A principal use may be permitted or conditional or interim.~~

**UTILITY ENTRANCE.** A passage or opening in a building which is not a public entrance as defined herein.

**VERMIN.** ~~Pests or nuisance animals that spread diseases; destroy crops, livestock, or other property; e.g., rodents, insects.~~

**Deleted:** subordinate to the principal use or building on the same lot and customarily incidental thereto as well as attached or detached therefrom.

**Deleted:** A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district.

**VARIANCE.** A modification or variation of the provisions of this chapter as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a **VARIANCE**.

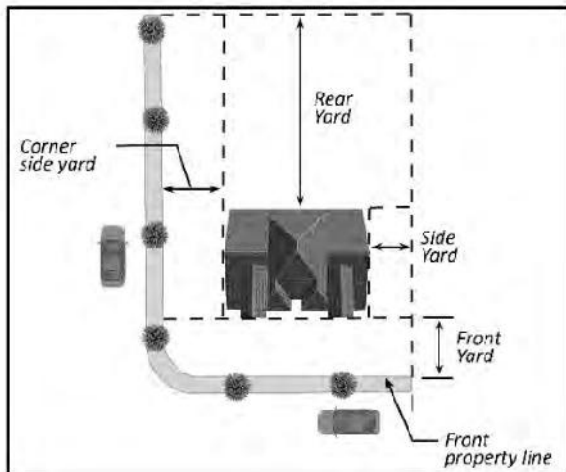
**WALL.** The building facade area that defines the front of the building. The front is the continuous line of a building that connects side wall to side wall and faces one public right-of-way. For a multi-tenant building on a corner lot, the front is the continuous line of a building which faces either a public right-of-way or a private road in a planned unit development.

▼ **WAREHOUSING.** The commercial storage of merchandise and personal property.

**WHOLESALEING.** A business engaged in selling to retailers or jobbers rather than consumers.

▼ **WORKSHOP.** An accessory residential use for the creation of individual crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, handwoven articles, and related items. A workshop may be either an accessory use within the principal building or may be an accessory building on the property.

**YARD.** the horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard.



**Figure 5:** Illustration showing yard locations

▼ **YARD, FRONT.** A yard extending along the full width of the front lot line between the side lot lines.

**Deleted:** —**WALL GRAPHICS.** A sign which is painted directly on an exterior wall surface.¶

—**WALL SIGN.** A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A **WALL SIGN** does not project more than 12 inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.¶

**Deleted:** —**WINDOW SIGN.** A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.¶

**Deleted:** An open space on the same zoning lot with a building or structure, which **YARD** is unoccupied and unobstructed. A **YARD** extends along a lot line and to a depth or width measured from the lot line specified in the **YARD** requirements for the zoning district in which the zoning lot is located.¶

**YARD, REAR.** A yard extending along the full width of the rear lot line between the side lot lines.

**YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard.

**ZONING MAP.** The map setting forth the boundaries of the zoning districts of the city, which map is a part of this chapter.

**ZONING OFFICER.** The Zoning Officer of the city as duly appointed by the City Council. (1997 Code, § 25.06) (Ord. passed 11-14-1994; Am. Ord. 2005-3, passed 4-11-2005; Am. Ord. 2017-3, passed 9-11-2017)

#### § 153.010 SEPARABILITY.

It is hereby declared to be the intention of the City Council that the several provisions of this chapter are separable in accordance with the following.

(A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provisions of this chapter not specifically included in that judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or other structure, the judgment shall not affect the application of that provision to any other property, building, or structure not specifically included in that judgment.

(1997 Code, § 25.07) (Ord. passed 11-14-1994; Am. Ord. 2005-3, passed 4-11-2005)

## ZONING DISTRICTS AND MAPS

### § 153.020 ZONING DISTRICTS ESTABLISHED.

The following zoning classifications are hereby established within the city:

(A) ~~PI, public institution district;~~

~~(B) R-1, one- and two-family residential district;~~

~~(C) R-2, multiple-family residential district;~~

~~(D) EMX - [New mixed-use residential district]~~

~~(E) CBD, central business district;~~

~~(F) C-2, highway commercial district; including C-2 North and C-2 South districts and~~

~~(G) M, manufacturing and industrial district.~~

(1997 Code, § 25.07) (Ord. passed 11-14-1994)

### § 153.021 ZONING MAP ESTABLISHED.

The location and boundaries of the districts established by this text are hereby set forth on the zoning map entitled Zoning Map of the city, and is attached hereto as Appendix D.

Deleted: (B)

Deleted: (C)

Deleted: (D)

Deleted: (E)

(1997 Code, § 25.07) (Ord. passed 11-14-1994)

#### § 153.022 DISTRICT BOUNDARY INTERPRETATION.

### ZONING DISTRICTS; REQUIREMENTS AND USES

#### § 153.034 PUBLIC INSTITUTION DISTRICT, PI.

#### § 153.035 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT, R-1.

(A) *Intent.* To recognize fully or partially developed one- and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use.

(B) *Permitted uses.*

(1) One- and two-family detached dwellings, including manufactured homes, with an attached or detached private garage;

(2) Customary accessory uses incidental to the permitted residential uses, such as:

(a) Screen houses; and

(b) Private recreational facilities such as swimming pools and tennis courts.

~~(c) rummage sales, provided no more than 4 sales are held per property per calendar year, each lasting no more than 3 consecutive days and that exchange or sale of merchandise is conducted inside the garage or one-half the required setback length from the street.~~

(3) Home occupations;

~~(4) Licensed day care or residential facilities permitted as single family residential uses per M.S. 462.357 and as it may be revised from time to time;~~

~~(5) Essential structures and uses.~~

(C) *Conditional uses.*

~~(1) Public and semi-public facilities such as religious institutions, schools, and parks of a non-commercial nature; and~~

~~(2) Manufactured home parks, per M.S. 462.357.~~

(D) *Lot requirements and standards.* Refer to Appendix A of this chapter.

(1997 Code, § 25.08) (Ord. passed 11-14-1994)

#### § 153.036 HIGH-DENSITY RESIDENTIAL DISTRICT, R-2.

(A) *Intent.* To recognize the demand for apartment, condominium, and multiple-family dwellings; to provide for these apartments upon fairly sizable tracts of land, thereby allowing increased design flexibility and a more compatible development pattern; and to permit these apartments at densities high enough to allow high quality development yet low enough to provide a desirable living environment for residents.

**Commented [NA10]:** No changes.

**Commented [NA11]:** These restrictions were formerly in place for "Garage Sale Signs"

**Deleted:** 4

**Deleted:** and

**Deleted:** 5

**Deleted:** churches

**Deleted:** .

(B) *Permitted uses.*

- (1) Multiple-family dwellings of three or more dwelling units per structure; and
- (2) Customary accessory uses incidental to the permitted residential uses such as private garages and private recreational facilities such as swimming pools and tennis courts.

(C) *Conditional uses.*

- (1) Essential service structures and uses;
- (2) Public and semi-public facilities such as ~~religious institutions~~, schools, and parks of a non-commercial nature;
- (3) Nursing, convalescent, and retirement homes; and
- (4) Health care facilities, including hospitals and medical and dental clinics.

~~(5) Licensed day care or residential facilities permitted as multifamily residential uses per M.S. 462.357 and as it may be revised from time to time~~

(D) *Lot requirements and standards.* Refer to Appendix A of this chapter.

(1997 Code, § 25.08) (Ord. passed 11-14-1994)

§ 153.XXX EMX - Mixed-Use Residential District.

(A) Intent. The intent of this district is to accommodate uses that are predominantly residential in nature and mixed-use buildings with neighborhood-serving retail, entertainment, civic, institutional, and office uses in key ground-floor locations and residential uses between and above the nonresidential space. The ground level shall be pedestrian-oriented and shall promote the health and well-being of residents by encouraging physical activity, alternative transportation, and social interaction. Development in the district shall facilitate transition between commercial areas and nearby neighborhoods.

(B) Permitted Uses. Multi-family residential uses and limited commercial uses within mixed use buildings. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

(1) All permitted uses in the Central Business District (CBD), provided that such uses are combined with other principal or conditional uses when within a mixed-use building, and that the gross floor area occupied by any such single use shall not exceed the gross floor area of the ground floor.

(2) All Permitted Uses in the High Density Residential District (R-2).

(C) Conditional Uses. Commercial uses. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

(1) Permitted Uses in the Central Business District (CBD) occupying more than the gross floor area of the ground floor when within a mixed use building;

**Deleted:** churches

**Commented [NA12]:** *CBD Permitted uses.*

(1) Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

- (a) Retail establishments such as grocery, hardware, drug, clothing, appliances, furniture stores, and restaurants;
- (b) Personal services such as laundry, barber, shoe repair, beauty salon, and photography studio;
- (c) Professional services such as medical clinics, dental clinics, law offices, and accounting offices;
- (d) Finance, insurance, and real estate services;
- (e) General commercial office space; and
- (f) Repair services such as jewelry, radio, and television repair shops (not auto repair).

(2) Public and semi-public facilities serving all or portions of the city, such as municipal offices, library, and post office; ...

**Commented [NA13]:** *R-2 Permitted uses.*

- (1) Multiple-family dwellings of three or more dwelling units per structure; and
- (2) Customary accessory uses incidental to the permitted residential uses such as private garages and private recreational facilities such as swimming pools and tennis courts.

(2) Conditional uses in the Central Business District (CBD) with the exception of § 153.037(C)(8) Commercial businesses intending to sell or serve liquor as part of regular business and § 153.037(C)(9) Artisan manufacturing businesses;

(E) Lot requirements and standards. Refer to Appendix A of this chapter.

(F) Building Performance Standards. Development shall be substantially compliant with the Architectural Design Guidelines for Osseo Business Districts, copies of which are available at City Hall, regarding Height, Setbacks/Building Siting, Fenestration, Rhythm/Continuity, Materials, Detailing, Lighting, Rear Entrances, and Parking. Substantial compliance shall be determined as part of § 153.153 Site and Building Plan Approval.

(G) Site Performance Standards

(1) Open Space. When public open space is provided on site in a manner consistent with that outlined in the Comprehensive Plan, a height bonus may be considered upon approval of the City Council. The intent of the bonus is to encourage the provision of public open space and amenities.

(2) Fencing. Requirements shall be the same as for the R2 District.

(3) Landscaping and Outdoor Storage and Screening. Requirements shall be the same as for the Central Business District.

(4) Off-street vehicular parking shall be provided in accordance with Appendix B: Off-Street Parking Space Requirements, with the following exceptions:

(a) One off-street parking space must be provided for each dwelling unit.

(b) No off-street parking is required for non-residential uses in the district unless such uses exceed 3,000 square feet of gross floor area in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

(c) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public streets or residential zoning districts.

(5) Bicycle Parking.

(a) Applicability. Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development [in the EMX District].

(b) Quantity of Spaces

i. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall fewer than two (2) spaces be required.

a. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required motor vehicle parking for the use, up to 30 bicycle parking spaces.

b. Multifamily residential development with 4 or more units shall provide 1 space per unit.

ii. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

a. When 10% or more of automobile parking is covered.

b. If more than 10 bicycle parking spaces are required.

**Commented [NA14]:** May apply here for EMX district only, or, upon Planning Commission & Council direction, may apply Citywide



- (c) Professional services such as medical clinics, dental clinics, law offices, and accounting offices;
- (d) Finance, insurance, and real estate services;
- (e) General commercial office space; and
- (f) Repair services such as jewelry, radio, and television repair shops (not auto repair).
- (2) Public and semi-public facilities serving all or portions of the city, such as municipal offices, library, and post office;
- (3) Apartments, if located above the street level in non-residential structures;
- (4) Essential service structures and uses; and
- (5) Any other uses determined by the city to be the same or similar type uses.

(C) *Conditional uses.* Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

- ~~(1) Essential service structures and uses;~~
- (2) Entertainment and amusement services such as arcades, billiards, bowling alleys, lounges, clubs, and lodges;
- (3) Private institutions (e.g., religious institutions, convalescent housing, infirmaries, nurseries, and schools);
- (4) Dry cleaning;
- (5) Blueprint and photocopying establishments;
- (6) Pet shops;
- (7) Seasonal businesses, including locations where Transient Merchants conduct their transactions;
- (8) Commercial businesses such as on- or off-sale liquor establishments (taverns, pubs) and restaurants intending to sell or serve liquor as part of regular business;
- (9) Artisan manufacturing businesses;
- (10) Professional personal services businesses (e.g., massage therapy, body art establishments, etc), when operating without a license from the City of Osseo, Hennepin County, or the State of Minnesota; and
- (10) Any other uses determined by the city to be the same or similar type uses.

(D) *Lot requirements and standards.* Refer to [Appendix A](#) of this chapter.

(1997 Code, § 25.08) (Ord. passed 11-14-1994; Am. Ord. 2005-3, passed 4-11-2005; Am. Ord. 2010-3, passed 6-28-2010; Am. Ord. 2017-3, passed 9-11-2017)

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Commented [NA15]: Listed under both Permitted and Conditional Uses—what is the intent? I suggest taking out this reference—it's not a "Commercial establishment"

Commented [NA16]: We historically have required CUPs for (unlicensed) massage therapists and tattoo artists. However, these CUPs were/are written more to address business operational/licensing concerns and not land use matters. Staff prefer not to use CUPs as licenses, when other avenues for licensing exist.

§ 153.038 HIGHWAY COMMERCIAL DISTRICT, C-2.

(A) *Highway Commercial District, C-2 North.*

(1) *Intent.* The intent of this district is to accommodate service type business uses primarily oriented to the driving public with needed parking facilities provided on site by the owner.

(2) *Permitted uses.* Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

- (a) Uses permitted within the central business district;
- (b) Auto accessory stores; and
- (c) Any other uses determined by the city to be the same or similar type uses.

(3) *Conditional uses.* Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

- (a) Conditional uses permitted in the CBD;
- (b) Major auto service stations that include facilities for chassis and gear lubricating, and car washing;
- (c) Garages for the storage and repair of vehicles including body repair and painting, but not including vehicle wrecking yards;
- (d) Live bait stores;
- (e) Outdoor motor vehicle sales, recreational vehicle sales, truck sales, and motorcycle sales, which meet all of the following requirements:

- 1. Minimum lot size of one acre;
- 2. Minimum building size must be at least 10% of lot size;
- 3. Business must have own building separate from any other use on the property;
- 4. Area used for sales must be separate and in addition to off-street parking area; and

5. All vehicle repair and maintenance must take place within a completely enclosed building. Repaired vehicles or vehicles waiting to be repaired shall be considered storage and must be within a screened or enclosed area.

(f) Indoor motor vehicle, recreational vehicle, truck and motorcycle sales, which meet all of the following requirements;

1. All vehicle repair and maintenance must take place within a completely enclosed building. Repaired vehicles or vehicles waiting to be repaired shall be considered storage and must be within a screened or enclosed area.

(g) Mortuaries;

(h) Drive in businesses, auto repair and service, which meet the following requirement:

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Commented [NA17]: ?

1. Minimum lot size of .5 acre;
  - (i) Automobile detailing and/or washing; and
  - (j) Any other uses determined by the city to be the same or similar type uses.
- (4) *Lot requirements and standards.* Refer to Appendix A of this chapter.

(B) *Highway Commercial District, C-2 South.*

(1) *Intent.* The intent of this district is to accommodate service type business uses primarily oriented to the driving public with needed parking facilities provided on site by the owner.

(2) *Permitted uses.* Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered:

- (a) Uses permitted within the Highway Commercial C-2 North District;

↓ (3) *Conditional uses*;

- (a) Conditional uses permitted in the Highway Commercial C-2 North District;

- (b) Warehousing and shipping of warehoused goods; and

- (c) Any other uses determined by the city to be the same or similar type uses.

- (4) *Lot requirements and standards.* Refer to Appendix A of this chapter.

(1997 Code, §25.08) (Ord. passed 11-14-1994; Am. Ord. 2005-3, passed 4-11-2005; Am. Ord. 2008-3, passed 2-11-2008; Am. Ord. 2010-3, passed 6-28-2010; Am. Ord. 2014-1, passed 2-10-2014)

**Deleted:** central-business district

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**Deleted:** . Commercial establishments. In order to illustrate the types of establishments which this division is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only establishments intended to be covered

**Deleted:** ¶

— (b) Major auto service stations that include facilities for chassis and gear lubricating, and car washing; ¶

— (c) Garages for the storage and repair of vehicles including body repair and painting, but not including vehicle wrecking yards; ¶

— (d) Live bait stores; ¶

— (e) Outdoor motor vehicle sales, recreational vehicle sales, truck sales, and motorcycle sales, which meet all of the following requirements: ¶

1. Minimum lot size of one acre; ¶

2. Minimum building size must be at least 10% of lot size; ¶

3. Business must have own building and property; ¶

4. Area used for sales must be separate and in addition to off-street parking area; and ¶

5. All vehicle repair and maintenance must take place within a completely enclosed building. Repaired vehicles or vehicles waiting to be repaired shall be considered storage and must be within a screened or enclosed area. ¶

— (f) Indoor motor vehicle, recreational vehicle, truck, and motorcycle sales; ¶

— (g) Mortuaries; ¶

— (h) Drive in businesses, auto repair and service, which meet the following requirement: ¶

1. Minimum lot size of .5 acre; ¶

— (i) Automobile detailing and/or washing;

**Deleted:** j

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§ 153.039 MANUFACTURING AND INDUSTRIAL DISTRICT, M.

**Commented [NA19]:** No changes.

§ 153.040 PROVIDING FOR A MORATORIUM ON GRANTING CONDITIONAL USE PERMITS FOR A USE ASSOCIATED WITH AUTOMOTIVE REPAIR OR OUTDOOR STORAGE OR SALES OF RECREATIONAL VEHICLES OR TRAILERS, TRUCKS OR AUTOMOBILES IN THE HIGHWAY COMMERCIAL DISTRICT (C-2) AND IN THE MANUFACTURING AND INDUSTRIAL DISTRICT (M).

**Commented [NA20]:** No changes to this (expired) 1-year moratorium adopted in December 2006.

§ 153.041 PROVIDING FOR A MORATORIUM ON GRANTING CONDITIONAL USE PERMITS FOR USES IN THE CBD, CENTRAL BUSINESS DISTRICT ASSOCIATED WITH: DRIVE-IN BUSINESSES; MINOR AUTO SERVICE STATIONS FOR RETAIL SALE AND SERVICE; MORTUARIES; AND DRY CLEANING, LAUNDRY, LINEN TOWELS, DIAPER, AND SIMILAR SUPPLY SERVICES.

**Commented [NA21]:** No changes to this (expired) 1-year moratorium adopted in May 2009.

## GENERAL REQUIREMENTS AND DEVELOPMENT STANDARDS

§ 153.050 SPECIAL REGULATIONS; PERFORMANCE STANDARDS.

**Commented [NA22]:** No changes.

§ 153.051 LAND ALTERATION; EROSION CONTROL.

(A) *Land alteration restricted; exceptions.* Land alteration is the process of changing the existing landscape by excavating, filling, or grading. Subject to the exceptions set forth below, no land shall be altered, excavated, filled, or graded and no vegetation shall be removed without first obtaining a permit from the city. The following exceptions shall be allowed:

(1) A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards and does not obstruct a drainage course; and other exceptions as are listed the State Building Code;

**Commented [NA23]:** Staff suggest removing this exception, but we could also reduce this number to 25, 10, or 5 cubic yards

(2) Construction of buildings for which a permit has been applied for and issued, provided the contemplated excavation or filling operation was sufficiently described at the time of building permit application;

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(3) Excavations or fills by state, county, or city authorities in connection with the construction or maintenance of roads, highways, parks, or utilities or on slope or utility easements, provided the activity is conducted within public rights-of-way or easements and has obtained any necessary Right of Way permits for the work;

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(4) Curb cuts, utility hook-ups, or street openings for which another permit is required from the city; or

(5) Grading plans as approved of as part of plat approvals.

(B) *Requirements.* Issuance of a grading permit shall be made subject to the following minimum requirements, and other requirements as the City Council may specify to protect the public interest:

(1) *Setback from adjacent property.* All operations shall be conducted within the property lines. Grading that extends over the property lines shall require easements from adjacent property owners. Grading within the rights-of-way shall be by city ~~permit~~;

**Deleted:** permission

(2) *Excavation.* It shall be unlawful for any person to dig and leave open, unfenced, unbarricaded, or uncovered, any pit, quarry, hole, or excavation, including basements, wells, septic tanks, or cesspools;

(3) *Restoration.* Upon completion of excavation or filling operations, the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded to establish approved vegetation;

(4) *Finished grades.* Finished grades shall not adversely affect adjacent properties;

(5) *Drainage.* Drainage facilities shall be provided to effectively divert or convey storm water runoff and follow the requirements of § [153.061](#);

(6) *Fire, ~~vermin~~, wind, and hauling control.* Provisions for effectively controlling fire, ~~vermin~~, and dispersal of material by wind or by hauling to and from the site, and for general maintenance of the site shall be made; and

**Commented [NA24]:** I prefer a broader term, to include insects and other animal species (e.g., raccoons, opossums, etc)

**Deleted:** rodent

(7) *Permit period.* The excavation or filling permit shall run for six months unless a lesser or greater period is requested and approved by the City Council.

**Deleted:** rodents

(C) *Erosion control.*

(1) *Criteria.* Erosion and sediment control plans shall comply with the following criteria:

(a) Before a construction activity begins where soil will be disturbed, that requires a permit, an erosion control plan shall be submitted to the city for approval.

(b) All development shall conform to the natural site topography and soil conditions to control runoff in order to create the best potential for preventing soil erosion.

(c) All erosion and sediment control measures shall be installed prior to land disturbance activities, and shall not be removed without city approval. The developer or land owner is responsible for removal and disposal of erosion control devices.

(d) Land disturbance activities shall be phased when possible to minimize the amount of soil exposed to erosion at any one time.

(e) Erosion and sediment control measures shall be consistent with approved best management practices and shall be sufficient to retain sediment on-site.

(f) All areas disturbed by excavation and backfilling operations, shall have the turf re-established after the completion of the work in that area. All seeded areas shall be fertilized, mulched, and ~~secured and stabilized~~ as necessary for seed retention.

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(g) At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer, or another method that does not require germination to control erosion.

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(2) *Clean-up.* The developer or land owner shall maintain a neat and orderly site and daily clean, on and off site, dirt and debris from the street and the surrounding area which has resulted from construction work by the developer or land owner, its agents or assigns.

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(3) *Maintenance.* The developer or land owner shall be responsible for proper installation, operation, and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with approved best management practices. The developer or land owner is responsible for the operation and maintenance of temporary erosion prevention and sediment control best management practices for the duration of the construction work at the site.

(4) *Notification.* If a construction site or buildable lot is sold before work is completed, the owner is required to notify the buyer of the erosion control, clean-up, and landscaping requirements.

(5) *Landscaping.* The developer shall provide for the installation of landscaping in accordance with the landscape plan approved by the city. The developer shall sod the drainage swales. All trees, grass, and sod shall be warranted to be alive, or of good quality and disease-free at installation. All trees shall be warranted for 12 months after planting.

(6) *Noncompliance.* If the developer or land owner does not comply with the erosion control plan the city may take action as it deems appropriate to control erosion at the developer's or land owner's expense. The city will endeavor to notify the developer or land owner in advance of any action, but failure of the city to do so will not affect the developer's or land owner's and city's rights and obligations hereunder.

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(7) *Additional rules apply.* During construction and until permanent cover is established, any land alteration that exceeds an area of 43,560 square feet (one acre) shall require compliance with the rules and procedures of the Watershed Management Commission having jurisdiction.

(1997 Code, § 25.08) (Ord. passed 11-14-1994; Am. Ord. 2012-8, passed 5-29-2012) [Penalty, see § 10.99](#)

#### § 153.052 TREE REMOVAL REGULATIONS.

**Commented [NA25]:** No changes.

#### § 153.053 BUILDING MATERIAL REGULATIONS.

(A) *Purpose.* The purpose of this section is to assure that buildings in commercial and industrial areas of the city will be of high quality in both visual and functional terms. To that end, this section identifies permitted building materials which are durable and long-lasting and which generally present a more attractive visual appearance than less durable materials.

(B) *Application.* The provisions of this section shall apply to all new structures including additions or remodeling and to all new developments within all zoned districts within the city.

(C) *Exterior elevation.* Exterior elevation drawings of the proposed structure must be submitted which will accurately indicate the height, size, design, and appearance of all elevations of the proposed structure. A description of the construction materials to be used must also be submitted.

(D) *Architectural design.* The exterior architectural appearance of the proposed structure shall not be so at variance with the exterior architectural appearance of existing structures within the immediate area, or with the intended character of the applicable zoning districts, taking into

consideration building materials, size, shape, and heights, so as to cause an adverse impact upon property values in the immediate area, or the city as a whole, or adversely affect the public health, safety, and general welfare of the portion of the city in which the property is located or the city as a whole. All additions or remodeling shall be compatible in scale, material, and massing.

(E) *Permitted materials.* Structural systems of all buildings shall be as required by the State Building Code.

(1) Exterior building materials shall not be so at variance with the exterior materials of existing structures within the immediate area or the city as a whole as to adversely impact the property values in the affected area or the city as a whole, or adversely affect the public health, safety, and general welfare.

(2) Exterior building finishes shall consist of materials comparable in grade and quality to the following:

(a) Brick;

(b) Natural stone;

(c) Precast concrete units and concrete block, provided that surfaces are molded, serrated, or treated with a textured material in order to give the wall surface a three-dimensional character;

(d) Wood, provided surfaces are finished for exterior use and only woods of proven exterior durability are used, such as cedar, redwood, and cypress;

(e) Fiberglass and aluminum (non-structural, non-load bearing), provided these panels are factory-fabricated and finished with a permanent durable non-fade surface and their fasteners are of a corrosion-resistant design; and provided further that no more than one-third of the wall surface abutting a public street, or adjacent to a residential or public area, consists of this type of panels. The requirement of no more than one-third of the wall surface being covered by the aforementioned materials may be permitted if it can be shown that the building is screened by other means such as berming, plantings, or other proposals that may be submitted by the builder; or

(f) Glass curtain wall panels.

(F) *Prohibited materials.*

(1) Face materials which rapidly deteriorate or become unsightly, such as galvanized metal, unfinished structural clay tile, and metal panels not factory finished with a permanent surface;

(2) Buildings comprised exclusively of metal;

(3) Sheet metal, plastic, or fiberglass siding, unless that siding is a component of a factory fabricated and finished panel.

(1997 Code, § 25.08) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

#### § 153.054 OUTSIDE STORAGE AND SCREENING.

All material and equipment shall be stored within a building or fully screened so as to not be visible from adjoining properties. Any such screening method, whether a physical structure or

**Deleted:** (3) (a) Pole buildings, defined as follows.¶  
(b) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.¶

**POLE BUILDING.** Any building using wood or metal poles as a principal structural support where those supports are not affixed to a floor slab but inserted directly into the ground to achieve alignment and bearing capability.¶

**Deleted:** 4

landscaping, shall reduce visibility in a manner that restricts vision of the object being screened. Physical structures, such as fences, shall be constructed in a style that is architecturally compatible with the primary structure. All screening methods shall be approved by the Zoning Official. Screening is not required in the following instances:

(A) Construction and landscaping materials and equipment temporarily being used on the premises (limited to a duration of 14 days or the length of an active Building or Excavation permit);

~~—(B) Agricultural equipment and materials if these are being used or intended for use on the premises;~~

(C) Off-street parking facilities, except as otherwise herein regulated, and except in residential districts where any off-street parking area containing over six spaces may be required to be screened; and

(D) In commercial districts (CBD and C-2), merchandise of the type customarily displayed outdoors for retail sale may be so displayed beyond the principal structure without screening, provided that in no event shall the unscreened outside display area:

(1) Exceed 5% of the ground floor area of the principal structure;

(2) Impede normal pedestrian or vehicular traffic; and

(3) CBD businesses may utilize public right-of-way for outside display areas as long as it adheres to all requirements of this section, and:

(a) Display areas must be approved by the Zoning Official; and

(b) Merchandise display is only allowed during business hours.

(1997 Code, § 25.08) (Ord. passed 11-14-1994; Am. Ord. 2008-3, passed 2-11-2008) [Penalty, see § 10.99](#)

#### § 153.055 CONSTRUCTION STANDARDS.

(A) All structures permitted in all zoning districts (~~PL~~, R-1, R-2, ~~EMX~~, CBD, C-2~~N~~, C-2~~S~~, and M) shall be constructed in accordance with the State Building Code and shall be constructed with a floating four-inch, or greater, concrete slab floor throughout the structure or with concrete frost footings and foundations, as specified by the State Building Code, along the entire perimeter of the structure. All structures in the zoning districts set forth shall possess wall and ceiling joist construction consisting of framing materials of at least one and one-half inch by three and one-half inch dimensions. ~~Pole-type construction, with or without frost footings and foundations and with or without metal exterior walls or metal roofs, shall not be permitted.~~

(B) Structures to be utilized for one-family inhabitation in allowable districts, as set forth by this chapter, shall have a minimum overall building width of 24 feet and shall have a minimum roof slope ratio of 4:12 (four-inch rise to 12-inch run).

(C) All other structures to be built in any zoning district shall comply with all requirements as described in this chapter and the State Building Code.

(1997 Code, § 25.08) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

**Commented [NA26]:** We don't explicitly allow any agricultural uses, so I'm wondering if it makes sense to allow outdoor storage of agricultural equipment or materials.

**Commented [NA27]:** This seems to duplicate Chapter 150: Building Regulations

**Commented [NA28]:** This content is redundant—the State Building Code covers these issues. Metro West Inspection Services, acting as the city's Building Official, suggests this section could be removed.

**Commented [NA29]:** 62 3<sup>rd</sup> Ave NW is ~23 ft wide, as is 108 Broadway Street East

§ 153.056 ACCESSORY BUILDINGS AND STRUCTURES.

(A) General Provisions.

(1) Small accessory structures such as arbors, benches, doghouses, playsets, garden decorations, pergolas, and 'Little Free Libraries' are exempt from the provisions of this subsection, but cannot be located in public rights-of-way without an approved permit for such occupancy.

(2) Tents, play houses, or similar structures shall not be used as temporary or permanent dwelling units, but may be used for recreational purposes.

(3) Any accessory structure used for the parking or storage of motor vehicles, such as a garage or carport, shall have a floor constructed of poured concrete in accordance with standards approved by the building official.

(4) Accessory structures shall only be constructed concurrent with or after the construction of the principal building on the same site.

(5) Uses and structures that are accessory to a conditional principal use shall be permitted in accordance with this subsection, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.

(B) Residential districts. Accessory buildings and structures in residential districts shall be subject to the following regulations.

(1) Accessory buildings and structures attached to or part of the principal building shall maintain the same setbacks as required for the principal building.

(2) Except for private garages, no accessory building shall exceed ten feet in height or 200 square feet in floor area, nor shall accessory structures exceed ten feet in height or 150 square feet in floor area in R-1 and R-2 zoning districts, as set forth in the table below.

(1997 Code, § 25.08)

<i>Accessory Structures</i>		
<i>Zoning District</i>	<i>Maximum Height, in Feet</i>	<i>Maximum Floor Area, in Square Feet</i>
R-1 & R-2	10	150
Others	15	200

(1997 Code, Ch. 25, Table 2)

(3) No detached accessory building shall be erected or moved within five feet of the principal structure.

(4) A maximum of one accessory structure is permitted per lot, including but not limited to storage sheds and yard barns, but not including garages.

**Commented [NA30]:** I'm not sure if the residential/commercial district distinction/category is worth maintaining

~~(C) Commercial and industrial districts.~~ Accessory buildings and structures in CBD, C-2N, C2-S, and M zoning districts shall be subject to the following regulation: for motor fuel stations, the setback of any overhead canopy or weather protection, freestanding or projecting from a building, shall not be less than 15 feet from the street right-of-way line, nor less than 20 feet (35 feet in M district) from an adjacent property line. The distance of the setback shall be measured from the roof line of the structure to the property line.

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(D) Private garages. The maximum capacity of a private garage shall not exceed a total of three passenger vehicles in residential zoning districts (R-1 and R-2). The maximum aggregate floor space of all private garages on a single lot shall be 1,000 square feet. The maximum building height for private garages shall be 15 feet.

Commented [NA31]: This actually seems to be about motor fuel stations, not Commercial and industrial districts.

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(1997 Code, § 25.08)

(Ord. passed 11-14-1994; Am. Ord. 2005-5, passed 8-8-2005) [Penalty, see § 10.99](#)

#### § 153.057 LANDSCAPING.

##### (A) Purpose and objectives.

(1) The primary purpose of this section is to establish minimum requirements and standards relative to landscaping, buffering, and screening to be implemented concurrently with site plans approved by the city. The standards and criteria shall be used by city staff and the Planning Commission in the review and evaluation of those plans and development proposals.

(2) The objectives of these requirements are to establish and maintain forestation of the city; to provide appropriate ground cover vegetation for controlled soil erosion; to enhance, when necessary, the natural environment, particularly in instances where the natural environment is disturbed during the course of development; and to establish standards for utilization of natural materials to achieve desired screening and buffering.

(B) Minimum standards. This section sets forth minimum requirements of landscaping and limitations to assure that the result is consistent with reasonable maintenance requirements on a long-term basis and to assure that the results provide an aesthetic urban environment.

##### (1) CBD, central business district and EMX, Edge Mixed Use District.

(a) One tree for every 1,000 square feet of total building area. If landscaping cannot be accommodated on site the City Council will require the plantings to be placed in a City Park or city right-of-way. Placement of this landscaping shall be approved by the City Council.

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(b) ~~Off-street parking areas in the CBD~~ shall be ~~demarcated or defined~~ so as to ~~separate cars from pedestrian walkways and~~ minimize the impact ~~on the urban fabric~~ of large expanses of asphalt and automobiles. ~~This demarcation may be accomplished by the use of low walls, landscaping, or other combinations consistent with the city's Architectural Design Guidelines. Parking areas that face or abut a residentially zoned area shall be screened.~~ This screening can be accomplished by an earth berm with shrub plantings, by hedge with various deciduous and coniferous trees, or by other combinations approved by the city.

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(c) Loading docks and loading berths that face a residentially zoned area shall be screened so as not to be seen from the residential area. Various deciduous and coniferous trees or fencing approved by the city may be used as the screening device.

(d) All trash and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.

(e) Light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.

(2) *C-2, highway commercial districts.*

(a) One tree for every 1,000 square feet of total building floor area or one tree for every 50 feet of site perimeter, whichever is greater.

(b) The light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.

(c) Loading docks and loading berths that face a residentially zoned area shall be screened so as not to be seen from the residential area. Various deciduous and coniferous trees or fencing approved by the Planning Commission may be used as the screening device.

(d) Parking lots that serve a highway business use or health care use that face or abut a residentially zoned area shall be screened so as to minimize the visual impact of the large expanses of asphalt and automobiles. This screening can be accomplished by an earth berm with shrub plantings or by a hedge with various deciduous and coniferous trees or by other combinations approved by the city.

(e) Trees planted to satisfy the requirements of divisions (B)(2)(b), (B)(2)(c), or (B)(2)(d) above, will not be counted towards the requirement of one tree per 1,000 square feet of building or one tree per 50 feet of site perimeter unless otherwise approved by the city.

(f) All trash and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.

(3) *M, manufacturing and industrial district.*

(a) One tree per 1,000 square feet of gross building floor area.

(b) Where industrial zoned land is adjacent to or across the street from property zoned for residential development, that industry shall provide screening as follows.

1. Loading docks and loading berths that face a residentially zoned area shall be screened so as not to be seen from the residential area. Various deciduous and coniferous trees or fencing approved by the city may be used as the screening device.

2. Parking lots that serve an industrial use that face or abut a residentially zoned area shall be screened so as to minimize the visual impact of the large expanses of asphalt and automobiles. This screening can be accomplished by an earth berm with shrub plantings or by a hedge with various deciduous and coniferous trees or by other combinations approved by the city.

3. Trees planted to satisfy the requirements of divisions (B)(3)(b)1. and (B)(3)(b)2. above will not be counted towards the requirement of one tree per 1,000 square feet of building unless otherwise specified by the city.

4. All trash and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structures.

5. Light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.

(4) *R-1, one- and two-family residential district, and R-2, multiple-family residential district.*

~~(a) The minimum number of trees meeting the Minimum Size requirements in Subsection 6) maintained at any given site shall be as follows:~~

- ~~i. Single and Two Family Uses. A minimum of two trees per parcel.~~
- ~~ii. Townhouse and Multiple Family Uses of 4 or fewer units. A minimum of one tree per dwelling unit.~~
- ~~iii. Multiple Family Uses of 5 or more units. Whichever is greater: one tree per 1,000 square feet of gross building floor area or one tree per fifty lineal feet of site perimeter.~~

~~(b) Where any multiple-family use with more than four parking spaces adjoins another residential use, the off-street parking for that use shall be screened from adjoining properties by a hedge or other various plantings as approved by the city.~~

~~(c) Lights from automobiles and parking lot lights shall be screened whenever the light may be directed onto residential windows to the extent that it will cause an unreasonable disturbance.~~

(5) *Landscape requirements applicable to all districts.*

(a) Unless otherwise directed by the city, all plantings shall be placed on the private property on which the development is taking place.

(b) Landscape screening exceeding 30 inches in height as measured from the top side of the curb is not permitted within 15 feet of any street or alley.

(c) All areas not otherwise improved in accordance with approved site plans or subdivisions shall be sodded and maintained.

**Deleted:** (a) A planting trip and/or earth berm, not exceeding a slope of 3:1, shall be placed in all newly platted residential developments that abut an arterial road as identified in the city's Comprehensive Plan.¶

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**Deleted:** n the R-1 and R-2 districts, each newly platted lot shall have two trees.

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(d) The owner shall provide the city with cash, corporate surety bond, approved letter of credit, or other surety satisfactory to the city to guarantee the proper installation and growth of the approved landscape plan. The performance bond shall be furnished by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The performance bond shall be held by the city and must cover one full calendar year subsequent to the installation of the landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.

(6) *Minimum size of plantings.*

(a) Unless otherwise specified herein with respect to specific zoning districts, required trees shall be of the following minimum planting size:

1. Deciduous trees: two and one-half inches in diameter as measured six inches above ground;
2. Coniferous trees: four feet in height; and
3. Major shrub or berm plantings: five gallons.

(b) Evergreen shrubs used for screening purposes, including those used in conjunction with berming, shall be a minimum of 24 inches in height.

(7) *Species.*

(a) All trees used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.

(b) All deciduous trees proposed to satisfy the minimum requirements of this policy shall be long-lived hardwood species.

(c) The complement of trees fulfilling the requirements of this policy shall not be less than 25% deciduous and not less than 33% coniferous.

(8) *Ineligible species.* The following species shall not be used toward meeting the requirements of this chapter.

**Deleted:** *Prohibited*

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<i>Genus</i>	<i>Species</i>	<i>Common Name</i>
Acer	Megundo	Boxelder
Ginkgo	Biloba	Ginkgo
Populus	Deltoides	Eastern cottonwood
Populus	Nigra Italica	Lombardy poplar

(1997 Code, § 25.08) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

## § 153.058 FENCING.

### (A) *Building permit required.*

(1) No fence exceeding six feet in height shall be constructed without a building permit. The application shall be accompanied by a plot plan clearly describing the type, location, and method of anchoring the fence. Permit applications shall be reviewed by the Zoning Officer or their designee.

(2) Fences may be erected, placed or maintained along or adjacent to a lot line. The fence owner shall be responsible for properly locating all property lines before construction of any fence. Boundary line fences shall be located entirely upon the private property of the party constructing the fence unless the owner of the property of the adjoining property agrees, in writing, that the fence may be erected on the division line of the respective properties. The persons, firms, or corporations constructing or causing the construction of the fence shall be responsible for verifying the location of their property line and for maintaining that part of their property between fence and property line. City staff will require any applicant for a fence permit to establish the boundary lines of his or her property by a survey thereof to be made by any registered land surveyor or by showing the stake markers of the surveyed lot.

(3) Permanent fencing is required to meet the standards of the State Building Code.

### (B) *Fencing standards for all districts.* Fencing in all districts shall conform to the following.

#### (1) Fence Design. Fences shall be constructed, designed and maintained as follows:

(a) Permitted materials. Fences shall be constructed of wood, metal, bricks, masonry or other permanent materials designed for permanent fencing. Fences constructed of wood shall be resistant to decay. Fences shall be maintained so that the exposed outer surface shall be uniformly painted or stained in a neat and aesthetically pleasing condition.

(b) Hazardous and prohibited materials. Fences shall not be constructed of electrically charged wire, razor wire, chain link with slats, chicken wire, rope, cable, railroad ties, landscape timbers, utility poles or any other similar materials or materials not specifically manufactured for permanent fencing. The cut or salvage end of wire or metal fencing materials may not be exposed at the top of a fence if the height of the fence is less than six and one-half (6½) feet. Barbed wire may be permitted at the top of a fence if the height of the barbed wire is not less than six and one-half (6½) feet and the fence is not less than three feet from a public sidewalk or way.

(c) Posts and supporting members. All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall be facing the adjacent property or public right-of-way.

↓ (2) No fence shall be permitted on a public right-of-way or boulevard area without the fence owner first obtaining the appropriate permit(s) for encroachment.

▼ (3) No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic and no fence shall obstruct free access to a fire hydrant.

**Commented [NA35]:** I prefer not to require a permit for residential fences <6' tall (like Maple Grove, Minneapolis, & many other cities).

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**Commented [NA36]:** Summarizes & clarifies requirements that are also found in the Nuisance ordinance.

**Deleted:** (1) Fences in all districts shall be maintained so that the exposed outer surface shall be uniformly painted or stained in a neat and aesthetically pleasing condition.¶

**Deleted:** without special permission from the City Council.¶

(4) All snow-stop fencing may be used from November 1 to April 1. No permit shall be required for temporary fencing.

(5) Any fence which is dangerous to the public safety or general welfare and health is a public nuisance and the city may commence proceedings for the abatement thereof.

(C) *Fencing standards in residential districts (R-1 and R-2).* Fence height shall be limited by its location as specified below. Except as otherwise provided in section (1) below, the maximum fence height may be increased by two (2) feet if the entire fence is constructed of open, decorative, ornamental fencing materials that is not more than 50% opaque (such as vinyl coated chain link). In no case shall a fence exceed eight (8) feet in height, regardless of location.

(1) A fence may be located along the rear lot line to a maximum height of up to six feet and to a maximum height of six feet along the side lot lines up to the point where it is parallel with the front edge of the house. From this point forward to the right-of-way, the height of the fence shall not exceed three feet. The maximum height of a fence in the front yard may be increased to four feet if the material type of the fence is not more than 50% opaque (such as vinyl coated chain link). The front of a house situated on a corner lot shall be the architectural front of the house facing the street from which the house is addressed.

(2) A variance is needed for fences exceeding the above mentioned heights. No fence may be placed in violation of the restrictions of this section. Refer to Appendix A.

(1997 Code, § 25.08; Am. Ord. passed 10-27-2003)

Residential Fence Requirements		
Fence Location	Maximum Height, in Feet	Maximum Opaqueness
Front yard at right-of-way AND/OR Side lot lines from front edge of house forward to right-of-way	3	100%
	4	50%
Rear lot line AND/OR Side lot lines from rear lot line to the front edge of house	6	100%
	8	50%

(1997 Code, Ch. 25, Table 3)

(D) *Fencing in commercial, manufacturing, and industrial districts (CBD, C-2, and M).* Fences may be located along a lot line to a height of eight feet. Fences over eight feet in height shall require a variance.

(E) *Required fences; swimming pools.*

(1) All swimming pools shall be completely enclosed by a type of fence resistant to being climbed unless specifically exempted in this section.

**Deleted:** Electric fences may not be used as boundary fences, and material such as hog wire fencing, barbed wire fencing, or snow fencing will not be allowed as permanent fencing.¶

(6) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property. Abutting property owners will be notified by the constructor of the fence five calendar days before the building permit is issued.¶

**Deleted:** Any fence that crosses the width of the front yard shall not exceed three feet in height.

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**Moved up [2]:** The front of a house situated on a corner lot shall be the architectural front of the house facing the street from which the house is addressed.

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**Deleted:** (2) Fences around dog kennels not exceeding 50 square feet in size, fences around garbage cans, and garden fences will not require fence permits but shall adhere to the other regulations of this section.¶

(a) All fence openings or points of entry into the pool area enclosure shall be equipped with gates.

(b) The fence and gates shall be at least four feet in height.

(c) One gate shall be equipped with self-closing and self-attaching devices placed at the top of the gate or otherwise inaccessible to small children. Any gate in the fence will be presumed to be solely for maintenance purposes and shall remain locked at all times when not used for maintenance purposes.

(d) The openings between the bottom of the fence and the ground or surface shall not be more than four inches.

(2) Above-ground pools of four feet or more in wall height shall be exempt from complete enclosure by a type of fence resistant to being climbed. However, above-ground pools shall be equipped with a fence and gate system at all points of entry to the pool. The fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications listed in this section.

(F) *Existing fences.* No existing fence in violation of this section will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must come under the regulation of this section.


(G) *Traffic visibility at corner lots.* On corner lots, in all districts, no fence in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the extension of the existing curb lines of two intersecting streets, thence 30 feet back along one curb line, thence diagonally to a point 30 feet from the point of beginning back along the other curb line, thence to the point of beginning.

(Am. Ord. passed 10-27-2003)

(H) *Violations; remedies.* Violation of this section may be enforced by injunction and the city shall be entitled to the remedy of abatement in order that a fence erected in violation of this section may be removed.

(1997 Code, § 25.08)

(Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

 [§ 153.059 ANTENNAE AND TOWERS.](#)

 [§ 153.060 HOME OCCUPATIONS.](#)

All home occupations permitted by this chapter shall be so established and maintained as to comply with the provisions of the following standards:

(A) Conduct of the home occupation does not result in any alterations to the exterior of the residence or involve interior or exterior construction features not customarily found in dwellings;

(B) Signage consists of no more than one single- or double-faced unlighted sign with a maximum area of two square feet not located on a public right-of-way;

**Commented [NA38]:** This is an unusual violation/remedy section for the Zoning Code. Kennedy-Graven, working as the City Attorney, will confirm whether it is legally (& procedurally) appropriate.

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(C) Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood;

(D) The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises;

(E) The use shall not generate sewage of a nature or rate greater than that normally associated with residential occupancy, nor shall it generate hazardous waste or solid waste at a rate greater than that normally associated with residential occupancy;

(F) Except for articles produced on the premises, no stock-in-trade shall be displayed or sold on the premises;

(G) The home occupation shall not increase vehicular traffic flow and parking by more than one additional vehicle at a time, and any need for parking generated by the conduct of a home occupation shall be met off the street and other than in a required front yard, or in a driveway in a manner so that access to the garage is not eliminated;

(H) No more than ~~two people~~ other than those living in the residence may be employed in the home occupation;

(I) No outdoor display of goods or outside storage of equipment or materials is permitted;

(J) ~~A home occupation may be located within the dwelling, an accessory building, or both, provided that the total area of the home occupation is not greater than 50% of the finished floor area of the dwelling;~~

(K) No home occupation will be allowed that jeopardizes the health and safety of residents of the city. ~~Home businesses shall not create nuisances as provided in the Osseo City Code Chapter 93. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with residential use;~~

(L) There shall be no renting of space in a residence for non-residential purposes.

~~(M) Home occupations shall not operate between 10:00 pm and 7:00 am.~~

(1997 Code, § 25.09) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

#### § 153.061 STORMWATER MANAGEMENT.

#### § 153.XXX ALTERNATIVE ENERGY SYSTEMS

A. Purpose. To provide a resiliency and quality of life for the City's residents; making careful and effective use of available natural, human, and economic resources; and ensuring that resources exist to maintain and enhance the quality of life for future residents. The City finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community. The purpose of this Section is to:

- 1) Accommodate alternative energy sources by creating a clear regulatory path for approving alternative energy systems.

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- 2) Create a livable community where development may incorporate resilient design elements such as resource and energy conservation and use of renewable energy.
- 3) Protect and enhance air quality and decrease use of fossil fuels.
- 4) Accommodate alternative energy development in locations where the technology is viable and environmental, economic, and social impacts can be mitigated.
- 5) Encourage development by establishing reasonable requirements for performance, safety, design, and aesthetics of alternative energy systems.

B. Solar Energy Systems.

- 1) Zoning District Allowance. Solar energy systems in accordance with the standards in this chapter are allowed as a permitted accessory use in all zoning districts.
- 2) General Standards.
  - i. Exemption. Passive or building integrated solar energy systems are exempt from the requirements of this Section and shall be regulated as any other building element.
  - ii. Height. Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
  - iii. Location. In residential zoning districts, ground mounted solar energy systems shall be limited to the rear yard. In nonresidential districts, ground mounted solar energy systems may be permitted in front yards, side yards adjacent to public rights-of-way, and rear yards.
  - iv. Setbacks. Ground mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
  - v. Roof Mounting. Roof mounted solar collectors may be flush mounted or bracket mounted. Bracket mounted collectors shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support apparatus, wind, and snow loads and all applicable building standards are satisfied. The Building Official may require the applicant to supply engineers' drawings, reports, analyses, or other documents to aid in this determination.
  - vi. Easements. Solar energy systems shall not encroach on public drainage, utility roadway, or trail easements.
  - vii. Screening. Solar energy systems shall be screened from view to the extent possible without impacting their function.
  - viii. Maximum Area. Ground mounted solar energy systems shall be limited in size to no more than twenty-five (25) percent of the rear yard.
  - ix. Aesthetics. All solar energy systems shall minimize glare toward vehicular traffic and adjacent properties.
  - x. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
  - xi. Standards and Certification.
    1. Standards. Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC); the American Society Of Heating, Refrigerating, And Air-Conditioning Engineers

(ASHRAE; ASTM International; British Standards Institution (BSI); International Organization For Standardization (ISO); Underwriter's Laboratory (UL); the Solar Rating And Certification Corporation (SRCC); or other standards as determined by the City Building Official.

2. Certification. Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating And Certification Corporation or other body as determined by the Zoning Administrator for conformance to IEC or AWEA standards. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

xii. Utility Connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect shall be provided if required by the utility.

xiii. Abandonment. If a solar energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

xiv. Permit. A building permit shall be obtained for any solar energy system prior to installation.

3) Application Criteria for Deviations from Standards. Deviations to the standards in this Section may be permitted as a Conditional Use. In granting a Conditional Use Permit, the City Council shall consider the following additional criteria unique to alternative energy systems:

i. That the deviation is required to allow for the improved operation of the alternative energy system.

ii. That the alternative energy system has a net energy gain.

iii. That the alternative energy system does not adversely affect solar or wind access to adjacent properties.

iv. That the alternative energy system complies with all other engineering, building, safety, and fire regulations.

v. That the alternative energy system is found to not have any adverse impacts on the area including the health, safety, and general welfare of occupants of neighboring properties and users of public rights-of- way.

#### C. Ground Source Heat Pumps

1) Zoning District Allowance. Ground source heat pump systems in accordance with the standards in this Section are allowed as a permitted accessory use in all zoning districts.

2) General Standards.

i. System Requirements.

1. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in this Section are permitted. Open loop ground source heat pump systems are not permitted.

2. Ground source heat pump systems in public waters may be permitted as a Conditional Use in all zoning districts in accordance with this Section and subject to the following:

a. Approval from the Minnesota Department of Natural Resources.

- b. Written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.
    - c. Demonstrated compliance with applicable City permit requirements.
  3. Ground source heat pump systems in water bodies owned or managed by the City are not permitted.
- ii. Setbacks.
1. All components of ground source heat pump systems including pumps, borings and loops shall be set back at least five (5) feet from side, front, and rear lot lines.
  2. Above ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.
- iii. Construction.
1. All access shall be over the owner's land and due care shall be taken to avoid hazard, inconvenience, or damage to public streets and nearby public or private property.
  2. Necessary precautions shall be taken in stockpiling excavated materials to avoid erosion, dust, or other infringements upon adjacent property.
  3. All wiring, installation of pipes, grading, and all other installations and construction shall be subject to inspection.
  4. Disturbed land shall be restored to its prior condition after completion of construction.
- iv. Easements. Ground source heat pump systems shall not encroach on public drainage, utility roadway, or trail easements.
- v. Noise. Ground source heat pump systems shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Rules Ch. 7030 as amended.
- vi. Screening. Ground source heat pumps are considered mechanical equipment and subject to the requirements for the applicable zoning district.
- vii. Certification. Ground source heat pumps shall be certified by Underwriters Laboratories, Inc., and meet the requirements of the State Building Code.
- viii. Abandonment. If a ground source heat pump system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:
1. The heat pump and any external mechanical equipment shall be removed.
  2. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
  3. Lake ground source heat pump systems shall be completely removed from the bottom of the body of water.
- ix. Permits. A building permit shall be obtained for any ground source heat pump system prior to installation. Borings for vertical systems are subject to approval by the Minnesota Department of Public Health.

#### D. Wind Energy Systems

- 1) Zoning District Allowance. Small wind turbine systems in accordance with the standards in this Section are allowed as a permitted accessory use in all zoning districts.
- 2) General Standards. The following standards shall be applicable to small wind turbine systems in all zoning districts:
  - i. Number. No more than one (1) wind energy system is permitted per parcel.
  - ii. Setbacks. The base of the wind turbine tower shall be set back from all property lines a distance equal to the highest possible extension of the system apparatus.
  - iii. Roof Mounting. Roof mounted wind turbines shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support such system and all applicable building standards are satisfied.
  - iv. Rotor Clearance. No part of a rotor blade shall be located within thirty (30) feet of the ground and within twenty (20) feet of the nearest tree, structure or aboveground utility facility.
  - v. Noise. Wind energy systems shall comply with Minnesota Pollution Control Agency noise standards outlined in Minnesota Rules Ch. 7030, as amended, at all property lines.
  - vi. Screening. Wind energy systems shall be screened from view to the extent possible without impacting their function.
  - vii. Aesthetics. All portions of the wind energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the Zoning Administrator. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising. Systems shall not be illuminated.
  - viii. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
  - ix. Standards and Certification.
    1. Standards. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) Small Wind Turbine Performance and Safety Standard or other standards as determined by the City Building Official.
    2. Certification. Wind energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Small Wind Certification Council, or other body as determined by the City. The City reserves the right to deny a building permit for proposed wind energy 194 systems deemed to have inadequate certification or testing for operation in a severe winter climate.
    3. Maintenance. Wind energy systems shall be maintained. A yearly certificate of inspection and maintenance shall be supplied to the Zoning Administrator. Such inspection shall be from a qualified engineer or other body determined to be acceptable by the Zoning Administrator.
    4. Utility Connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect shall be provided if required by the utility.

- x. Abandonment. If a wind energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.
- xi. Permits. A building permit shall be obtained for any wind energy system prior to installation.
- xii. Residential District Standards.
  - 1. Mounting. All wind turbine systems shall be roof mounted. Ground mounted systems are not permitted.
  - 2. Height. Wind energy systems shall not extend more than six (6) feet above the highest point of the roof.
- xiii. Mixed-Use and Commercial District Standards.
  - 1. Mounting. Subject to the requirements of this Section, wind energy systems may either be roof mounted or ground mounted.
  - 2. Height.
    - a. Wind turbine systems shall conform to the maximum height requirements for communication structures standards of the applicable Mixed-Use zoning district.
    - b. Wind turbine system heights in excess of the maximum height requirement of the applicable zoning district may be permitted by Conditional Use Permit provided that:
      - i. The system height, as measured from the base of the tower for ground mounted systems, or base of the building for roof mounted systems, to the highest possible extension of the system apparatus shall not exceed seventy-five (75) feet.
      - ii. The additional system height is required to allow for the improved operation of the wind energy system.
      - iii. The additional wind energy system height results in a net energy gain.
      - iv. The wind energy system does not adversely affect solar access to adjacent properties.
      - v. The wind energy system complies with all other engineering, building, safety, and fire regulations.
      - vi. The wind energy system is found to not have any adverse impacts on the area including the health, safety, and general welfare of occupants of neighboring properties and users of public rights-of-way.
      - vii. The criteria and applicable standards of this Section are considered and determined to be satisfied.
  - 3. Ground Mounted Systems.
    - a. Ground mounted wind energy systems shall not be installed in the front yard of any lot or in the side yard of a corner lot adjacent to a public right-of-way.
    - b. Only monopole towers are permitted.

- c. System height shall be measured from the base of the tower to the highest possible extension of the system apparatus.
- d. Ground located wind energy systems shall not encroach on public drainage, utility roadway, or trail easements.
- e. Blade Length. A maximum blade length of fifteen (15) feet is permitted.

## OFF-STREET PARKING

§ 153.070 PURPOSE; SITE PLAN.

§ 153.071 YARDS.

§ 153.072 SEATING CALCULATION; BENCHES.

In stadiums, religious institutions, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of seating facility shall be counted as one seat for the purpose of determining required parking.

(1997 Code, § 25.10) (Ord. passed 11-14-1994)

§ 153.073 PARKING SPACES; DIMENSIONS.

(A) Each parking space and aisle shall comply with the minimum dimensions in Table ## as illustrated in Figure ##.

Parking Space and Aisle Dimensions								
Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"			Parking Stall Length (Feet) "C"		
			Compact Size	Low Turnover	Full Size	Compact Size	Low Turnover	Full Size
0° - Parallel	12	20	8	8.5	9	18	22	22
30° - 53°	14	20	8	8.5	9	16	20	20
54° - 75°	18	22	8	8.5	9	16	20	20
76° - 90°	22	24	8	8.5	9	16	18	18

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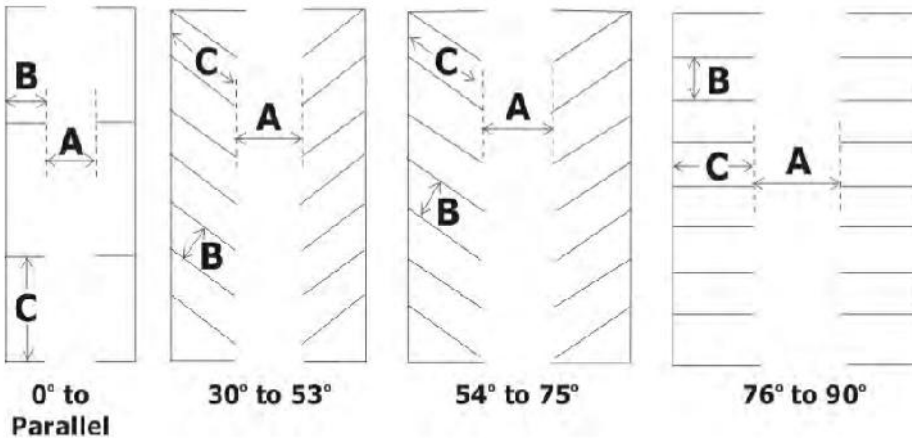
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(B) When the length of a parking space abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.

(C) Use of compact vehicle spaces.

(1) A maximum of 20 percent of spaces required for a use may be provided by compact parking spaces.

(2) Compact spaces shall be clearly labeled for “compact cars” and grouped together in one or more locations or at regular intervals so that only compact cars can easily maneuver into the space.

(D) Use of low turnover parking. Narrow parking spaces may be established in locations where the typical user parks for more than two hours. Minimum off-street parking dimensions for low turnover parking spaces are identified in Table ##.

(1997 Code, § 25.10) (Ord. passed 11-14-1994)

§ 153.074 RESIDENTIAL PARKING FACILITIES; USE RESTRICTIONS.

§ 153.075 PARKING SPACE LOCATION.

§ 153.076 SETBACK REQUIREMENTS.

§ 153.077 JOINT PARKING FACILITIES.

§ 153.078 DESIGN AND MAINTENANCE.

(A) Access. Access and parking areas shall be designed so as to provide an adequate means of access to a public alley or street. The driveway shall be limited so as to cause the least interference with traffic movement. All public parking areas shall have access off driveways and not directly off a public street. ~~Traffic shall be channeled and controlled in a manner that will avoid traffic hazards including obstacles to safe pedestrian access.~~

Commented [NA42]: No changes.

Deleted: All outside parking spaces shall be clearly marked.

(B) *Calculating space.* All square-footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment. When the determining of the number of required off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space. Entrances, exists, or driveways shall not be computed as any part of a required parking lot or area, except in the case of one or two family dwellings where driveways may be used in calculating the amount of off-street parking.

(C) *Signs.* Signs located in any parking area necessary for orderly operation of traffic movement shall be in addition to accessory signs permitted in other sections of this chapter.

(D) *Surfacing.* All of the area intended to be utilized for parking space and driveways shall be surfaced with an impervious material to control dust and drainage and subject to the approval of the Council except parking areas for less than three vehicles. This requirement also applies to open sales lots and residential driveways.

(1) Within all zoning district, parking lots and driveways shall be paved and permanently maintained with asphalt, concrete, or approved paving units.

(2) Parking lots and driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the City Engineer, where it is first determined that a surface other than asphalt or concrete is consistent with the driveway of similar properties in the vicinity, and that the alternate surface will not impair accessibility for emergency vehicles.

(E) *Striping and identification.* Except for parking spaces for one- and two-family residences, parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved parking plan.

(E) *Lighting.* Exterior lighting shall not be directed upon adjacent land or the public right-of-way.

(F) *Curbing and landscaping.* All open off-street parking areas designed to have head-in parking, or any other off-street parking area configuration, along the interior property line, shall provide a concrete bumper curb not less than five feet from that property line or a guard of normal bumper height not less than five feet from that property line. When the area is for six spaces or more and not located to the rear of the building, a fence or hedge not over three feet in height shall be erected or planted along the front yard setback line, and grass or hedge shall occupy the space between the sidewalk and fence.

(G) *Curb and gutter.* Off-street parking facilities are required to have concrete curbing and guttering. Existing off-street parking facilities are required to meet this requirement when modifying or expanding the facility.

(H) *Permanent spaces.* Each parking space shall be permanently available, marked, and maintained for parking purposes for the use which it is intended to serve.

(I) *Spaces for people with disabilities.* Parking spaces serving people with disabilities shall be provided in compliance with all applicable state and federal requirements. If practicable, spaces for people with

**Commented [NA43]:** Public Works reports increasing concerns of erosion and runoff from unpaved driveways.

disabilities shall be located so they provide easy access from the closest parking area to the major entrance of the use for which they are provided.

(1997 Code, § 25.10) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

#### § 153.079 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

The required number of off-street automobile parking spaces shall be as set forth in Appendix B of this chapter.

Bicycle parking shall be provided as follows...

(1997 Code, § 25.10) (Ord. passed 11-14-1994)

#### § 153.080 CBD DISTRICT; SPACE REDUCTION.

### SIGNS

...

### PLANNED UNIT DEVELOPMENTS

**Commented [NA44]:** Pending Planning Commission/Council decision on whether to incorporate here (citywide application) or only in the EMX districts.

**Commented [NA45]:** No changes.

**Commented [NA46]:** Section recently updated; no changes proposed

**Commented [NA47]:** No changes proposed at this time

## NON-CONFORMING STRUCTURES, USES, AND LOTS

#### § 153.130 NON-CONFORMING STRUCTURES AND USES.

(A) Purpose. This subsection is intended to provide for the regulation of uses, structures, lots, or site improvements which lawfully existed prior to the effective date of the zoning ordinance or subsequent amendments, but which fail to comply with one or more current regulations.

(B) Definitions. The following terms and accompanying definitions are used in the context of nonconformities.

(1) Expansion. For the purposes of nonconformities, expansion includes, but is not limited to, intensification of the use, expansion of the use to a portion of the property not previously used, or increased structure dimensions.

(2) Improvement. Where a nonconformity is made more compatible with the use of adjacent properties, efficient, and/or more aesthetically pleasing. For the purposes of nonconformities, an improvement does not include an expansion.

(3) Maintenance. Normal repair, restoration, and improvement including cosmetic changes. For the purposes of nonconformities, maintenance does not include new construction or expansion of a use or structure.

(4) Repair. For the purposes of nonconformities, repair means to restore to good condition by replacing or reassembling broken, worn out or malfunctioning components. Repair does not include expansion.

(5) Replacement. Construction that provides a substitute substantially equivalent to the preexisting conditions that preceded damage or destruction.

(6) Restoration. For the purposes of nonconformities, restoration means to restore or repair to good condition by replacing or reassembling broken, worn out or malfunctioning components. Restoration does not include expansion.

~~(C) Existing uses.~~ The lawful use of any land or building existing at the time of the adoption of the zoning ordinance or subsequent amendments may be continued, at the size and in the manner of operation existing on that date, even if the use does not conform to the regulations of this chapter, and if the use has not at any time been discontinued and continues to exist on the date of the adoption of this chapter. The use, however, shall be subject to the provisions following in this subchapter.

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~~(D) Non-conforming use not made conforming.~~ The use of any land or buildings that did not conform to the provisions of the prior city zoning ordinance adopted December 29, 1955, or amendments thereto, do not become conforming uses under this chapter unless specifically provided in this chapter. This chapter does not make permitted uses out of any uses that were not permitted under the prior city zoning ordinance unless specifically permitted by this chapter.

Deleted: B

~~(E) Restrictions on changes.~~

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(1) *Repair or maintenance.* A non-conforming building or structure may be repaired or maintained, subject to the limitations of this chapter. Normal maintenance of a non-conforming building or structure is permitted; including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.

Moved (insertion) [1]

(2) *Enlargement and Expansion.* A non-conforming building, structure, or use shall not be expanded in any manner unless the additions or enlargements constitute improvements made to bring the building or structure into conformity with the regulations of this chapter. No non-conforming structure or use shall be expanded, except in the following case: a non-conforming use may be extended throughout any parts of a building which were arranged or designed for that use when the use became non-conforming, but no such use shall be extended to occupy land outside the building.

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Deleted: added to or enlarged

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Moved (insertion) [3]

Deleted: enlarged, increased, or extended

Deleted: to occupy a greater area than was occupied when the use became non-conforming

(3) *Restoration.* A non-conforming building or structure which is damaged by fire or other cause to an extent of more than 50% of its market value shall not be restored except in conformity with the regulations of this chapter. However, if a building permit has been applied for within 180 days of when the building or structure is damaged, then the building or structure may be restored to its pre-damage non-conforming status subject to the applicability of the Minnesota State Building Code and other requirements of the Osseo Code of Ordinances.

~~(4) Maintenance.~~

~~(5) Enlargement or alteration.~~

Moved up [1]: Normal maintenance of a non-conforming building or structure is permitted; including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.

~~(4) Relocation.~~ No non-conforming use or structure shall be moved in whole or in part to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter, nor shall that use or structure be moved in whole or in part to any other lot, except to bring it into conformance with the regulations of this chapter.

Moved up [3]: No non-conforming structure or use shall be enlarged, increased, or extended to occupy a greater area than was occupied when the use became non-conforming, except in the following case: a non-conforming use may be extended throughout any parts of a building which were arranged or designed for that use when the use became non-conforming, but no such use shall be extended to occupy land outside the building.

~~(5) Discontinuance or abandonment.~~ A non-conforming use or structure that has been discontinued or abandoned for more than one year shall not be re-established, and any future use shall be in conformity with the regulations of this chapter.

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~~(6) Status change.~~ A non-conforming use of a building or land may be changed to a similar non-conforming use or a more restrictive non-conforming use. Once a structure or parcel of land

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has been changed to a more restrictive non-conforming use, it shall not return to a less restrictive use.

(a) When a non-conforming structure or use of land has been changed to a conforming use, it shall not thereafter be changed back to a non-conforming use.

(b) When a non-conforming use or structure meets the requirements for, and is granted, a conditional use permit as an allowed conditional use in that district, the use or structure is thereafter deemed a conforming use.

(7) Safety. Nothing in this subsection shall prevent the repairing of a structure to a safe condition when said structure is declared unsafe by the proper authority.

(1997 Code, § 25.07) (Ord. passed 11-14-1994; Am. Ord. 2006-3, passed 5-8-2006) [Penalty, see § 10.99](#)

#### § 153.131 NON-CONFORMING LOTS OF RECORD.

(A) *Dwellings on small lots.* In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. The lot must be in separate ownership. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located, but in no case shall building be permitted on a lot less than 50 feet in width. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

(B) *Lots in the same ownership.* If two or more lots, or combinations of lots and portions of lots, with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(1997 Code, § 25.07) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

## ADMINISTRATION AND ENFORCEMENT

### § 153.145 ZONING OFFICER; ADMINISTRATOR.

### § 153.146 BOARD OF APPEALS.

### § 153.147 APPEALS.

### § 153.148 PLANNING COMMISSION DUTIES.

Planning Commission duties in zoning administration shall be:

(A) To hold public hearings on applications for amendments to this chapter. The Commission shall not have the authority to make changes or amendments to this chapter; it shall act in a

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Commented [NA48]: No changes.

purely advisory manner to the City Council, making its recommendation in all cases referred to it, and transmitting this to the City Council for final action;

(B) To consider applications for conditional use permits and interim use permits provided for within this chapter and to transmit its recommendation to the City Council for final action; and

(C) To consider applications for variances and appeals and to transmit a recommendation to the Board of Appeals.

(1997 Code, § 25.12) (Ord. passed 11-14-1994)

#### § 153.149 BUILDING PERMITS.

#### § 153.150 VARIANCES.

(A) *Limitations.* Variations from the provisions of this chapter may be granted by the Board of Appeals only in instances where all of the following criteria are found to exist:

(1) The applicant establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems;

(2) Unusual or unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and such circumstances were not created by any persons presently having an interest in the property;

(3) The variance, if granted, would not alter the character of the neighborhood. The completed project would not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish property values, or have a detrimental or injurious impact on surrounding properties; and

(4) The variance requested is the minimum variance that would alleviate the practical difficulty.

(5) The variance requested will not alter the essential character of the locality.

(6) The variance requested is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan.

(B) The Board of Appeals may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. *However, the* Board may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling.

(C) The Board may impose restrictions and conditions upon the premises benefitted by a variance as it considers necessary so that the public health, safety, and general welfare may be secured and substantial justice done.

**Commented [NA49]:** If Interim Uses are adopted by the City, elsewhere in this ordinance

**Commented [NA50]:** No changes.

**Commented [NA51]:** Requirements to be updated in accordance with state law.

**Deleted:** *General*

**Deleted:** the strict enforcement of this chapter would cause undue hardship because of circumstances unique to the individual property under consideration, and only when it is demonstrated that the variance will be in keeping with the spirit and intent of this chapter. Undue hardship, as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section M.S. § 216C.06, Subd. 2, as it may be amended from time to time, when in harmony with this chapter.

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(D) Exhibits. Application for variances shall be accompanied by the boundary survey and site plan as required for building permit applications.

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(E) Application procedure. The procedure for applying for a variance from the regulations of this chapter shall be as follows.

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(1) The property owner or his or her agent shall meet with the Zoning Officer to explain his or her situation, learn the procedures, and obtain an application form.

(2) The applicant shall file the completed application form, together with the required exhibits, with the Zoning Officer and shall pay the required filing fee.

(3) The Zoning Officer shall transmit the application and one copy of the exhibits to the Chair of the Board of Appeals and Planning Commission.

(4) The Planning Commission shall consider the application for variance and make recommendations to the Board of Appeals.

(5) The Board of Appeals may hold public hearings as it may consider necessary on a proposed variance.

(D) Standards for granting variance. The Board of Appeals may vary the regulations of this chapter when supporting evidence in each specific case indicates that the criteria in subsection (A) have been met.

(E) Recording of variance. If approved, a certified copy of the variance decision shall be filed by the applicant with the Hennepin County Recorder or Registrar of Titles.

(F) Expiration of variance. Any variance shall expire one year after it has been granted unless:

(1) The project for which the variance was granted is completed within the one-year period;

(2) Building permits have been issued and substantial work performed; or

(3) Upon written request of the person or corporation holding the variance, the Council extends the expiration date for the unexpired variance for an additional period.

(G) Term of variance. If the project is completed as approved, the variance shall run with the land and remain in effect for so long as the conditions regulating it are observed.

(1997 Code, § 25.12) (Ord. passed 11-14-1994)

#### § 153.151 CONDITIONAL USE PERMITS.

(A) *Permit required.* Before a building or premises is devoted to any use classified under conditional uses in this chapter, a conditional use permit must be granted by the City Council following a recommendation by the Planning Commission.

(B) *Exhibits.* The following exhibits shall be required:

(1) The boundary survey and site plan as required for building permit applications; and

(2) Elevation drawings indicating the design treatment of all proposed buildings and structures, and general floor plans of the buildings.

(C) *Procedures.* The procedure for obtaining a conditional use permit is as follows.

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**Deleted:** (1) Because of the particular physical surroundings, shape, or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;¶

(2) The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property with the same zoning classification;¶

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;¶

(4) The alleged difficulty or hardship is caused by the provisions of this chapter and has not been created by any persons presently or formerly having an interest in the parcel of land;¶

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;¶

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity; and¶

(7) Adherence to the regulations of this chapter would create an undue hardship because of inadequate access to direct sunlight for solar energy systems.¶

(1) The property owner or his or her agent shall meet with the Zoning Officer to explain his or her situation, learn the procedures, and obtain an application form.

(2) The applicant shall file the completed application form, together with the required exhibits, with the Zoning Officer and shall pay the required filing fee.

(3) The Zoning Officer shall transmit the application and exhibits to the Planning Commission and shall place the matter on the next Planning Commission agenda.

(4) The Planning Commission shall study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce those adverse effects, and shall recommend one of three actions: approval, denial, or conditional approval. The Planning Commission may hold public hearings as it may consider necessary on a proposal for a conditional use permit.

(5) The Planning Commission shall transmit its recommendation to the City Council for its official action.

(6) The City Council shall act on the application after receiving the recommendation of the Planning Commission.

*(D) Standards for granting conditional use permits.*

(1) A conditional use permit may be granted by the City Council after demonstration by evidence that:

(a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;

(b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

(c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(d) Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided;

(e) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and

(f) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(2) The Planning Commission may recommend, and the City Council may determine, conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public interest and to secure compliance with the requirements specified in this chapter.

*(E) Revocation of conditional use permits.*

(1) Where a conditional use permit has been issued pursuant to the provisions of this chapter, the permit shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences within one year of the date of granting that conditional use. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 12 consecutive months.

(2) Failure to comply with any condition set forth in a conditional use permit shall be a misdemeanor and shall also constitute sufficient cause for the revocation of the conditional use permit by the City Council following a public hearing. The property owner shall be notified in advance of the City Council's review of the permit.

(3) ~~The City may review conditional use permits periodically and may revoke a permit upon violation of any condition of the permit.~~

~~(F) Accessory uses to a conditional use. Uses and structures that are accessory to a conditional use shall be allowed as provided by this chapter, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.~~

(1997 Code, § 25.12) (Ord. passed 11-14-1994) [Penalty, see § 10.99](#)

151.15X Interim use permits.

( A ) Purpose. The purpose and intent of allowing interim uses is:

- ( 1 ) To allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan; and
- ( 2 ) To allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- ( 3 ) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the comprehensive plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

( B ) Application, public hearing, notice and procedure. The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for conditional use permits as provided in § 153.151 . In addition to the general planning and zoning application requirements, applications for interim use permits shall include:

- ( 1 ) A signed statement agreeing:
  - a. That the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the interim use permit;
  - b. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and

**Commented [NA52]:** Prefer to revise so that inspections are on an "as needed" or complaint-based system.

**Deleted:** Inspections will be conducted at least annually to determine compliance with the terms of a conditional use permit.

**Deleted:** (F) *Uses by conditional use permit not non-conforming uses.* Uses authorized by conditional permit under this section shall not be deemed a non-conforming use, but shall without further action be considered a conforming use, but only in accordance with the conditions set forth in the conditional use permit.

c. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.

( 2 ) A statement addressing the relationship of the proposed project to the neighboring uses.

**( C ) General issuance standards.** The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permit only if it finds, based on the proposed location, that:

( 1 ) The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties;

( 2 ) The use will terminate upon a date or event that can be identified with certainty. Interim use permits may not be granted for a period greater than five (5) years;

( 3 ) The use will not adversely impact the health, safety and welfare of the community during the period of the interim use;

( 4 ) The use is similar to existing uses in the area;

( 5 ) An interim use shall conform to zoning regulations except the City Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent;

( 6 ) There is adequate assurance that the property will be left in suitable condition after the use is terminated;

( 7 ) By agreement, the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;

( 8 ) The property owner, by agreement, agrees to any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit; and

( 9 ) The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use.

**( D ) Security deposit.** Security deposits shall be provided as required by the City.

**( E ) Termination.** An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:

( 1 ) The date stated in the permit; or

( 2 ) Upon violation of conditions under which the permit was issued.

#### § 153.152 AMENDMENTS; PROCEDURES.

Commented [NA53]: No changes.

#### § 153.153 SITE PLAN APPROVAL.

The following provisions shall govern the Site and Building Plan approval process, as they relate to the scope of the proposed construction.

(A) *Site and Building Plan Approval Required.* It is declared to be the policy of the city to preserve and promote attractive and stable business environments for its citizens through encouraging well-conceived, high quality developments. To this end, imaginative site design concepts shall be employed in the development and redevelopment of respective sites. With the exception of single family dwellings and two family dwellings, this site plan approval process applies to all new construction in the One and Two Family District (R-1), the High-Density Residential District (R-2), the Edge Mixed Use District (EMX), the Central Business District (CBD), the Highway Commercial Districts (C-2N & C-2S), and the Manufacturing and Industrial District (M) that involves one or more of the following:

- (1) New construction;
- (2) Construction or reconstruction that substantially alters the floor area of the building greater than or equal to 10%;
- (3) Construction or reconstruction involving modification or replacement of the exterior materials on the building; or
- (4) Construction or reconstruction to change the configuration of the parking area.

(5) Approval of a new conditional use, unless the conditional use will be fully contained within an existing structure. Review may be conducted concurrently with review of the conditional use;

#### (B) *Application.*

(1) Prior to commencing any construction, a Site and Building Plan application shall be initiated by the owner of subject property or by an authorized agent. The applicant shall submit a Site and Building Plan application to the Zoning Officer, copies of which are available at the municipal offices, together with a fee in an amount established by City Council resolution.

(2) The Zoning Officer shall refer the matter to the Planning Commission by placing the application upon the agenda of the Commission's next available regular meeting.

#### (C) *Exhibits.* In addition to the application, the following exhibits shall be required:

- (1) A survey drawing by a registered engineer or land surveyor showing pertinent existing conditions, accurately dimensioned.
- (2) A complete set of preliminary drawings prepared by a registered civil engineer or landscape architect showing:
  - (a) An accurately scaled and dimensioned site plan indicating parking layout, including access provisions, location of structures, grading plans, building elevations, landscaping, including trees and shrubbery with indication of species, planting, size, and location.
  - (b) Fences, walls, or other screening, including height and type of material.

(c) Lighting provisions, including type and location.

(d) Curbs.

(D) *Procedures.* The procedure for obtaining Site and Building Plan approval is as follows.

(1) The property owner or his or her agent shall meet with the Zoning Officer to explain his or her situation, learn the procedures, and obtain an application form.

(2) The applicant shall file the completed application form, together with the required exhibits, with the Zoning Officer and shall pay the required filing fee.

(3) The Zoning Officer shall transmit the application and exhibits to the Planning Commission and shall place the matter on the next available Planning Commission agenda.

(4) The Planning Commission shall study the application to determine possible adverse effects of the proposed Site and Building Plan and to determine what additional requirements may be necessary to reduce those adverse effects, and shall recommend one of three actions: approval, denial, or conditional approval. The Planning Commission may hold public hearings as it may consider necessary on a proposal for Site and Building Plan approval.

(5) The Planning Commission shall transmit its recommendation to the City Council for its official action.

(6) The City Council shall act on the application after receiving the recommendation of the Planning Commission.

(E) *Lapse of Site and Building Plan.* An approved Site and Building Plan shall lapse and become null and void one year following the date on which the application was approved, unless prior to the expiration of one year, the Building Official issues a building permit and construction is commenced toward completion on the subject site. A Site and Building Plan may be renewed for a period of one year by the City Council.

(F) *Conditions and restrictions.* The Planning Commission may recommend and the City Council may impose such conditions and restrictions as deemed necessary to protect the public interest and to secure compliance with the requirements of this section. The conditions may include the execution and submission of a Performance Agreement with a supporting financial guarantee that the subject property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.

(Ord. 2005-4, passed 7-11-2005)

§ 153.154 FEES.

§ 153.155 VIOLATIONS; REMEDIES NOT EXCLUSIVE.

§ 153.156 JUDICIAL REVIEW.

§ 153.157 CONSISTENCY WITH STATE LAW.

§ 153.158 APPLICATIONS.

(A) Notwithstanding anything to the contrary in this chapter, all applications for any site plan, conditional use permit, variance, or for any other city approval required by this chapter, or to amend this chapter, shall be made in writing on a form provided by the city, if the city has a

Commented [NA54]: No changes.

form, to the Zoning ~~Officer~~. The Zoning ~~Officer~~ is authorized to reject in writing any incomplete application within 15 business days of receipt if the application is incomplete, stating the reasons for its rejection, including what information is missing. This rejection shall be sent by first-class mail to the applicant. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.

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(B) If a dispute arises over a specific fee imposed by the city, the amount of the fee must be deposited and held in escrow, and the person aggrieved by the fee may appeal to district court, as provided by M.S. § 462.361, as it may be amended from time to time. The application shall proceed as if the fee had been paid, pending a decision of the court.

(Am. Ord. 2005-4, passed 7-11-2005)

#### § 153.159 FINAL ACTIONS.

(A) As required by M.S. § 15.99, as it may be amended from time to time, the following provisions apply to the process for approving or denying applications for a zoning amendment, site plan, conditional use permit, land use permit, variance, or any other application which requires a city approval under chapter.

(B) The city shall take final action to approve or deny an application described above within 60 days of receiving an application, unless the application is not accepted under § 153.156. If the city cannot take action to approve or deny the application within 60 days of receiving the application, the Zoning ~~Officer~~ is authorized before the end of the initial 60-day period, to make a one-time extension of the time for taking action by providing written notice by first-class mail to the applicant of the extension, the reasons for the extension, and its anticipated length, which may not exceed an additional 60 days unless approved by the applicant in writing.

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(C) When the final action to approve or disapprove an application is to be taken by the City Council, the Planning Commission or the Board of Appeals and Adjustments, if a vote on a resolution or properly made motion to approve the application fails for any reason, the failure shall constitute a denial of the application, provided that those voting against the motion state on the record the reasons why they oppose the application. A denial of an application because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar application.

(D) Except as provided in division (C), if the application is denied by the City Council, Planning Commission or Board of Appeals and Adjustments, whichever body has the authority to make the final decision to approve or deny an application, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If this written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the application but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

(E) If the decision to deny the request is made by the Zoning ~~Officer~~ or other city official, the official must state in writing the reasons for the denial at the time the official denies the request.

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(Am. Ord. 2005-4, passed 7-11-2005)

§ 153.160 ADDITIONAL EXTENSIONS OF TIME.

§ 153.161 APPLICATIONS FOR SUBDIVISION APPROVAL AND BUILDING PERMITS.

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APPENDIX A: LOT REQUIREMENTS AND STANDARDS

APPENDIX B: OFF-STREET PARKING SPACE REQUIREMENTS

APPENDIX C: DISTRICT SIGN REGULATIONS

APPENDIX D: ZONING MAP

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## APPENDIX A: LOT REQUIREMENTS AND STANDARDS

Zoning District	Building Height Max. (feet) <sup>e</sup>	Access. Height Max. (feet)	Lot Size Min (s.f)	Lot Width Minimum (feet)	Setbacks <sup>f</sup>					Minimum Area Per Dwelling Unit (sq. feet)	Dwelling Floor Area Ratio	Max. Impervious Surface(%)
					Front Yard (Feet)	Corner Side Yard (Feet)	Side Interior (Feet)	Rear Yard (Feet)	Accessory Side/Rear Yard (Feet) (Alley)			
R-1												
One-family	25	10 <sup>g</sup>	8,250	50	25	25 <sup>c</sup>	15 <sup>b</sup>	5	5		0	50%
Two-family	25	10 <sup>g</sup>	10,000	50	25	25 <sup>c</sup>	15 <sup>b</sup>	5	5			50%
R-2												
Multiple family	35 (65) <sup>b</sup>	10 <sup>g</sup>	21,780	130	35	25	10	10			N/A	60%
Efficiency										400		
1-bedroom										525		
2-bedroom										650		
More										Add 125 s.f. each additional bedroom		
CBD	45	15	7,200	50	0	0	0 <sup>d</sup>	0	0	N/A	N/A	100%
C-2N & S	35	15	7,200	50	20	20	10	10	10	N/A	1	60%
M	40	15	20,000	100	20	20	10	10	10	N/A	1	100%

### Definitions:

43,560 square feet = 1 acre

Floor area ratio = total floor area of principal and accessory structure in direct ratio to the gross area of the lot

### Notes:

<sup>a</sup> 65 ft. if structure is designed for multiple residents

<sup>b</sup> On interior lots, there must be at least 15 feet between dwellings with a minimum of 5 feet from the lot line

<sup>c</sup> The buildable principal structure area must not be less than 32 feet in width, exclusive of setbacks

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<sup>d</sup> When a commercial building shares a common boundary with a residential use property, a side yard set back of 10 feet is required

<sup>e</sup> The building height limits established herein for districts shall not apply to the following: belfries; chimneys or flues; church spires; cooling towers; cupolas and domes which do not contain useable space; elevator penthouses; flag poles; monuments; parapet walls extending not more than 3 feet above the limiting height of the building

<sup>f</sup> The following shall not be considered as encroachment on required yard setbacks:

(1) Flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two feet into the required yard

(2) Ground level patio, i.e., patio that is flush with the ground

(3) In rear yards, recreational and laundry drying equipment, arbors and trellises, detached outdoor living rooms, and air conditioning or heating equipment to a point not less than ten feet from the rear lot line

(4) A one-story enclosed entrance for a detached one-family, duplex, or townhouse dwelling may extend into the front yard setback not exceeding four feet

<sup>g</sup> Except private garages are allowed to be up to 15 feet in height

Side lot lines from rear lot line to the front edge of house	6	100%
Side lot lines from front edge of house forward to right-of-way	3	100%
	4	50%

~~—Each parking space shall be not less than nine feet wide and 20 feet in length, and each space shall be served adequately by access drives. For purposes of calculating parking space requirements, one parking space for one vehicle shall equal 300 square feet of storage and maneuvering area, including access drives.~~

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# Zoning Ordinance Amendments

PLANNING COMMISSION PUBLIC HEARING

OCTOBER 21, 2019



## Before we get started...

What effects do zoning ordinance changes have on pre-existing properties, buildings, & uses (e.g., future **nonconformities**)?

## § 153.130 NON-CONFORMING STRUCTURES AND USES.

- This topic is already addressed in ordinance & state law.
- Updates proposed to clarify purpose statement & define terms (including "expansion")

### Purpose

This subsection is intended to provide for the regulation of uses, structures, lots, or site improvements which lawfully existed prior to the effective date of the zoning ordinance or subsequent amendments, but which fail to comply with one or more current regulations.

### Definitions

- Expansion... includes, but is not limited to, **intensification** of the use, **expansion** of the use **to a portion of the property not previously used, or increased structure dimensions.**
- Improvement. Where a nonconformity is **made more compatible** with the use of adjacent properties, **efficient and/or more aesthetically pleasing**... an improvement does not include an expansion.
- Maintenance. Normal repair, restoration, and improvement including cosmetic changes... maintenance does not include new construction or expansion of a use or structure.
- Repair... means to restore to good condition by replacing or reassembling broken, worn out or malfunctioning components. Repair does not include expansion.
- Replacement. Construction that provides a substitute substantially equivalent to the preexisting conditions that preceded damage or destruction.
- Restoration... to restore or repair to good condition by replacing or reassembling broken, worn out or malfunctioning components. Restoration does not include expansion.

Red/orange underline: New text  
Bold: emphasis added

## § 153.130 NON-CONFORMING STRUCTURES AND USES. *Existing Uses*

The lawful use of any land or building existing at the time of the adoption of the zoning ~~chapter on November 14, 1994 ordinance or subsequent amendments~~ may be continued, at the size and in the manner of operation existing on that date, even if the use does not conform to the regulations of this chapter, and if the use has not at any time been discontinued and continues to exist on the date of the adoption of this chapter. The use, however, shall be subject to the provisions following in this subchapter.

Note: Osseo's first Zoning Ordinance was adopted in December 1958.

## § 153.130 NON-CONFORMING STRUCTURES AND USES.

Re-order existing requirements:

(1) *Repair or maintenance.* A non-conforming building or structure may be repaired or maintained, subject to the limitations of this chapter. Normal maintenance of a non-conforming building or structure is permitted; including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.

(2) *Enlargement and Expansion.* A non-conforming building, structure, or use shall not be expanded in any manner unless the additions or enlargements constitute improvements made to bring the building or structure into conformity with the regulations of this chapter. No non-conforming structure or use shall be expanded, except in the following case: a non-conforming use may be extended throughout any parts of a building which were arranged or designed for that use when the use became non-conforming, but no such use shall be extended to occupy land outside the building.

Red/orange underline: New text

Green underline: Text relocated from another part of this section

**Fun fact!**

## § 153.131 NON-CONFORMING LOTS OF RECORD.

*Dwellings on small lots.* In any district in which one-family dwellings are permitted, **a one-family dwelling and customary accessory buildings may be erected on any single lot** of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. The lot must be in separate ownership. This provision shall apply **even though the lot fails to meet the requirements for area or width, or both**, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located, but in no case shall building be permitted on a lot less than 50 feet in width. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

Bold: Emphasis added

No changes proposed; this is just context.

# Dimensional Standards



Zoning District	Building Height Max. (feet) <sup>a</sup>	Access. Height Max. (feet)	Lot Size Min (s.f.)	Lot Width Minimum (feet)	Setbacks <sup>f</sup>					Minimum Area Per Dwelling Unit (sq. feet)	Dwelling Floor Area Ratio	Max. Impervious Surface(%)
					Front Yard (Feet)	Corner Side Yard (Feet)	Side Interior (Feet)	Rear Yard (Feet)	Accessory Side/Rear Yard (Feet) (Alley)			
R-1												
One-family	25	10 <sup>g</sup>	8,250	50	25	25 <sup>c</sup>	15 <sup>b</sup>	5	5		0	50%
Two-family	25	10 <sup>g</sup>	10,000	50	25	25 <sup>c</sup>	15 <sup>b</sup>	5	5			50%
R-2												
Multiple family	<del>25</del> <u>35</u> (65) <sup>b</sup>	10 <sup>g</sup>	21,780	130	35	25	10	10		400	N/A	60%
Efficiency										525		
1-bedroom										650		
2-bedroom										Add 125 s.f. / additional bedroom		
More												
EMX	<u>35</u> (65) <sup>b</sup>	<u>15</u>	<u>7,200</u>	<u>50</u>	<u>0 min</u> <u>10 max.</u>	<u>0 min.</u> <u>10 max.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>As R-2</u>	<u>N/A</u>	<u>100%</u>
CBD	45	15	7,200	50	0	0	0 <sup>d</sup>	0	0	N/A	N/A	100%
C-2	35	15	<del>15,000</del> <u>7,200</u>	<del>90</del> <u>50</u>	<del>45</del> <u>20</u>	<del>45</del> <u>20</u>	10	10	<u>20</u> <u>10</u>	N/A	1	60%
M	40	15	20,000	100	<del>50</del> <u>20</u>	<del>50</del> <u>20</u>	10	<u>20</u> <u>10</u>	<u>35</u> <u>10</u>	N/A	1	100%

Definitions:  
Floor area ratio = total floor area of principal and accessory structure in direct ratio to the gross area of the lot

Notes:  
<sup>a</sup> 65 ft. if structure is designed for multiple residents  
<sup>b</sup> On interior lots, there must be at least 15 feet between dwellings with a minimum of 5 feet from the lot line  
<sup>c</sup> The buildable principal structure area must not be less than 32 feet in width, exclusive of setbacks  
<sup>d</sup> When a commercial building shares a common boundary with a residential use property, a side yard set back of 10 feet is required  
<sup>e</sup> The building height limits established herein for districts shall not apply to the following: belfries; chimneys or flues; church spires; cooling towers; cupolas and domes which do not contain useable space; elevator penthouses; flag poles; monuments; parapet walls extending not more than 3 feet above the limiting height of the building  
<sup>f</sup> The following shall not be considered as encroachment on required yard setbacks:  
(1) Flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two feet into the required yard  
(2) Ground level patio, i.e., patio that is flush with the ground  
(3) In rear yards, recreational and laundry drying equipment, arbors and trellises, detached outdoor living rooms, and air conditioning or heating equipment to a point not less than ten feet from the rear lot line  
(4) A one-story enclosed entrance for a detached one-family, duplex, or townhouse dwelling may extend into the front yard setback not exceeding four feet  
<sup>g</sup> Except private garages are allowed to be up to 15 feet in height

Suggestions for updated lot sizes, building heights, and setbacks following conversation at the September Planning Commission Meeting.

Red/orange underline: New text

Blue strikethrough: Current requirements, to be removed

**NEW!**

## Interim Use Permits



No, Osseo isn't going to host Burning Man...but it is an example of a well-regulated interim use with minimal long-term impacts on its surroundings.

## Purpose

To allow a use for **a limited period of time** that **reasonably utilizes the property** where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan; and

To allow a use that is **presently acceptable but** that, **with anticipated development, will not be acceptable in the future or will be replaced** in the future by a permitted or conditional use allowed within the respective district.

To allow a use which is **reflective of anticipated long range change** to an area and which is in compliance with the comprehensive plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

All text is new

Bold: Emphasis added

# Procedure & Issuance Standards

## Application, public hearing, notice and procedure

- ▶ ...Procedure requirements for interim use permits shall be the **same as those for conditional use permits**
- ▶ In addition, applications shall include a signed statement agreeing:
  - ▶ That the applicant, owner, operator, tenant and/or user has no **entitlement to future reapproval** of the interim use permit;
  - ▶ That the interim use will **not impose additional costs on the public** if it is necessary for the public to fully or partially take the property in the future; and
  - ▶ That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.

## General issuance standards

- ▶ Council shall issue such interim use permit only if it finds ... that:
  - ▶ the interim use permit ... **will terminate before any adverse impacts** are felt upon adjacent properties;
  - ▶ The use will terminate upon a date or event that can be identified with certainty. Interim use permits may not be granted for a period greater than five (5) years;
  - ▶ There is adequate assurance that the property will be left in suitable condition after the use is terminated;
  - ▶ By agreement, the use will not impose additional costs on the public if it is necessary for the public to take the property in the future

All text is new

Bold: Emphasis added

# Security deposit & termination

## Security Deposit

- ▶ Security deposits shall be provided as required by the City.



## Termination

- ▶ An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
  - ▶ The date stated in the permit; or
  - ▶ Upon violation of conditions under which the permit was issued

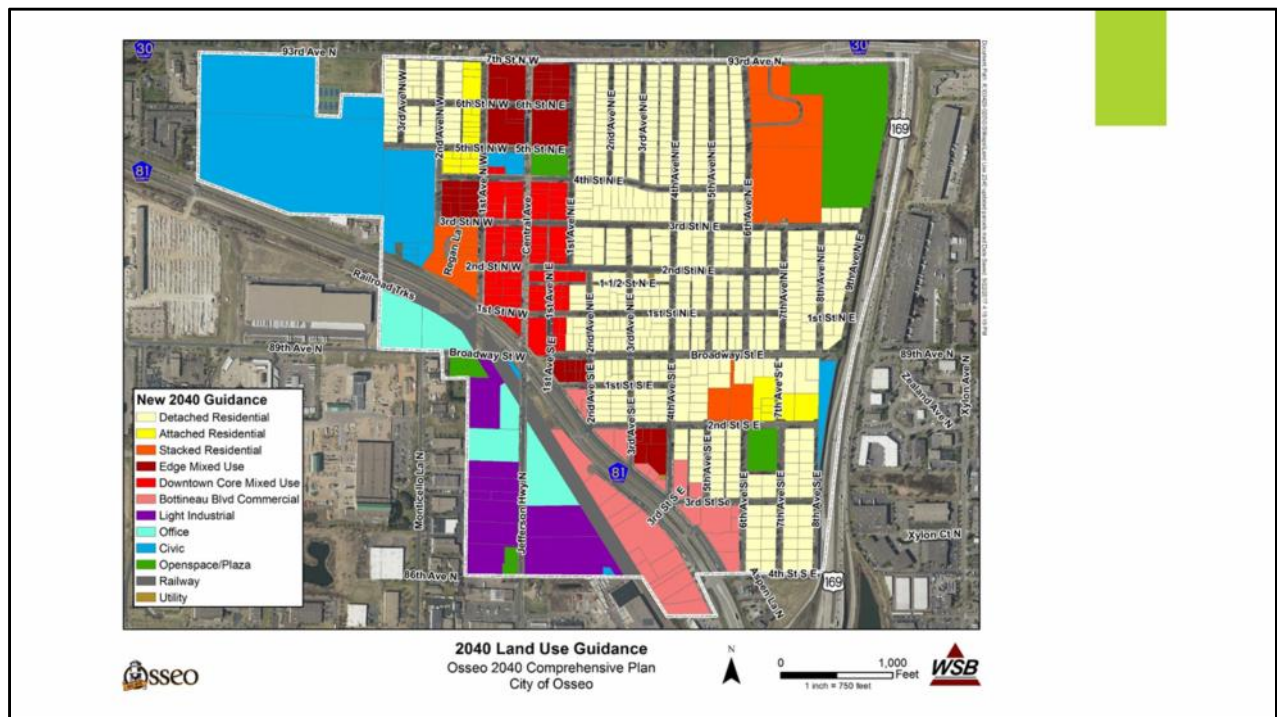
All text is new

Shipping container shopping malls are unlikely, but similarly

**NEW!**

## Edge Mixed Use Zoning District

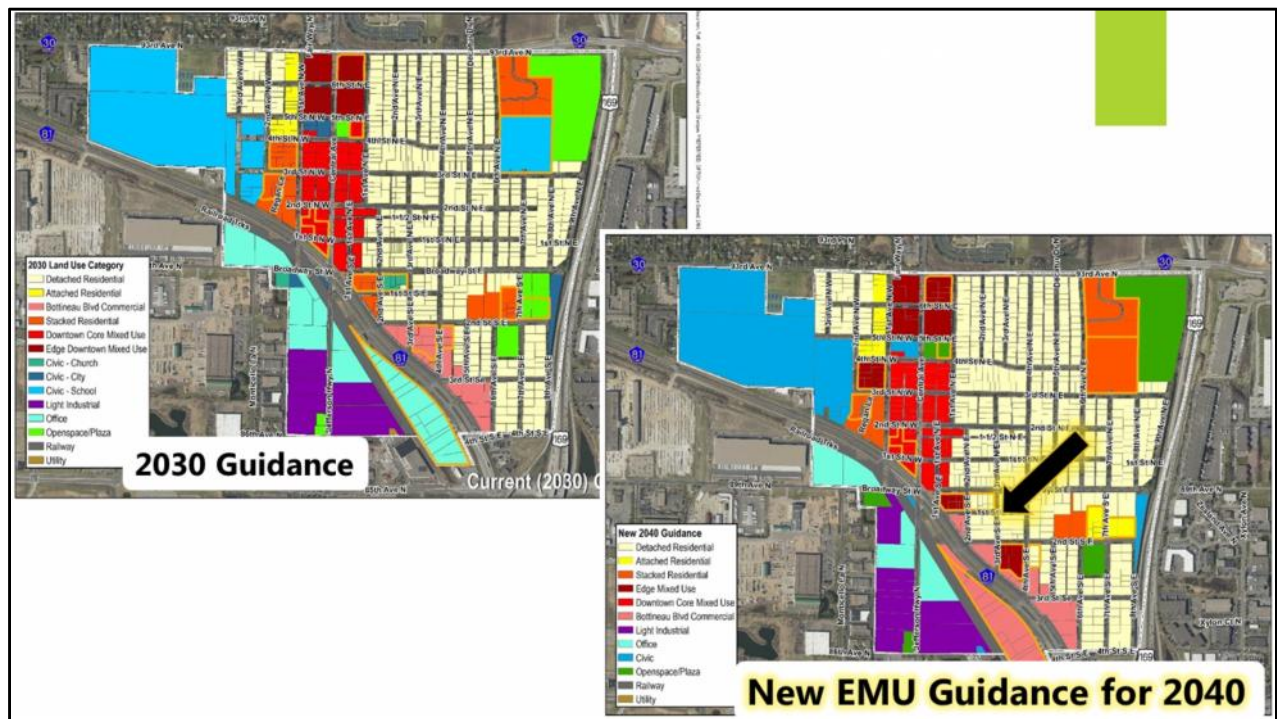




Dark red/maroon areas are guided for Edge Mixed Use.

The block bounded by 1<sup>st</sup> & 2<sup>nd</sup> Aves NW & 3<sup>rd</sup> & 4<sup>th</sup> Streets NW—near Osseo Senior High—is not expected to redevelop before 2030. Rezoning is not proposed at this time.

If the EMX Zoning district is created, other areas guided for EMX land use could be considered for rezoning in 2020. As it is an amendment to the Zoning Map (Appendix D), the rezoning process requires a public hearing and 1<sup>st</sup> and 2<sup>nd</sup> readings by the City Council.



Two areas along County Road 81 are re-guided for EMU in the 2040 Land Use Plan.

## Intent

- ▶ The intent of this district is to accommodate uses that are **predominantly residential** in nature and mixed-use buildings with **neighborhood-serving retail, entertainment, civic, institutional, and office uses** in key ground-floor locations and residential uses between and above the nonresidential space.
- ▶ The ground level shall be **pedestrian-oriented** and shall promote the health and well-being of residents by encouraging physical activity, alternative transportation, and social interaction.
- ▶ Development in the district shall facilitate transition between commercial areas and nearby neighborhoods.



All text is new

Colors/bold: Emphasis added

## Permitted Uses

► **All permitted uses in the Central Business District (CBD) ... within a mixed-use building ... not exceed[ing] ... the ground floor.**

- *Commercial establishments. Not limited to the following:*
  - *Retail establishments such as grocery, hardware, drug, clothing, appliances, furniture stores, and restaurants;*
  - *Personal services such as laundry, barber, shoe repair, beauty salon, and photography studio;*
  - *Professional services such as medical clinics, dental clinics, law offices, and accounting offices;*
  - *Finance, insurance, and real estate services;*
  - *General commercial office space; and*
  - *Repair services such as jewelry, radio, and television repair shops (not auto repair).*
- *Public and semi-public facilities serving all or portions of the city, such as municipal offices, library, and post office; ...*

► **All Permitted Uses in the High Density Residential District (R-2).**

- *Multiple-family dwellings of three or more dwelling units per structure; and*
- *Customary accessory uses incidental to the permitted residential uses such as private garages and private recreational facilities such as swimming pools and tennis courts.*

All text is new

Colors/bold: Emphasis added

Italics: Duplication of content from other sections of the Zoning Ordinance

## Conditional Uses

- ▶ **Permitted uses** in the **Central Business District** (CBD) occupying **more than** the gross floor area of **the ground floor** when within a mixed use building;
- ▶ **Conditional uses** in the **Central Business District** (CBD) with the **exception** of businesses intending to sell or serve liquor as part of regular business and Artisan manufacturing businesses;

- ▶ Fun fact: Conditional Uses in the R-2 district are also Conditional Uses in the CBD



All text is new

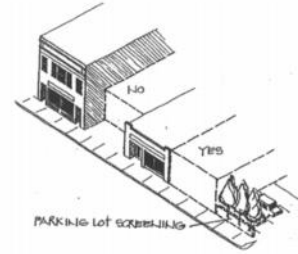
Colors/bold: Emphasis added

# Building Performance Standards

Substantially compliant with the *Architectural Design Guidelines for Osseo Business Districts*  
Compliance determined through Site/Building Plan Review

Architectural Design Guidelines address:

- Height,
- Setbacks/Building Siting,
- Fenestration,
- Rhythm/Continuity,
- Materials,
- Detailing,
- Lighting,
- Rear Entrances,
- Parking



[https://www.discoverosseo.com/files/7315/0341/7113/arch\\_design\\_guidelines\\_2000.pdf](https://www.discoverosseo.com/files/7315/0341/7113/arch_design_guidelines_2000.pdf)

All text is new

## Site Performance Standards

- Fencing as in R2 District
- Landscaping as in CBD

### Off-street Motor Vehicle Parking

- In accordance with Appendix B: Off-Street Parking Space Requirements—except:
- **One** off-street **parking space** must be provided **for each dwelling unit.**
  - *Other districts:*
    - *1.75 spaces / multi-family unit*
    - *1 space / 55+ unit*
- No off-street parking is required for **non-residential uses** in the district unless such uses exceed 3,000 square feet of gross floor area in which case **off-street parking** must be provided for the **floor area in excess of 3,000 square feet.**
- Off-street parking spaces must be located **to the rear of the principal building or otherwise screened** so as to not be visible from public streets or residential zoning districts.

All text is new

Colors/bold: Emphasis added

Italics: Duplication of content from other sections of the Zoning Ordinance

# Bicycle Parking

**Applicability.** Provided for all **new** commercial, industrial, community service use, and multifamily residential development **[in the EMX District] / [citywide]**



- ▶ **Bicycle Parking Standards.** Each required bicycle parking space must be accessible without moving another bicycle [or] obstructing a walkway. Bicycle racks shall be permanently installed to the manufacturer's specifications . In addition:
- ▶ Bicycle parking facilities shall meet the following requirements:
  - ▶ Securely anchored to a hard, **durable surface**.
  - ▶ Located within **50 feet of the main building entrance**.
  - ▶ Designed to provide **direct access to a public right-of-way**.
  - ▶ **Dispersed for multiple entrances**.
  - ▶ In a location that is **visible to building occupants** or from the main parking area.
  - ▶ Designed not to impede pedestrians along sidewalks or public rights-of-way.
  - ▶ **Separated from motor vehicle parking areas** by curbing or other similar physical barriers.
- ▶ Property owners are encouraged to conform to the Association of Pedestrian and Bicycle Professionals (APBP) Guidelines, copies of which are available at City Hall.
- ▶ The public right-of-way may be utilized for bicycle parking [if ] approved by the Public Works Director.

All text is new

Colors/bold: Emphasis added

## Bicycle Parking



### ► Quantity of Spaces

- The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall fewer than two (2) spaces be required.
  - Unless otherwise specified, the number of bicycle parking spaces shall be at least **10% of the minimum required motor vehicle parking** for the use, up to 30 bicycle parking spaces.
  - Multifamily residential development with 4 or more units shall provide **1 space per unit**.
- **Covered or enclosed bicycle parking.** A minimum of **50% of the bicycle spaces** shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:
  - When 10% or more of automobile parking is covered.
  - If more than 10 bicycle parking spaces are required.
  - Multifamily residential development with 4 or more units.

All text is new

Colors/bold: Emphasis added

Planning Commission should discuss whether 1 bicycle parking space per 1 multi-family unit is appropriate. Hennepin County's Bicycle/Pedestrian Planning Team recommended this number in light of units that may have more than one resident (including families), as well as visitor parking.

As a reminder, the areas guided for EMU are in proximity to the planned Crystal Lake Regional Trail (along County Road 81) and a multi-modal trail connecting to the 93<sup>rd</sup> Avenue Blue Line LRT station in Brooklyn Park.



The Comprehensive Plan calls for Osseo to address solar energy in the zoning ordinance.

The model ordinance provided by WSB also has sections on Geothermal Heat Pumps and Wind Energy Systems. These sections are included for Planning Commission review.

## Purpose

The purpose of this Section is to:

- ▶ **Accommodate alternative energy sources** by creating a **clear regulatory path** for approving alternative energy systems.
- ▶ Create a livable community where development may incorporate resilient design elements such as resource and energy conservation and use of renewable energy.
- ▶ Protect and enhance air quality and decrease use of fossil fuels.
- ▶ Accommodate alternative energy development in locations where the technology is viable and **environmental, economic, and social impacts can be mitigated.**
- ▶ Encourage development by establishing **reasonable requirements for performance, safety, design, and aesthetics** of alternative energy systems.

All text is new

Colors/bold: Emphasis added

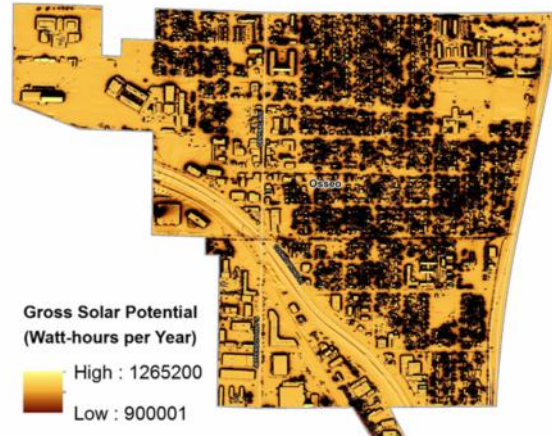
## Solar Energy Systems

<b>Gross Potential (Mwh/yr)</b>	<b>1,388,187</b>
Rooftop Potential (Mwh/yr)	226,486
Gross Generation Potential (Mwh/yr) <sup>2</sup>	138,818
Rooftop Generation Potential (Mwh/yr) <sup>2</sup>	22,648

<sup>2</sup> In general, a conservative assumption for panel generation is to use 10% efficiency for conversion of total insolation into electric generation.

[https://metro council.org/Handbook/Files/Solar-Resource-Calculation/02396098\\_Osseo\\_SolarCalc.aspx](https://metro council.org/Handbook/Files/Solar-Resource-Calculation/02396098_Osseo_SolarCalc.aspx)

Gross Solar Potential  
City of Osseo, Hennepin County



Solar energy analysis from the Metropolitan Council's Local Planning Handbook

[https://metro council.org/Handbook/Files/Solar-Resource-Calculation/02396098\\_Osseo\\_SolarCalc.aspx](https://metro council.org/Handbook/Files/Solar-Resource-Calculation/02396098_Osseo_SolarCalc.aspx)

## Solar Energy Systems.

permitted accessory use in all zoning districts

### Height

- ▶ Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district.
- ▶ Ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
- ▶ Roof mounted solar collectors may be flush mounted or bracket mounted. Bracket mounted collectors shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support apparatus,

### Location & Setbacks

- ▶ In residential zoning districts, ground mounted solar energy systems shall be limited to the rear yard.
- ▶ In nonresidential districts, ground mounted solar energy systems may be permitted in front yards, side yards adjacent to public rights-of-way, and rear yards.
- ▶ Shall comply with Accessory Structure Setbacks. Roof mounted setbacks shall not extend beyond the building perimeter.

All text is new

## Solar Energy Systems.

permitted accessory use in all zoning districts

### Screening

- ▶ Solar energy systems shall be screened from view to the extent possible without impacting their function

### Maximum Area

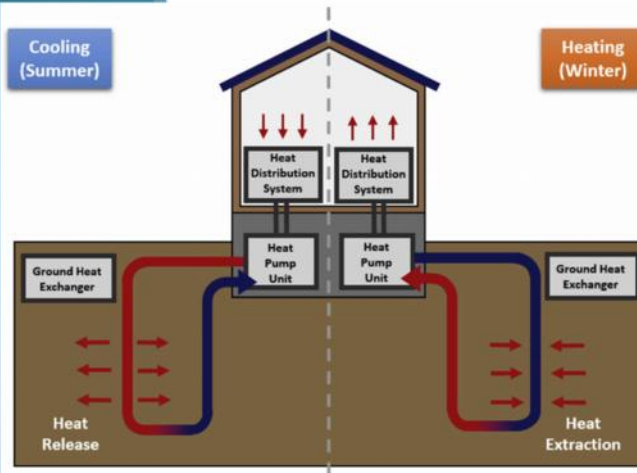
- ▶ Ground mounted solar energy systems shall be limited in size to no more than twenty-five (25) percent of the rear yard.

### Abandonment

- ▶ If a solar energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

All text is new

## Ground Source Heat Pumps



# Ground Source Heat Pumps.

permitted accessory use in all zoning districts

## System Requirements

- ▶ Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in this Section are permitted. Open loop ground source heat pump systems are not permitted.
- ▶ Ground source heat pump systems in public waters may be permitted as a Conditional Use .... subject to the following:
  - ▶ Approval from the Minnesota Department of Natural Resources.
  - ▶ Written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.
  - ▶ Demonstrated compliance with applicable City permit requirements.
- ▶ Ground source heat pump systems in water bodies owned or managed by the City are not permitted.

## Setbacks

- ▶ All components of ground source heat pump systems including pumps, borings and loops shall be **set back at least five (5) feet** from side, front, and rear lot lines.
- ▶ Above ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.

All text is new

Bold/color: Emphasis added

## Ground Source Heat Pumps.

permitted accessory use in all zoning districts

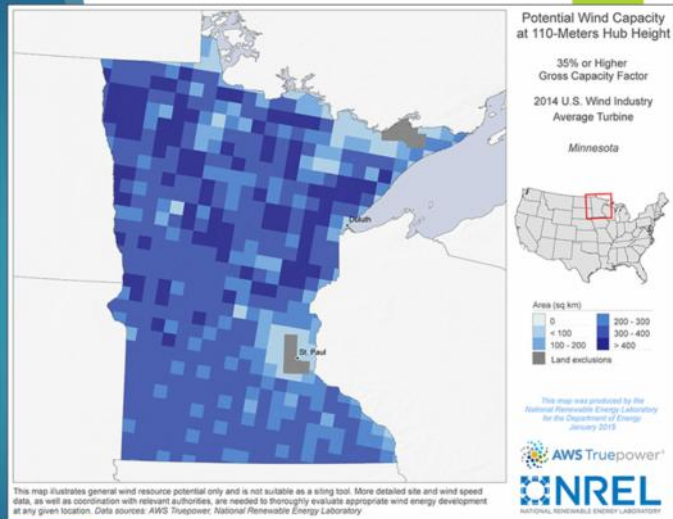
### Abandonment

- ▶ If a ground source heat pump system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:
  1. The heat pump and any external mechanical equipment shall be removed.
  2. Pipes or coils below the land surface shall be **filled with grout** to displace the heat transfer fluid. The **heat transfer fluid shall be captured and disposed of** in accordance with applicable regulations. The top of the pipe, coil or boring shall be **uncovered and grouted**.
  3. Lake ground source heat pump systems shall be completely removed from the bottom of the body of water.

All text is new

Bold/color: Emphasis added

## Wind Energy Systems



<https://windexchange.energy.gov/small-wind-guidebook>

The Twin Cities Metro, including Osseo, may not be an ideal location for Wind Energy Systems.

# Wind Energy Systems

permitted accessory use in all zoning districts

## General Standards

- ▶ No more than one (1) wind energy system per parcel
- ▶ **Set back** from property lines a distance **equal to the highest possible extension** of the system
- ▶ No part of a rotor blade shall be located within **30 feet of the ground** and within **20 feet of the nearest tree or structure**
- ▶ A **yearly certificate of inspection and maintenance** ... from a qualified engineer  
...

## District Standards

- ▶ Residential District Standards.
  - ▶ All wind turbine systems shall be roof mounted. Ground mounted systems are not permitted.
  - ▶ Wind energy systems shall not extend more than 6 feet above the highest point of the roof.
- ▶ Mixed-Use & Commercial District Standards.
  - ▶ Systems shall conform to the maximum height requirements for communication structures.
  - ▶ Ground mounted systems shall not be installed adjacent to a public right-of-way

All text is new

Bold/color: Emphasis added

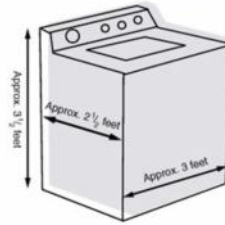
Maximum height requirement for communication structures is 35'



## Miscellaneous Updates

## 153.051 LAND ALTERATION; EROSION CONTROL.

Staff suggest removing the 3 feet/50 cubic yards exception, but we could also reduce the number of yards that can be 'disturbed' without a permit number to 25, 10, or 5 cubic yards. A 20-cubic yard dumpster is shown below.



Approx.  
1 cubic yard

- Land alteration restricted; exceptions. Land alteration is the process of changing the existing landscape by excavating, filling, or grading. Subject to the exceptions set forth below, no land shall be altered, excavated, filled, or graded and no vegetation shall be removed without first obtaining a permit from the city. The following exceptions shall be allowed:
- A fill **less than one foot in depth** and placed on natural terrain with a **slope flatter than five horizontal to one vertical**, ~~or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards and~~ does not obstruct a drainage course; and other exceptions as are listed the State Building Code;

Bold: Emphasis added

Blue strikethrough: Current requirements, to be removed (or modified)

§ 153.057  
LANDSCAPING.  
*R-1 & R-2  
residential districts*

- Update residential landscaping requirements so that they no are no longer limited to "newly platted" lots
- Differentiate between types/intensities of residential uses

- ▶ The minimum number of trees meeting the Minimum Size requirements in Subsection 6) maintained at any given site shall be as follows:
  - ▶ Single and Two Family Uses. A minimum of **two trees per parcel.**
  - ▶ Townhouse and Multiple Family Uses of 4 or fewer units. A minimum of **one tree per dwelling unit.**
  - ▶ Multiple Family Uses of 5 or more units. Whichever is greater: **one tree per 1,000 square feet** of gross building floor area or **one tree per fifty lineal feet** of site perimeter.

Selected text is new.

Bold/color: Emphasis added

## § 153.058 FENCING.

- Remove requirement for permit application for fences <6' tall, like Maple Grove, Minneapolis, and many other cities.
- Clarify allowed materials
- Incorporate restrictions on "hazardous" fence materials from the Nuisance ordinance
- Clarify height bonus for "see-through" fencing

- No fence exceeding six feet in height shall be constructed without a building permit.
- Fences may be erected, placed or maintained along or adjacent to a lot line. The fence owner shall be responsible for properly locating all property lines before construction of any fence. Boundary line fences shall be located entirely upon the private property of the party constructing the fence unless the owner of the property of the adjoining property agrees, in writing, that the fence may be erected on the division line of the respective properties. The persons, firms, or corporations constructing or causing the construction of the fence shall be responsible for verifying the location of their property line and for maintaining that part of their property between fence and property line. City staff will require any applicant for a fence permit to establish the boundary lines of his or her property by a survey thereof to be made by any registered land surveyor or by showing the stake markers of the surveyed lot.

Green (bullet points): Narrative explaining intent

Red/orange underline: New text

## § 153.060 HOME OCCUPATIONS.

- Allow 2 (rather than 1) employees living outside the residence
- Allow home occupation to utilize accessory buildings
- Add hours of operation restrictions



- ▶ (A) Conduct of the home occupation does not result in any alterations to the exterior of the residence or involve interior or exterior construction features not customarily found in dwellings;
- ▶ (J) ~~No accessory building may be used for operations, display of goods, or the storage of equipment or materials used in the home occupation.~~ A home occupation may be located within the dwelling, an accessory building, or both, provided that the total area of the home occupation is not greater than 50% of the finished floor area of the dwelling;
- ▶ Home occupations shall not operate between 10:00 pm and 7:00 am.

Green (bullet points): Narrative explaining intent

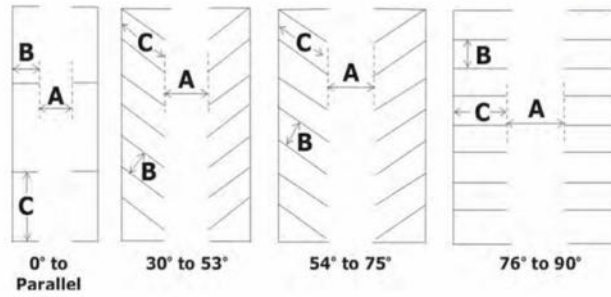
Red/orange underline: New text

Blue strikethrough: Current requirements, to be removed

## § 153.073 PARKING SPACES; DIMENSIONS.

Update minimum parking space sizes to account for angled parking and compact or low-turnover spaces

Current requirement: 9' x 20'



**Parking Space and Aisle Dimensions**

Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"			Parking Stall Length (Feet) "C"		
			Compact Size	Low Turnover	Full Size	Compact Size	Low Turnover	Full Size
0° - Parallel	12	20	8	8.5	9	18	22	22
30°- 53°	14	20	8	8.5	9	16	20	20
54°- 75°	18	22	8	8.5	9	16	20	20
76°- 90°	22	24	8	8.5	9	16	18	18

## § 153.078 PARKING SPACES: DESIGN AND MAINTENANCE.

### Access

Access and parking areas shall be designed so as to provide an adequate means of access to a public alley or street. The driveway shall be limited so as to cause the least interference with traffic movement. All public parking areas shall have access off driveways and not directly off a public street. Traffic shall be channeled and controlled in a manner that will avoid traffic hazards including obstacles to safe pedestrian access.

### Calculating Space

All square-footage-based parking standards shall be computed on the basis of gross floor area .... Up to 15 percent ... may be excluded ... if the area is used for storage, loading, unloading, or for mechanical equipment. When the determining of the number of required off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space. ... in the case of one or two family dwellings (only) driveways may be used in calculating the amount of off-street parking.

### Surfacing

...parking space[s] and driveways shall be surfaced with an impervious material to control dust and drainage ... except parking areas for less than three vehicles. This requirement also applies to open sales lots and residential driveways.

(1) Within all zoning district, parking lots and driveways shall be paved and permanently maintained with asphalt, concrete, or approved paving units.

(2) Parking lots and driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the City Engineer...

Red/orange underline: New text

## § 153.078 PARKING SPACES: DESIGN AND MAINTENANCE.

### Striping & identification

Except for parking spaces for one- and two-family residences, parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface. The striping shall be continuously maintained in a clear and visible manner in compliance with the approved parking plans.

### Permanent spaces

Each parking space shall be permanently available, marked, and maintained for parking purposes for the use which it is intended to serve.

### Spaces for people with disabilities

Parking spaces serving people with disabilities shall be provided in compliance with all applicable state and federal requirements. If practicable, spaces for people with disabilities shall be located so they provide easy access from the closest parking area to the major entrance of the use for which they are provided.

Red/orange underline: New text

Existing ordinance 153.078 (A) includes the requirement, "All outside parking spaces shall be clearly marked."

## Where do we go from here?

- ▶ ~~August 19~~ — ~~Planning Commission~~
  - ▶ ~~Provide initial input on Code Updates~~
- ▶ ~~September 16~~ ~~Planning Commission~~
  - ▶ ~~Review initial information on Code Updates~~
- ▶ October 21 — Planning Commission
  - ▶ Public Hearing on Code Updates
- ▶ November 12
  - ▶ City Council 1st Reading (including any revisions)
- ▶ November 25
  - ▶ City Council 2nd Reading & adoption

- ▶ Future work in 2020
  - ▶ Rezone properties as needed/appropriate
- ▶ Revise Development Standards for Planned Unit Developments, Use Tables & Accessory Uses, and Subdivision Regulations

## Memorandum

To: Nancy Abts, Osseo Planner

From: Molly Just, AICP

Date: September 20, 2019

Re: Updated Memo - Task 8 - Review of Dimensional Requirements

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The City of Osseo has requested that WSB review certain dimensional standards within the City's Zoning Ordinance. To that end, staff provided specific questions to be addressed with our review. What follows is an updated memo reflecting our responses to your most recent requests. This memo is separated by district and the district intent is included for context.

### R-1

*Intent.* To recognize fully or partially developed one- and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use.

*Impervious Surface.* The existing maximum is generous. The norm is more like 30-40% but if there are no environmental or flooding issues, perhaps keep it as is. If most lots aren't at 50% impervious, how would a robust residential market that might encourage tear downs or large expansions impact the goals of the community?

### R-2

*Intent.* To recognize the demand for apartment, condominium, and multiple-family dwellings; to provide for these apartments upon fairly sizable tracts of land, thereby allowing increased design flexibility and a more compatible development pattern; and to permit these apartments at densities high enough to allow high quality development yet low enough to provide a desirable living environment for residents.

*Height.* Staff suggests 3-stories/40-feet max.

*Land per bedroom.* I suggest that the intent was for this to be floor area per bedroom and not land. Peer communities treat the per bedroom square footage requirement this way. An alternative would be land area per unit, such as 1,000 sqf per unit or 1,500 sqf per unit. What do you want for Osseo?

### CBD

*Intent.* The intent of this district is to accommodate central business type uses that include joint-use parking areas and business uses primarily oriented to the walking public.

*Height.* Staff will suggest 4-stories/50-feet max.

*Setback.* Your WSB staff team has discussed the idea of a 10-foot rear setback for lots with no alley. Osseo has been successful at working with developers to deliver projects that provide context sensitive solutions. In this light, we suggest zero rear setback.

C2

*Intent.* The intent of this district is to accommodate service type business uses primarily oriented to the driving public with needed parking facilities provided on site by the owner.

*Lot Size.* Staff will suggest reducing the lot size requirement to match that for the CBD.

*Lot Width.* Staff will suggest reducing the lot width requirement to match that for the CBD.

*Height.* I don't see an issue with the 35 foot height limitation here. Please advise of any known issues.

*Setbacks.* Possibly reduce the required setback to 20 feet front and 10 feet for corner side yard.

*Accessory Structure Setbacks.* Examples from peer communities have been provided. Typically, accessory structure setbacks are less than that for primary structures, sometimes half the setback. I suggest the same in this district.

M

*Intent.* The intent of this district is to provide land in proximity to major thoroughfares for the development of certain manufacturing and industrial activities that will strengthen the local employment opportunity and tax base in the city.

*Lot Size.* The existing lots are quite large so I'm not sure what are the size and width concerns.

*Height.* Consider if 40 feet is enough height. I would suggest 65 feet and prohibit warehousing and similar uses that do not achieve the intent of the district.

*Impervious Surface.* If the policy goal of the City is consistent with the existing preamble for the district, then I advise maintaining the current language.

*Setbacks.* Staff will suggest reducing the setback requirements to zero. Accessory structure setbacks

*Accessory Structure Setbacks.* Examples from peer communities have been provided. Typically, accessory structure setbacks are less than that for primary structures, sometimes half the setback. I suggest the same in this district.

Please let me know if we may be of additional assistance with this matter.

Sincerely,

**WSB**

*Molly Just*  
Molly Just, AICP

**Memorandum**

To: Nancy Abts, Osseo Planner

From: Molly Just, AICP

Date: September 6, 2019

Re: Task 1 - Review of Public Institution Zoning District

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**Overview of Task 1 – Review of Public Institution Zoning District (PI District).** The City of Osseo has requested that WSB review the City's Public Institution District for clarity and breadth of legislative intent and adequacy of district standards relative to the breadth of standards found in other districts in the zoning code and the PI Districts of peer communities.

**Finding.** PI Districts are often created after public facilities are in place and the varying nature of activities necessary to carry out public services means that one set of dimensional standards is unlikely to work for all public service facilities. Additionally, it is common for cities to move or expand such facilities to achieve a public purpose, and libraries, fire houses, and water towers are located based on the needs of the community and not the confines of Euclidean zoning. Finally, not all communities have formal PI Districts and Osseo is not unique in the intent and breadth of its PI District. I therefore find the intent and dimensional requirements adequate.

**Recommendation.** I recommend that it is unnecessary to add lot size and/ or dimensional requirements to the PI District and find that the intent statement is adequate, relative to that for other districts in the Osseo Zoning Ordinance, and that of peer cities. You may want to review the district to determine whether there are any definitions needed in order to support the language in the PI District.

Attached are materials that include a tabular summary of the PI Districts of peer communities and copies of the full district from the code of each community. Please let us know if we can be of further help to you in this matter.

Sincerely,

**WSB**

*Molly Just*  
Molly Just, AICP

Attachments: Tabular Summary of Peer Communities, District Language from Peer Communities.

<b>City Name</b>	<b>New Hope</b>
<i>District Name</i>	Governmental, Park, and Open Space Zoning District
<i>Preamble</i>	The purpose of the GPO - governmental, park and open space district is to provide for the establishment of governmental, civic uses, and recreational activities which serve the residents from the entire community or subregion. The district is designed to: (1) Create a unified district for governmental operations and civic uses; (2) Encourage a sense of activity and liveliness among public open spaces and sidewalks; (3) Provide public gathering spaces and green spaces.
<i>Permitted uses</i>	(1)Municipal government and utility buildings. Municipal government, publicly regulated communications, and public utility buildings and structures necessary for the health, safety and general welfare of the community. (2)Public parks and playgrounds. (3)Municipal recreational facilities including swimming pool, golf course and ice arenas. (4)Municipal water towers.
<i>Conditional uses</i>	
<i>Dimensional standards</i>	No Minimum Lot area, No Minimum Lot Width, 0 Front, Rear, Side Setbacks
<i>Other standards</i>	Specific performance standards for Administrative Uses – which are Farmer’s Markets, festivals, and open/outdoor sales, seasonal products

<b>City Name</b>	<b>Crystal</b>
<i>District Name</i>	Does not have a stand alone Institutional or Public use district

<b>City Name</b>	<b>Maple Grove</b>
<i>District Name</i>	Does not have a stand alone Institutional or Public use district

<b>City Name</b>	<b>Brooklyn Park</b>
<i>District Name</i>	Public Institution Zoning District
<i>Preamble</i>	The Public Institution District (PI) is intended to provide for a district for public buildings, uses and needs that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose.
<i>Permitted uses</i>	(A) Schools and daycares. Includes public and private primary and secondary schools, pre- schools, and daycares, subject to Site Plan Review requirements of § 152.033; and public or private post-secondary institutions like colleges, universities, junior colleges, and trade schools. (B) Government buildings. Including fire and police stations, government office buildings, maintenance buildings, recreation facilities, libraries, water towers or purification plants and the like. (C) Religious institutions. (D) Non-profit community agencies, recreation centers, or youth centers. (E) Hospitals.
<i>Conditional uses</i>	(A) Telecommunication towers as regulated by §§ 152.090 through 152.096.

	(B) Outdoor storage of equipment, landscaping materials, etc. when accessory to a government building or maintenance facility.
<i>Dimensional standards</i>	The PI district has no minimum lot area or lot width requirements. Setback requirements are as follows: 10 ft from public rights-of-way, 10 ft from side property lines, 10 ft from rear property lines, and 50 ft when adjoining residential areas. Site within the PI district are required to be business district performance standards and landscaping standards. A 60 ft maximum height is required in the PI district.
<i>Other standards</i>	Lists permitted accessory uses which include limited retail, restaurant, assembly halls, and daycare.

<b>City Name</b>	<b>Robbinsdale</b>
<i>District Name</i>	Public Facilities Zoning District
<i>Preamble</i>	A district to provide for public buildings, facilities, land areas, waterways and water areas which are owned, controlled, regulated, used or proposed to be used by the city of Robbinsdale or other governmental body. The district will also provide for telecommunications towers and facilities.
<i>Permitted uses</i>	(a) Public parks, playgrounds, and athletic fields. (b) Municipal utilities including water storage, storm water ponding, treatment and sewer, water and pumping facilities. (c) Municipal buildings and structures, provided there is adequate screening from adjacent uses.
<i>Conditional uses</i>	schools, recreation and community centers meeting performance standards, utilities, wind energy systems exceeding 20 ft, ground mounted-solar, telecommunications towers, outdoor storage, and parking area exceeding the requisite requirement by 125%.
<i>Dimensional standards</i>	States that minimum lot area, lot width, and setbacks are established as equivalent to similar uses.
<i>Other standards</i>	

<b>City Name</b>	<b>Hopkins</b>
<i>District Name</i>	Institutional Zoning District
<i>Preamble</i>	None
<i>Permitted uses</i>	(a) Single-Family and two-family Residences
<i>Conditional uses</i>	(a) Schools and structures incidental thereto, (b) religious institutions and structures incidental thereto
<i>Dimensional standards</i>	A setback of 35 ft is require from all property lines. The lot minimum is 20,000 sq. ft., lot width is 100 ft, building coverage is 35%, and max height is 35 ft.
<i>Other standards</i>	Compatibility and performance standards for new institutional uses or parking expansions with regard to existing residences in proximity.

## Zoning and the Comprehensive Plan

Under Minnesota State Statute, a city’s zoning ordinance should “carry out the policies and goals of the land use plan” (MN Statute 462.357 Subd. 2). The Metropolitan Council requires that official controls, such as zoning, “must not be in conflict” with the comprehensive plan or its subsequent updates. As such, all cities that update their land use plans must then follow up with necessary revisions to the zoning ordinance to bring zoning controls into alignment with the goals and policies of the adopted comprehensive plan.

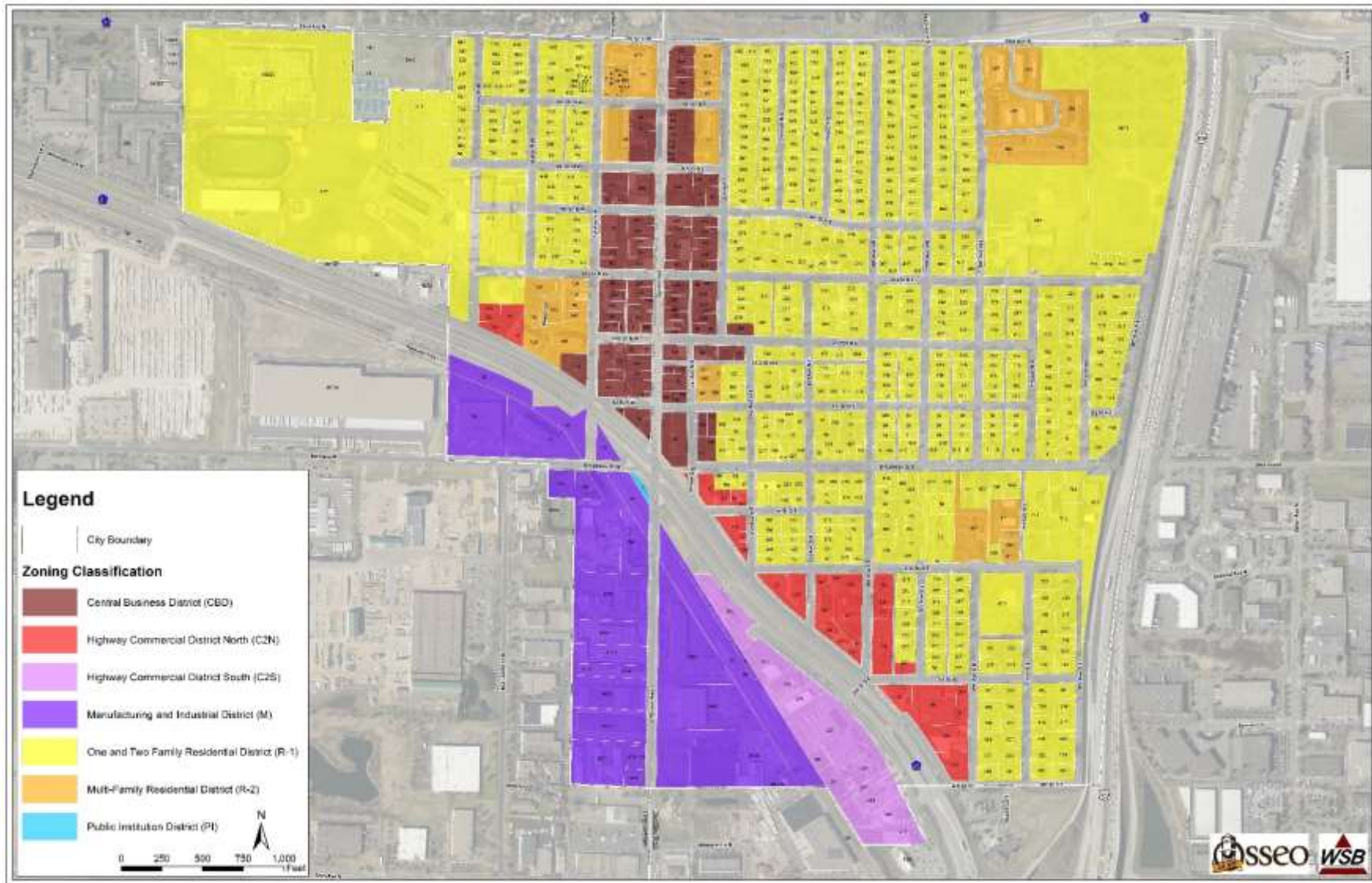
Osseo’s current zoning map and zoning category descriptions are included here, followed by a discussion of the anticipated zoning and Code updates that may be necessary to bring the City’s zoning code into harmony with the comprehensive plan.

TABLE 10-8 CURRENT ZONING DISTRICTS IN OSSEO

Zoning District	Description	Dimensional Standards
<b><i>Public institution district, PI</i></b>  <u>Corresponding Land Use:</u> Institutional	Provide for public buildings, facilities, and land areas which are owned, controlled, regulated, used or proposed to be used by the city for the purposes of serving the residents and the community members of the city.  <u>Permitted uses:</u> Municipal buildings and structures, Public parks, Off-street parking, Outdoor storage of equipment, Historical sites	N/A
<b><i>One- and two-family residential district, R-1</i></b>  <u>Corresponding Land Use:</u> Detached Residential, Attached Residential	Recognizes fully or partially developed one- and two-family residential areas including supporting public and semi-public facilities; protects the desired low intensity living environment from encroachment by conflicting land use.  <u>Permitted uses:</u> One- and two-family detached dwellings, Home occupations, licensed day care	Building Height: 25 ft  Minimum lot size: 8,250 – 10,000 sq ft  Max impervious surface: 50%

<p><b><i>High-density residential district, R-2</i></b></p> <p><u>Corresponding Land Use:</u> Attached Residential, Stacked Residential, Edge Mixed Use</p>	<p>Recognize the demand for apartment, condominium, and multiple-family dwellings; provides for these apartments upon fairly sizable tracts of land, thereby allowing increased design flexibility and a more compatible development pattern; permits these apartments at densities high enough to allow high quality development yet low enough to provide a desirable living environment for residents.</p>	<p>Building Height: 25-65 ft</p> <p>Minimum lot size: 21,780 sq ft</p> <p>Max impervious surface: 50%</p>
<p><b><i>Central business district, CBD</i></b></p> <p><u>Corresponding Land Use:</u> Core Mixed Use, Edge Mixed Use, Stacked Residential,</p>	<p>The intent of this district is to accommodate central business type uses that include joint-use parking areas and business uses primarily oriented to the walking public.</p> <p><u>Permitted Uses:</u> Commercial and retail establishments, personal and professional services, repair services, office space, apartments above street level</p>	<p>Building Height: 35 ft</p> <p>Minimum lot size: 7,200 sq ft</p> <p>Max impervious surface: 100%</p>
<p><b><i>Highway commercial district, C-2</i></b></p> <p><u>Corresponding Land Use:</u> Bottineau Boulevard Commercial, Office, Light Industrial</p>	<p>The intent of this district is to accommodate service type business uses primarily oriented to the driving public with needed parking facilities provided on site by the owner.</p> <p><u>Permitted Uses:</u> Commercial establishments, uses allowed in CBD, auto accessory</p>	<p>Building Height: 35 ft</p> <p>Minimum lot size: 15,000 sq ft</p> <p>Max impervious surface: 60%</p>
<p><b><i>Manufacturing and industrial district, M</i></b></p> <p><u>Corresponding Land Use:</u> Office, Light Industrial</p>	<p>The intent of this district is to provide land in proximity to major thoroughfares for the development of certain manufacturing and industrial activities that will strengthen the local employment opportunity and tax base in the city.</p> <p><u>Permitted Uses:</u> Uses allowed in C-2, Fabricating, manufacturing, production, processing, and storage of material goods and products, Motor freight terminals; research; electrical</p>	<p>Building Height: 40 ft</p> <p>Minimum lot size: 20,000 sq ft</p> <p>Max impervious surface: N/A</p>

FIGURE 10-2: OSSEO ZONING MAP (LAST UPDATED OCTOBER 2017)



### Suggested Zoning Code Updates

Osseo's 2040 Land Use plan update will require some attention to the current zoning map and zoning ordinance, in order to make the City's zoning consistent with land use guidance. The following are identified as areas or inconsistencies that may require closer examination and eventual zoning updates in order to match the intent of the land use plan. This list of updates is also identified in the implementation matrix, under the Land Use section.

#### **Site and Zone specific updates to be completed in the 9-month statutory period following Comprehensive Plan adoption**

- The City will consider developing a new zoning district or overlay that better addresses and implements Mixed Use guidance and applying that zoning district to properties guided Mixed Use. Properties that might be considered under this district include:
  - The 100 block of Broadway St E is currently zoned C-2 and R-1. The land use guidance calls for Edge Mixed Use. Appropriate rezoning might consist of R-2, CBD, or some combination thereof, or a new district or overlay.
  - A portion of the 200 block of 2<sup>nd</sup> St SE that is currently zoned C-2 Highway Commercial is guided for Edge Mixed Use. Appropriate rezoning might consist of R-2, CBD, or some combination thereof, or a new district or overlay.
  - Residential areas west of 1<sup>st</sup> Avenue NW. Much of this area has been re-guided for Mixed Use or Attached Residential housing, but is currently zoned R-1. Appropriate rezoning might consist of R-2, CBD, or some combination thereof.
- Evaluate whether the Attached Residential use is supported by current zoning districts. Properties that might be considered under this guidance include:
  - Former elementary school site. Currently guided R-1 (One and two-family residential), this site could be re-zoned to reflect the higher intensity expectation of the Stacked Residential land use district. R-2 is the most likely option for rezoning.
  - The undeveloped area south of St. Paul's church. This area is guided for Attached Residential, but zoned R-1. Consider R-2 zoning to allow for attached housing.

### **General Zoning Code updates**

The table below outlines the general zoning code evaluations and/or updates that may be considered as a direct result of the goals and intentions of this Plan. The table includes a rationale for each suggested zoning code action and a prospective timeline for action.

TABLE 10-9 SUGGESTED GENERAL ZONING CODE UPDATES, INCLUDING TIMELINE FOR ACTION

<b><u>Possible Zoning Code Action</u></b>	<b><u>Rationale</u></b>	<b><u>Prospective Timeline/Sequence</u></b>
Expand the Subdivision Ordinance	With at least one larger tract of developable land guided for higher-intensity residential uses, the City should consider reviewing and expanding its subdivision ordinance to facilitate the process and stated outcomes of a subdivision and/or PUD development.	This will occur prior to the redevelopment timeline for Site A identified in the Land Use Plan, and ideally within the next 5 years.
Evaluate the city's current Planned Unit Development (PUD) requirements	Following the adoption of this Plan, the City's current PUD requirements should be reviewed for their ability to achieve the desired outcomes identified in the Land Use Plan, particularly with respect to opportunity sites C and F identified in the Land Use Chapter.	This should occur prior to the 2030 redevelopment timeline for Sites C and F Identified in the Land Use Plan, and ideally within the next 5 years.
Evaluate existing dimensional requirements	Evaluation of the maximum height, minimum lot size and impervious area requirements, and setbacks for all zoning districts is needed to make certain that these requirements support the intent and densities of the land use guidance.	This should occur contemporaneously with evaluation of the Subdivision Ordinance, and ideally within the next 5 years.
Evaluate landscaping and buffer requirements	Evaluation of the city's landscaping and buffer requirements is needed to determine their ability to support quality open spaces and park-like amenities. Review the city's building material regulations to ensure they produce the desired effects discussed in the Land Use chapter.	This should occur contemporaneously with evaluation of the city's PUD requirements, and ideally within the next 5 years.
Evaluate parking requirements	Review of the minimum parking requirements established by the City Code and their effect on the desired land use patterns established in the plan is needed. Consider adding further incentives for privately-owned joint parking facilities to help achieve development patterns described in the plan.	This should occur contemporaneously with evaluation of the city's PUD requirements, and ideally within the next 5 years.

Possible Zoning Code Action	Rationale	Prospective Timeline/Sequence
Consider incentives for public amenities	Consideration should be given to establishing zoning incentives for provision of open space, sidewalks and trails, and park-like amenities, especially as part of high-density developments and in Gateway areas.	This should occur contemporaneously with evaluation of the city's PUD requirements, and ideally within the next 5 years.
Review dimensional standards for Public Institutional District	Consideration should be given to establishing dimensional standards for the city's Public Institution District to ensure properties are consistent with their surrounding land uses and land use guidance	This should be completed in the 9-month statutory period following Comprehensive Plan adoption.
Review Home Occupation requirements	Review of the city's Home Occupations requirements is needed to ensure they reflect current work styles and desired environments while preserving the city's traditional residential environments.	This should be completed in the 9-month statutory period following Comprehensive Plan adoption.
Allow solar energy systems	The City may explore allowances for rooftop solar energy systems in the Zoning Ordinance as a means of offsetting energy production costs through local alternative energy sources.	This should occur contemporaneously with evaluation of the Subdivision Ordinance, and ideally within the next 5 years.
Accessory Dwelling Unit (ADU) feasibility study	Evaluation of the feasibility of allowing Accessory Dwelling Units (ADUs) on the existing properties in Osseo is needed. Following a feasibility analysis, the City will consider whether an ordinance amendment allowing this use would be appropriate.	This should occur contemporaneously with evaluation of the Subdivision Ordinance, and ideally within the next 5 years.
General clerical updates	Perform general clerical updates to the zoning ordinance—for example, update references to Minnesota State Statutes and other sections of the city code and clarify definitions as needed.	This should be completed in the 9-month statutory period following Comprehensive Plan adoption.