SECTION 11.01:
ZONING ORDINANCE

11.01 Zoning Ordinance

1.0 Title. This Ordinance shall be known and referred to as the Mahtomedi Zoning Ordinance and may be referred to as ‘this Ordinance’ or ‘this Section’.

2.0 Statement of Legislative Intent. This Ordinance is adopted to:

11.01, 2.0 Statement of Legislative Intent: This Ordinance is adopted to:

A. Protect and promote the public health, safety and general welfare of the community.
B. Classify properties into zones and districts reflecting their suitability for particular uses, densities and development patterns.
C. Guide future land development to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities.
D. Provide for sequential planned development that will allow the efficient and orderly expansion of utility systems without premature urbanization of existing undeveloped land.
E. Preserve the unique character and individuality of the City’s historic growth pattern.
F. Regulate the location, construction, alteration and use of buildings, structures and land.
G. Conserve property values.
H. Insure adequate light, air, privacy and convenience of access to property.
I. Prevent the overcrowding of land and the undue concentration of population.
J. Fix reasonable standards to which building structures and uses shall conform.
K. Lessen congestion in the public streets by providing off-street parking of motor vehicles and off-street loading and unloading of commercial vehicles.
L. Facilitate adequate transportation, water, sewage disposal, education, recreation and other public facilities and requirements.
M. Provide for safe, accessible connections between land uses that include provisions for vehicles, pedestrians, bicyclists, and use of transit.
N. Provide performance standards that allow the flexible use of properties in ways that do not negatively impact surrounding uses
O. Prohibit the use of buildings, structures and lands that are incompatible with the intended use or development of lands within the specified zones.
P. Allow for a diverse range of housing options
Q. Protect against fire, explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare and other pollution and hazards in the interest of the public health, comfort and general welfare.
R. Conserve natural resources and maintain high standards of environmental quality.
S. Preserve significant open spaces and conserve the natural and scenic beauty of the City.
T. Preserve the quality of surface waters and guide the prudent development of shoreland areas.
U. Preserve and protect the capacity of flood plains and natural ponding areas to carry, hold and discharge excess surface waters.
V. Support local businesses with flexibility to operate creatively without negatively impacting surrounding properties
W. Provide for the administration of this Ordinance and define the powers and duties of the various administrative officers and bodies.
X. Provide for the enforcement of this Ordinance and prescribe penalties for the violation of its provisions or any future amendments.

3.0 Relationship to the Comprehensive Plan. The administration, enforcement, and amendment of this Ordinance shall be consistent with the policies contained in the City’s adopted Comprehensive Plan. In
accordance with Minnesota Statutes, the City Council will not approve any rezoning or other changes in this Ordinance that are inconsistent with the City’s Comprehensive Plan.

4.0 Scope.

A. Jurisdiction. This Ordinance shall apply to all the area inside the corporate limits of the City of Mahtomedi, Minnesota.

B. Compliance. All buildings erected hereafter, all uses of land or buildings established hereafter, all structures, alterations or relocation of existing buildings occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, which has not by its terms expired prior to such effective date and provided that construction is begun before the permit’s expiration and within one (1) year of its effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of zoning compliance by the use for which originally designated, subject thereafter to the provision of this Ordinance relating to non-conformities.

5.0 Severability. Every section or subdivision of this Ordinance is declared separable from every other section or subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by the action or decision.

6.0 Interpretation and Application. The provisions of this Ordinance shall be the minimum requirements.

A. Except as otherwise provided in this Ordinance, the following shall apply to a use not provided for within a zoning district:

1. If a use is not specifically permitted in a zoning district, the use shall be considered prohibited in the zoning district;

2. In the event of a difference of meaning or implication between the text of this Ordinance and any title, caption, graphic or illustration, the text shall control;

3. The provisions of this Ordinance are the minimum requirements for promoting and protecting the public health, safety and general welfare. When this Ordinance imposes greater restrictions than those proposed by other State statute, ordinance or regulation, the provisions of this Ordinance shall be controlling;

4. The City or an applicant may initiate an amendment to this Ordinance to permit the particular use under consideration.

B. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural, and the plural includes the singular;

2. The present tense includes the past and future tenses, and the past and future tenses the present;

3. The word ‘shall’ is mandatory and the word ‘may’ is permissive;

4. The masculine gender includes the feminine and feminine includes the masculine;

5. Words or terms defined in this Ordinance shall have the meanings assigned to them unless the meaning is clearly contrary to the intent of this Ordinance;
6. The word ‘person’ includes individual, a corporation, a partnership, an incorporated association or any other similar entity;

7. The phrase ‘used for’ includes ‘arranged for’, ‘designed for’, ‘intended for’, ‘maintained for’, or ‘occupied for’;

8. The particular shall control the general.

C. Commentary. Commentary is provided throughout this Ordinance in the form of ‘helpful notes’ and ‘sustainability tips’. The helpful notes are intended to help explain complex provisions or to direct the reader to related areas in this Ordinance or elsewhere. The sustainability tips are intended to provide general information on how certain provisions relate to the City’s sustainability goals. If the commentary is in conflict with the provisions of this Ordinance, the text associated with the actual provisions shall prevail.

D. Graphics. Graphics are provided throughout this Ordinance to help the reader visualize and understand complex provisions that have physical or dimensional qualities associated with them. If the graphics are in conflict with the provisions of this Ordinance, the text associated with the actual provisions shall prevail.

E. Hyperlinks. Hyperlinks are provided throughout this Ordinance for those readers who are viewing this Ordinance on a computer. Hyperlinks are identified with italicized text. Placing the cursor over the hyperlink and clicking on the hyperlink will open another electronic document that can help the reader further understand the provisions of this Ordinance. For example, all of the Minnesota Statutes referenced in this Ordinance are hyperlinked. Clicking on the hyperlink opens a window that displays the linked Minnesota Statute. Broken, misdirected, or conflicting hyperlinks shall not invalidate the meaning of the provision.
7.0 Definitions. Terms not defined in this Ordinance shall have the meaning customarily assigned to them as a matter of general usage. When used in this Ordinance, the following terms shall be deemed to have the meanings ascribed to them:

**Abutting.** Making direct contact with or immediately bordering.

**Accessory Building.** A building in which is conducted as an accessory use to a principal use on the lot on which the principal use is situated. Accessory buildings include: garages, carports, barns, tool sheds and the like.

**Accessory Dwelling Unit.** A secondary dwelling unit that is:
- Physically attached to or within a single family dwelling or attached to or within an accessory building on a lot with a single family dwelling
- Subordinate in size to the single family dwelling;
- Fully separated from the single family dwelling by means of a wall or floor, with or without a door;
- Uses a separate entrance than the primary dwelling unit; and
- Meets all other requirements to be considered a legal dwelling unit.

**Accessory Use or Structure.** A use or structure subordinate to the principal use of a building or to the principal use of land and is located on the same lot and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses include: swimming pools, tennis courts, fences and the like.

**Accessory Structure Wireless Telecommunication Facility.** A building or cabinet like structure located adjacent to or in immediate vicinity of a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging and paging services.

**Additional Escrow Funds.** The cash escrow deposit required by the City after depletion of the Initial Escrow Funds for the City’s estimated Out-Of-Pocket Costs related to zoning and / or subdivision petitions, including, but not limited to, processing plats, subdivisions, site plans, rezonings, comprehensive plan amendments, conditional use permits or variances.

**Administrative Review.** Administrative Review is a review of an application by the head of each City Department and / or other division of the City as determined by the Zoning Administrator and does not require review and / or approval by the Planning Commission or City Council.

**Adult.** ‘Adult’ means a person at least eighteen (18) years of age.

**Adult Oriented Uses.** Adult oriented uses include adult bookstores, adult motion picture theaters, adult motion picture sales / rentals, adult mini-motion picture theaters, adult massage parlors, adult steam room / bathhouse / sauna facilities, adult companionship establishments, adult rap / conversation parlors, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is emphasis on the presentation, display, depiction or description of ‘specified sexual activities’ or ‘specified anatomical areas’ which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes 617.241, as may be amended, are not included.

1. **Specified Anatomical Areas.**
   - Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and
   - Human male genitals in a discernible turgid state, whether or not completely and opaquely covered.
2. **Specified Sexual Activities.**

   a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, picquerism, zoocerasty; or

   b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

   c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

   d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts; or

   e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any person; or

   f. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or

   g. Human excretion, urination, menstruation, vaginal or anal irrigation.

3. **Adult Oriented Uses – Accessory.** The offering of retail goods for sale which are classified as sexually oriented uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or adult motion pictures, the sale of adult novelties and the like.

2. **Adult Oriented Uses – Principal.** The offering of goods and/or services which are classified as adult oriented uses as a primary or sole activity of a business or establishment including but not limited to the following:

   a. Adult Oriented Use – Adult Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on a patron’s “specified anatomical areas” when such body is wholly or partially nude.

   b. Adult Oriented Use – Adult Bookstore. An establishment or business used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies or motion picture film where a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of ‘specified sexual activities’ or ‘specified anatomical areas’.

   c. Adult Oriented Use – Adult Cabaret. A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on the presentation, display, depiction or description of ‘specified sexual activities’ or ‘specified anatomical areas’.

   d. Adult Oriented Use – Adult Companionship Establishment. A business or establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

   e. Adult Oriented Use – Adult Conversation/Rap Parlor. A business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion, if such
service is distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

f. Adult Oriented Use – Adult Health/Sport Club. A health/sport club that is distinguished or characterized by emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

g. Adult Oriented Use – Adult Hotel or Motel. A hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing or relating to ‘specified sexually activities’ or ‘specified anatomical areas’.

h. Adult Oriented Use – Adult Massage Parlor, Health Club. A massage parlor or health club that provides massage services distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

i. Adult Oriented Use – Adult Mini-Motion Picture Theater. A business or establishment with a capacity for less than fifty (50) persons that, as a prevailing practice, presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

j. Adult Oriented Use – Adult Modeling Studio. A business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in ‘specified sexual activities’ or display ‘specified anatomical areas’ while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

k. Adult Oriented Use – Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing ‘specified sexual activities’ or ‘specified anatomical areas’.

l. Adult Oriented Use – Adult Motion Picture Theater. A motion picture theater with a capacity of fifty (50) or more persons that, as a prevailing practice, presents material distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’ for observation by patrons.

m. Adult Oriented Use – Adult Novelty Business. An establishment or business which has a variety of items for sale if it meets the definition of an Adult Novelty Business in Section 7.10 of the City Code.

n. Adult Oriented Use – Adult Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing if the service provided by the sauna is distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

o. Adult Oriented Use – Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if such building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on ‘specified sexual activities’ or ‘specified anatomical areas’.

**Affected Property Owner.** Any individual or legal entity owning property affected within the jurisdiction of the zoning regulations in this Ordinance.
Agriculture. The use of an area of land for agricultural purposes including farming, agriculture, horticulture, floriculture and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage to swine or other animals.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Alteration. Any change, addition, or modification in construction or type of occupancy or in the structural members of a building such as foundations, walls, partitions, columns, beams or girders, the completed nature of which may be referred to as ‘altered’ or ‘reconstructed’.

Amateur Service (Antenna). Equipment or device used to transmit, receive or transmit and receive electromagnetic signals for ‘amateur service’ communications as defined in 47 C.F.R. 97.3 (4) and as used in 47 C.F.R. 97.15.

Amateur Service Tower. Any mast, pole, spire, lattice structure or similar structure, including any lines, cables, wires or braces supporting the structure used for mounting one (1) or more amateur service antenna. The term ‘amateur service tower’ includes any amateur service antenna attached to the tower.

Animal, Domestic. An animal, including, but not limited to a dog and cat, that is commonly referred to as a pet, and that can generally be kept inside a dwelling. This term does not include a horse, pig, or similar animal that is typically kept only on agricultural or rural properties, and is not typically kept inside a dwelling. Rabbits may be considered domestic animals pursuant to the specific use standards of this Ordinance.

Animal Grooming or Training. An establishment providing bathing, trimming, or training of domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of forty-eight (48) hours incidental to the grooming or training services provided. Sales of pet supplies incidental to the grooming business are permitted.

Animal Shelter. A facility that is used to house or contain animals for the purpose of providing temporary care and finding permanent adoptive homes for animals.

Antenna. Equipment or device used to transmit, receive or transmit and receive any type of communication or information signal via electromagnetic waves, including but not limited to, directional antennas such as panels, microwave dishes or satellite dishes and omni directional antennas such as whip antennas, but excluding amateur service antenna.

Antenna Elements, Television. That portion or portions of the outside antenna system for television receiving apparatus or equipment that are electrically connected to the receiver.

Antenna Mast, Television. That portion of the outside antenna system for television receiving apparatus or equipment to which the antenna elements are attached.

Antenna Tower or Mast Support, Television. The support or extension required to elevate the antenna mast to a height deemed necessary for adequate operation.

Antenna Support System. Any building, pole, telescoping mast, tower, tripod, or any other structure that supports an antenna.

Antenna System, Television. The combination of any antenna elements, mast, and tower or mast support as defined by this Ordinance.

Antenna System Height. The overall vertical length of the antenna system, as defined by this Ordinance, above the ground, or if such system is located on a building or other tower / structure, then, above that part of the level of such building, upon which the system rests.
**Apartment.** One (1) or more rooms with private bath and kitchen facilities designed, intended or used as a residence for an individual, family, or group of individuals.

**Applicant.** The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this Ordinance.

**Approved.** To give formal or official sanction to by the Building Inspector, Zoning Administrator, Planning Commission, City Council, or other responsible entity.

**Area, Gross Land.** The total area of land including the area of perimeter street right-of-ways to the parcel line, wetlands, and other publicly dedicated improvements such as parks, open space, and storm water management facilities.

**Area, Net Land.** The area of land excluding street right-of-ways, wetlands, and other publicly dedicated improvements such as parks, open space, and storm water management facilities.

**Artist Studio.** Work space for one (1) or more artists or artisans, including the accessory sale of art produced on the premises.

**Assembly Hall.** An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties, and business functions. This term includes, but is not limited to, a banquet hall, rental hall, meeting space for a club or membership organization. This term does not include a convention center.

**Association.** See ‘Club or Association’.

**Attic.** Space of a building located directly under a roof that is not directly free and open to the public and is unfinished or finished only to a limited degree to provide for inactive storage and / or mechanical equipment.

**Attorney.** The City Attorney.

**Authorized Agent.** One who is authorized to act for or in the place of another as a representative, emissary, or official of a government.

**Automobile Repair – Major.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers including collision service, body work, framework, welding and major painting service.

**Automobile Repair – Minor.** Incidental repairs, replacement of parts and motor service to automobiles not specified under ‘Auto Repair – Major’.

**Automotive, Implement, and Recreational Vehicle Sales.** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, implements or trailers in operable condition and where no repair work is done.

**Awning.** A structure made of cloth, plastic, metal, or other material affixed to a building in such a manner that the structure serves as a protective cover over a door, entrance, or window.

**Bakery.** A place for baking or selling baked goods.

**Bank or Other Financial Institution.** An establishment providing retail banking, credit, and mortgage services. This term does not include a currency exchange, a payday loan establishment, or a title loan agency.
Barrier (Swimming Pool Barrier). A fence, a wall, a building wall, or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. See Subdivision 9.6, G: Swimming Pool.

Basement. A portion of a building having part, but more than one-half (½), its height below the average level of the adjoining finished grade.

Base Transceiver Station. Equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power amplifiers and signal processing hardware, typically contained in a small building or cabinet.

Bathroom. A room containing plumbing fixtures including a toilet and a sink, and in some cases a bathtub or shower.

Best Management Practice (BMP). Structural or nonstructural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Billboard. See Subdivision 10.7, C: Definitions.

Blight. A deteriorated condition.

Block. A tract of land bounded by streets or a combination of streets, parks, railroad right-of-way, shorelines or corporate boundary lines of the City.

Board of Adjustments and Appeals. See ‘Zoning Board of Adjustments and Appeals’.

Boathouse. Any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.

Body Art Establishment. Any structure or venue, whether permanent or temporary within a permanent structure, where body art is offered or performed.

Body Piercing. The penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, micro dermal, and tongue bifurcation. Body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a pre-sterilized single-use stud-and-clasp ear-piercing system.

Boulevard. The portion of the street right-of-way between the curb line and the property line.

Buffer. A strip of land intended to create physical separation between potentially incompatible uses of land or environmentally sensitive areas.

Buildable Area. The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

Building. Any temporary or permanent structure intended for the shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls without openings, each portion of such building shall be deemed a separate building.


Building Coverage. The percentage of a parcel that is covered by all principal and accessory building on the parcel.

Building Height. The vertical distance measured from the average ground level prior to construction to the top cornice line of a flat and mansard roof, to the uppermost point on a shed, round, or other arch-type roof, or to the midpoint of the tallest gable of a pitched or hipped roof.
Building Official or Building Inspector. The Building Official or Building Inspector shall be the Building Code Enforcement as specified in Chapter 2 of the City Code of the City of Mahtomedi.

Building Permit. A permit required from the responsible governmental agency before any site work, construction, or alteration to any structures can be started.

Building Setback Line, Minimum Required. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, delineated wetland or an ordinary high water mark or line, behind which buildings or structures must be placed.

Business. The purchase, sale, barter, or exchange of goods, wares or merchandise, or the maintenance or operation of offices, recreational or amusement enterprise, or the furnishing of services for compensation.

Business Services. Establishments engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional, and service establishments including but not limited to: office supply firms, small business machine repair, convenience printing and copy establishments.

Carport. An automobile shelter having one (1) or more sides open.

Car Wash. An establishment providing washing, waxing, or cleaning of light motor vehicles, including access and queuing lanes.

Cellar. A portion of a building located partly or wholly underground and having half or more than half its clean floor to ceiling height below grade.

Cemetery. A lot or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated with the boundaries of such cemetery.

Certificate of Survey. A legal document depicting property information that is signed by a registered land surveyor under Minnesota state laws.

Certificate of Occupancy. A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.

Chair. The Chair of the Planning Commission or other body as the context requires.

City. The incorporated City of Mahtomedi, State of Minnesota.

City Council. The governing body of the City of Mahtomedi. (See Chapter 2)

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) or more of a group of physicians, medical specialists or dentists, or a combination thereof, practicing together.

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

College. An educational institution authorized by the State of Minnesota to award baccalaureate or higher degrees, or any campus of the State of Minnesota vocational, technical, and adult education system. This term includes any classroom, sporting facility, music hall, office and related uses associated with such institution. This term does not include a dormitory.

Co-location. The location of wireless telecommunication equipment from more than one (1) provider on a common tower or structure.
Commercial Trailer. A vehicle for transporting commercial goods. Usually associated with a semi-truck.

Common Open Space. Land held in common ownership used for natural habitat, pedestrian corridors, and/or recreational purposes that are protected from future development.

Communication Equipment, Major. Commercial and public radio and television transmitting antennas, public utility microwave antennas, personal wireless antennas and satellite dishes with a diameter of greater than three (3) feet.

Communication Equipment, Minor. Radio and television receiving antennas, including a single satellite dish with a three (3) foot diameter or less, short-wave radio dispatching antennas, or those antennas necessary for the operation of household electronic equipment, including radio receivers, federal licensed amateur radio stations, and television receivers.

Communication Service. A public or commercial facility primarily engaged in the provision of broadcasting and other information relay services. This term includes radio and television studios, cable and Internet providers, and related services and equipment. This term does not include major communication equipment.

Comprehensive Plan. The Mahtomedi Comprehensive Plan including the policy statements, goals, standards, functional classes of land use, places and structures, and the general physical development of the City of Mahtomedi.

Composting Facility, Community. A public or private facility for the deposit and controlled biological reduction of organic wastes to humus at a community or regional scale. This term does not include composting for personal use pursuant to the provisions of this Ordinance.

Conditional Use. A use which is generally appropriate in a specified Zoning District but requires special planning considerations and, in certain instances, unusual and extraordinary limitations peculiar to the use for the protection of the public health, safety and welfare of the integrity for the Mahtomedi Comprehensive Plan.

Conditional Use Permit. A permit issued by the City Council in accordance with procedures specified in Subdivision 8.21: Conditional Use Permit.

Condominium. An apartment building in which the units are owned separately by the individual or family which occupies them and not by a corporation or cooperative. The term refers to the building as a whole or any unit within such building.

Construction Site. An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules, but under one plan.

Contiguous. Parcels of land that share a common lot line or boundary.

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Convenience Store. See ‘Retail Establishment, Convenience’.

Convent, rectory, or monastery. A building used to house the staff of a religious institution or the members of a religious organization.

Corner Lot. See ‘Lot, Corner’.

Corner Side Yard. See ‘Yard, Corner Side’.

Council. See ‘City Council’.

County. Washington County, Minnesota.
**Court.** An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

**Crematorium or Crematory.** A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

**Cul-de-sac.** A permanent street terminating at one end without connecting with another road and designed so that it cannot be further extended without taking property not dedicated as a street.

**Curb Level.** The level of the established curb, as measured at the top of curb, in front of a building or structure measured at the center of such front. Where no curb elevation has been established, the City Engineer or other Authorized Agent shall establish such curb elevation.

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**Day Care Facility.** Any facility, public or private, which for gain or otherwise regularly provides one (1) or more persons with care, training, supervisions, habitation, or developmental guidance on a regular basis, for periods less than twenty-four (24) hours per day, in a place other than the person’s own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services.

**Day Care Facility, In-Home.** Any state licensed facility where childcare is provided to twelve (12) children or less in the principal residence.

**Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features that has no roof or walls, but has a permeable floor composed of boards made of synthetic or natural materials, that allows the infiltration of precipitation. For the purpose of this Zoning Ordinance a deck is considered attached if any part of it is within six (6) feet of the principal structure.

**Density.** The number of dwelling units permitted per acre of land.

**Density units.** The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this Ordinance, a multi-family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

**Designations.** The terms, Council, Commission, City, Administrator, Inspector, Engineer, Planner and Attorney, unless otherwise identified, shall mean the City Council, the City Planning Commission, the City of Mahtomedi, the City Administrator, the City Building Inspector, the City Engineer, the City Planner and the City Attorney, respectively.

**Development.** Any human made changes to improve or unimproved real estate, including, but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of manufactured homes or mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials. See **Subdivision 8.1 (B): General Types of Development.**

**District.** A section or sections of the City of Mahtomedi for which the provisions of this Ordinance are uniform.

**Dock.** A structure that extends past the ordinary high water level of a water body and is intended to provide access to the water.

**Dormitory.** A building used as a group living quarters for students associated with a college, university, boarding school, or similar institution.
Drainage Course. A water course or indenture for the drainage of surface water.

Draining System. One (1) or more artificial ditches, tile drains, similar devices that collect surface runoff of groundwater and convey it to a point of discharge.

Dredging. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

Drive-Thru. Any use where products and / or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

Driveway. A private road or path for vehicle access or a public road, which is wholly located on the parcel which is afforded access.

Dwelling. A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single-family, two-family and multiple-family dwelling units, either owner occupied or rental; but not including hotels, motels, boarding or lodging houses, nursing homes, house trailers or mobile homes.

Dwelling, Multiple-Family. A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently but sharing hallways and main entrances or exists.

Dwelling, Seasonal. A residential building not capable of year-round occupancy due to non-winterized construction or inadequate nonconforming year-round on-site sewage treatment systems.

Dwelling, Single – Family. A dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling, Single – Family Attached. A dwelling unit which is joined to one another by a party wall.

Dwelling, Single – Family Detached. A dwelling unit which is not attached to another dwelling or structure.

Dwelling, Twinhome. A residential structure containing two (2) dwelling units in which each dwelling unit is located on a separate lot, but where each dwelling unit has at least two (2) exposed exterior walls and is attached by a common vertical wall to the adjacent dwelling unit.

Dwelling, Two - Family (Duplex, Double - Bungalow). A structure containing two (2) independent residential units (dwellings) which is designed for or occupied by two (2) families, and which units are separated by a common wall or floor. Also known as a duplex or double - bungalow.

Dwelling Unit. Any room or group of rooms located within a dwelling which forms a single habitable unit with facilities which re used or intended to be used for living, sleeping, cooking, eating and sanitation.

Easement. A grant by an owner of land for a specific use by persons other than the owner.

Enforcement Officer. The City Administrator and his / her authorized representatives charged with the responsibility of enforcing this Ordinance.

Engineer. The City Engineer.

Environmental Impact Worksheet, Assessment or Statement. A document that may be required under Minnesota Statutes or this Ordinance to determine the environmental effects resulting from a ground disturbing, development, or construction activity.

Equipment. The implements used in an operation or activity.

Erosion. The process by which the land’s surface is worn by action of wind, water, ice, or gravity.
Erosion and Sediment Control Plan. A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Essential Services. Underground gas, and underground or overhead electrical, steam, water or other transmission or distribution systems; collection, communication, supply or disposal systems, including towers (except towers subject to Section 11.01, Subdivision 11.37, which are regulated under that subdivision), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire and police alarm systems, traffic signals, hydrants and similar equipment, but not including essential services facilities.

Essential Services Facilities. Buildings and other structures necessary for the provision of essential services, including but not limited to, telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations, and electrical power substations, provided that no building or structure having a base area (base area equals length times width) greater than thirty square feet shall be located within thirty feet from the lot line of an abutting lot or right-of-way line.

Essential Services Facilities – City Facilities. Essential service facilities owned and operated by the City of Mahtomedi and located upon City owned property, within City easement areas, within City street right-of-way, and/or within other property pursuant to a lease agreement, a license agreement, a joint powers agreement, and/or other agreement with the property owner(s).

Excavation, Land. See ‘Land Filling and Excavation’.

Exterior Property Areas. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Exterior Storage. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Facade. Any side of a building facing a public way or space and finished accordingly.

Fall Zone. The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

Family. One (1) or more persons related by blood, marriage, adoption or foster parent relationship occupying a dwelling and living as a single home keeping unit, or a group of not more than five (5) persons not so related, maintaining a common household and using common cooking facilities. Domestic employees are not included.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Fence. A partition structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure (See Subdivision 10.6: Fences).

Fill. Any act, by which soil, earth, sand, gravel, rock, or any-similar material is deposited, placed, pushed, or transported and shall include the conditions resulting thereupon.

Filling Station / Convenience Store. An establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast food / carry-out restaurant, nor does it include a car wash.

Final Plat. A drawing or map of an approved subdivision that meets all requirements of the subdivision regulations, and in such form as required by the city for purposes of recording.

Final Stabilization. All land disturbing construction activities at the construction site have been completed and a uniform perennial vegetative cover has been established, with a density of at least seventy percent
(70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

**Financial Guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Mahtomedi by the responsible party to assure that the requirements of this Ordinance and the applicable permits are carried out in compliance with the approvals and requirements.

**Flag Lot.** See ‘Lot, Neck’.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land area caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels;
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature.

**Floodplain.** The beds proper and the area adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

**Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. In particular, ‘floor area’ shall include:

a. Basement space if at least one-half (½) of the ‘basement story’ is above the average level of the finished grade.

b. Elevator shafts and stairwells at each level.

c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7 ½) feet, except equipment open or enclosed located on the roof, i.e., bulk needs, water tanks and cooling towers.

d. Attic floor space where the structural headroom exceeds seven and one-half (7 ½) feet.

e. Interior balconies and mezzanines.

f. Enclosed porches, but not terraces and breezeways.

**Floor Area Ratio (FAR).** The floor ratio of the building on any lot or site area is the gross floor area of the building or buildings on that lot or site area divided by the area of such lot. When used in this Ordinance, the floor area ratio multiplied by the lot or site area in question produces the maximum amount of floor that may be constructed on such lot or site area.

**Floor Plan, General.** A graphic representation of the anticipated use of the floor area within a building or structure.

**Flood Frequency.** The probability of a flood occurrence that is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

**Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can be amended by the Federal Emergency Management Agency.
**Flood fringe.** That portion of the flood plain outside the floodway that is covered by flood waters during the regional flood and is generally associated with standing water rather than flowing water.

**Floor Area, Net.** The sum of the gross horizontal areas of the several floors of the building measured from the interior side of exterior walls, excluding stairwells, mechanical rooms, toilet rooms and similar areas.

**Florist, Commercial.** A building or premises used primarily for the retail sale of flowers and small plants which may not have been grown or raised on the property and does not include a greenhouse.

**Footing.** A footing is that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

**Footprint.** The area of the land covered by a building’s foundation.

**Front Setback Line.** A line parallel to the front lot line which establishes the minimum front depth of the lot. The location of the front setback line shall be determined by this Ordinance.

**Frontage.** All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

**Frontage, Abutting.** The part of a lot, parcel, or property that abuts or fronts an improvement.

**Frontage, Long.** The long dimension of a corner lot regardless of the principal building orientation.

**Frontage, Short.** The short dimension of a corner lot regardless of the principal building orientation.

**Funeral Home.** An establishment providing services involving the care, preparation, or disposition of deceased humans. This term includes, but is not limited to, a crematorium or a mortuary. This term does not include cemetery.

**Garage, Private.** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of one and one-half (1 ½) tons.

**Garage, Public.** Any premises used for the storage or care of motor-driven vehicles, or premises where any such vehicles are equipped for operation, repaired or kept for remuneration, for hire or for sale.

**Garage, Repair.** Any facilities equipped for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

**Garden Supply or Landscaping Center.** An establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials, or equipment.

**Governing Body.** The City Council.

**Government or Community Service Use.** A government or non-profit community service use that provides services to the community. Examples including a library, police station, fire station, teen center, and similar uses.

**Grade, Finished.**
A. For buildings more than five (5) feet from any street right-of-way line, the average level of the finished surface adjacent to the exterior walls of the building.

B. For buildings having one or more exterior walls within five (5) feet of a street right-of-way line or lines, the average of the elevations of the sidewalk or sidewalks, or their equivalent established ground surface, adjacent to such street line or lines.

**Grade, Street.** The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

**Grass Lawn.** A lawn consisting primarily of Kentucky bluegrass, perennial rye grass, fescues, and / or other grasses generally associated with mowed and maintained grass lawns.

**Green Building and Site Design Techniques.** Techniques that significantly reduce or eliminate the negative impact of building and site development on the environment and on the building occupants. Green building and site design and construction practices address: sustainable site planning, safeguarding water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality.

**Gross Floor Area (GFA).** See ‘Floor Area, Gross’.

**Group Family Day Care.** Day care for no more than fourteen (14) children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

**Growth.** Any object of natural growth, including trees, shrubs, or foliage, except farm crops that are cut at least once a year.

**H**

**Habitable Room.** A room or enclosed floor space used or intended to be used for living, sleeping, eating, or cooking purposes, excluding bathrooms, flush water compartments, laundries, furnace rooms, unfinished basements, pantries, utility rooms of less than 50 square feet of floor space, foyers, halls, stairways, closets, storage spaces, workshops, hobby and recreation areas in parts or the structure below ground level or in attics and other similar areas.

**Habitable Space.** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**Half Story.** That portion of a building under a sloping gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story. No such half-story shall be used for occupancy except in conjunction with and by the occupants of the floor immediately below it.

**Hard Surface Parking Area.** Hard surfaced parking areas shall be defined as having asphalt, concrete, paving, brick, block, or other surface as approved by the City Engineer or other Authorized Agent. For the purpose of this Ordinance, gravel or crushed rock are not considered a durable hard surface.

**Hazardous Buildings or Hazardous Property.** Any building or property that, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

**Hazardous Material.** A chemical or substance, or a mixture of chemicals or substances, which:

- Is regulated by the Federal Occupational Safety and Health Administration regulations; or
- Is either toxic or highly toxic materials, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, reproductive toxic agent, or that otherwise, according to generally accepted documented medical
or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

**Health club.** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Home Occupation.** Any occupation which is clearly incidental to the principal use of the premises, is conducted by a resident occupant, and does not change the character of the principal use. The definition shall be extended to include the clarification, characteristics and requirements noted in *Subdivision 9.1, B.*

**Homeowners Association.** A formally constituted non-profit association or corporation made up of the property owners and / or residents of the development for the purpose of owning operating, and maintaining the common open space and facilities.

**Hospital.** A state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions, and as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, which are shared with other hospitals or other health care providers.

**Hot Tub.** See ‘Swimming Pool’.

**Hotel.** A building in which there are more than eight (8) sleeping rooms offered with or without meals for compensation and open to transient or permanent guests where no provision is made for cooking in any individual room or apartment.

**Household Maintenance and Repair.** An establishment providing the repair or servicing of household goods, furniture, appliances, or lawn and garden equipment.

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**Impervious Surface.** An area that releases as runoff, all or large portion of, the precipitation that falls on it, except for frozen soil. Roofs, sidewalks, driveways, parking lots, patios, and streets are examples of areas that are typically impervious.

**Implements.** A device used in the performance of a task.

**Improvement.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

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

**Industrial Park.** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, and orientation.

**Infestation.** The presence of insects, rodents, vermin or other pests within or contiguous to a structure or premises.

**Infill Development.** An undeveloped area of land located within an existing development.

**Infiltration.** The entry of precipitation or runoff into or through the soil.

**Infiltration System.** A device or practice such as a basin, trench, rain garden, or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns,
redirecting of roof downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

**Initial Escrow Funds.** The cash escrow deposit required for the City’s estimated ‘Out-Of-Pocket Costs’ related to zoning and / or subdivision petitions, including, but not limited to, processing plats, subdivisions, site plans, rezonings, comprehensive plan amendments, conditional use permits or variances.

**Interim Use Permit.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

**Inoperative.** Incapable of movement under its own power.

**Institution.** A nonprofit organization of a public character, or a building occupied by such organization.

**K**

**Key Map.** A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

**L**

**Land.** The earth, water, and air above, below, or on the surface, and includes any improvements or structures regarded as land.

**Land Alteration.** The reclaiming of land by depositing, removing or moving material so as to alter the grade or topography.

**Land Clearing.** The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period. Refer to Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement for more information.

**Land Disturbing Construction Activity.** Any human made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative cover, that may result in runoff and lead in an increase in soil erosion and movement of sediment into the waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

**Land Filling and / or Excavation.** The action or process of filling, cutting, digging, scooping, or otherwise altering the existing land.

**Landscaping.** Plantings intended to enhance the aesthetic and / or environmental qualities of a parcel.

**Laundromat.** An establishment providing washing and / or drying machines on the premises for rental use to the general public for family laundering purposes.

**Light Trespass.** Stray light or spill light flowing across the property boundary.
Lighting.

a. **Cutoff Angle.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

b. **Cutoff.** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

c. **Cutoff Type Luminaire.** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

d. **Flashing Light.** A light source which is not constant in intensity or color at all times while in use.

e. **Footcandle.** A unit of illumination produced on a surface, all points of which are on foot from a uniform point source of one (1) candle.

f. **Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

g. **Security Lighting.** Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

h. **Shieldings.** A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plan passing the light fixture.

i. **Source.** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

j. **Spillage.** Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

k. **Uplighting.** Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

**Limited Manufacturing.** The manufacture, compounding, processing, fabrication, packaging, treatment, or assembly of products and materials in circumstances where the applicant demonstrates that the process involved will not produce odors, glare, smoke, dust, noise, vibration or other environmental influences reasonably expected to be objectionable to the surrounding land use.

**Liquor store.** A store which sells alcoholic beverages, distilled spirits, hard liquor, beer and/or wine for off-premises consumption.

**Loading Space.** A dust-free and durable, hard surfaced area of adequate size for delivery vehicles expected to be used, logically and conveniently located for bulk pickup and delivery, readily accessible when required parking spaces are filled, which shall be located totally outside of any street or alley right-of-way.

**Lot.** A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or county Assessor to separate such parcel from other lands for tax purposes.

**Lot, Area.** The area of a horizontal plane within the lot lines.

**Lot, Buildable.** A lot which meets or exceeds all requirements of this Ordinance without the necessity of variances.
Lot, Building Coverage. The area of a lot occupied by the principal and accessory buildings.

Lot, Coverage (within Shoreland Overlay District also known as impervious coverage). The area of a lot occupied by the principal and accessory buildings including driveways and sidewalks.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or junction, or a lot bounded on two (2) sides by a curving street where it is possible to draw two (2) intersection chords, one each commencing at each other the two (2) points of intersection of the lot lines and street line, which intersection with each other to for an interior angle of less than one hundred twenty (120) degrees.

Lot, Depth. The mean horizontal distance between the front and rear lot lines. In order to allow flexibility in determining lot depth for parcels of unusual configuration, lot depth can be measured by averaging side property lines or by measuring a straight line extending from the front lot line to the rear lot line and passing through the building, subject to determination by the Zoning Administrator. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

Lot, Double Frontage (Through Lot). Any lot other than a corner lot which abuts more than one (1) street or street right-of-way. On a through lot, the Zoning Administrator or other authorized Agent shall determine the front.

Lot Interior. A lot other than a corner lot including double frontage (through lots).

Lot, Irregular (or Irregular Lot). A parcel or lot within a subdivision abutting a cul-de-sac or curbed street approximately equal in area to the other lots within the subdivision; however, having unusually short abutting frontage in comparison to the other lots.

Lot, Neck. A lot with reduced frontage on a public right-of-way where access to the public right-of-way is by a narrow private strip of land owned in fee.

Lot, Lines. A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

Lot, Lines Related.

a. Front Lot Line. That boundary of a lot which abuts an existing or dedicated public street or a private road. In the case of a corner lot, both sides abutting the public street shall be considered the front. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the City.

b. Rear Lot Line. That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and the maximum distance from the front lot line.

c. Side Lot Line. Any boundary of a lot which is not a front lot line or a rear lot line.
Lot, Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line. In the case of a lot fronting on a curvilinear street or cul-de-sac, the lot width shall be defined as the horizontal distance between the side lot lines on a line parallel to the front lot line at the required building setback from the front lot line. On a corner lot that is vacant, the side with the shortest frontage is the width.

Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds or County Recorder’s office, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds or the County Recorder’s office at the time of this Ordinance is passed.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement).

Machinery. Machines in general or as a functioning unit; a mechanically, electrically, or electronically operated device for performing a task.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term ‘manufactured home’ does not include the term ‘recreational vehicle’.

Mast. The portion of an outside antenna system to which the antenna is attached and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

Material, Durable (pertaining to ground surfacing). A hard-surfaced material such as concrete or asphalt but not including gravel or crushed rock.

Mausoleum. A structure for entombment of the dead in crypts or vaults in a place, used, or intended to be used, for cemetery purposes.

Maximum Building Density. The maximum number of dwelling units allowed per acre of land. For purposes of calculating the maximum building density for a proposed project, the project acreage does not include any portion of the project that is or will be:

a. Dedicated to the public for streets, trails or other rights-of-way;
b. Dedicated to the public for park purposes;
c. Used for private streets, trails or rights-of-way;
d. Areas with very steep slopes;

e. Areas below the normal water level of a lake, wetland or storm water detention ponds.

**Metes and Bounds Description.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

**Meteorological Tower.** A tower used for the measurement of wind speed and direction plus other data relevant to siting Wind Energy Conversion Systems (WECS). Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar application to monitor weather conditions.

**Minor Street.** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

**Minor Subdivision.** The division of a parcel of land into three (3) or less lots in accordance with the Section 11.02, Subdivision 10.0 (E): Minor Subdivision.

**Mobile Home Park.** One or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for two or more manufactured homes and includes any building, structures, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park as defined in M.S. § 327.

**Model Home.** A model home is a dwelling manufactured, prefabricated, or otherwise erected or installed upon a parcel for purposes of temporarily exhibiting the same as a sample, rather than for occupancy as a residence.

**Modular Home.** Any structure or component thereof, which is intended for use as a dwelling and meets one of the following criteria:

- Is of close construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or
- Is a building of open construction, which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.

**Motor Vehicle.** Every vehicle which is self-propelled not including a vehicle moved solely by human power.

**Natural Landscape.** Any land managed to preserve or restore primarily native Minnesota grasses, forbs, wildflowers, shrubs, trees, and aquatic plants.

**Natural Water Way.** A natural passageway in the surface of the earth so situated and having such topographical nature that surface water flows through it from other areas before reaching a final ponding areas. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
Nonconforming Building or Structure. Any building or structure lawfully existing at the time of the approval of this Ordinance or any amendment to it, rendering such nonconforming, which:

a. does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing building height and yard requirements for the zoning district in which such building or structure is located; or

b. is designed or intended for a use neither permitted nor conditionally permitted in the zoning district in which it is located.

Nonconforming Lot of Record. An unimproved lot which was legally recorded on or before the effective date of this Ordinance which does not comply with the lot size requirements for any permitted use in the district in which it is located. Such lot is considered buildable only as stipulated in Subdivision 10.2, G.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment hereto, governing use for the zoning district in which such use is located.

Non-Riparian Lot. A lot of record that does not abut a public water.

Nursing Home. An establishment licensed by the State having accommodations for the continuous care of two (2) or more invalid, infirmed, aged, convalescent patients or physically disabled persons that are not related, excluding hospitals, clinics, sanitariums or similar institutions.

Occupant. Any person (including owner or operator) living, sleeping, cooking, and eating in a dwelling unit or living and sleeping in a rooming unit.

Objectionable Element. Any use operated in the manner described under the performance standards of this Ordinance.

Odorous Matter. Any material that produces an olfactory response among human beings.

Odor Threshold. The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

Office. Use of a building for government, business, professional, or administrative office. A general office is characterized by a relatively low proportion of vehicles trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing professional services, such as accounting, insurance, architectural, and legal. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist, chiropractor, and similar professions.

Official Zoning Map. A map adopted in accordance with the provisions of Minnesota State Statute 394.361.

Off-Street Parking. The parking of vehicles on a parcel, as opposed to a street right-of-way.

On-Street Parking. The parking of vehicles on a street right-of-way, as opposed to a parcel.

Opacity. The quality or state of a body that obstructs the transmission of light.

Open Space, Private or Public. Private or public land or water, or a combination of land and water, that is free of development, including agriculture uses. Open space areas may be preserved by a conservation easement. This term includes wildlife areas and conservation areas, but it does not include public parks or commercial outdoor recreation facilities.
Open Space, Common. An area of land or water, or a combination of land and water within the site and designed and intended for the use or enjoyment of residents.

Open Space, Public. An area of land or water, or both on the Comprehensive Plan or Official Map designated as park, beautification, or land to keep free of development.

Operator. The owner or his agent who has charge, care, control, or management of a building, or part thereof, in which a dwelling or dwelling units are leased.

Or Any Part Thereof. Whenever the words ‘dwelling’, ‘dwelling unit’, ‘rooming unit’, ‘premises’, ‘hotel’, ‘motel’ or ‘structure’ are used in this ordinance, they shall be construed as though they were followed by the words ‘or any part thereof’.

 Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Outdoor Mechanical and Electrical Equipment. Equipment used onsite for the regular operation of a building or use. This term includes air conditioning units, power vents, and similar equipment. This term does not include an outdoor wood-fired furnace, solar equipment, or a wind energy system.

Outdoor Merchandise Sales. An area in front of or immediately adjacent to a retail business where merchandise associated with such retail business is located for the purposes of displaying, exhibiting, selling, or offering for sale merchandise.

Outlot. A portion of a platted subdivision or other parcel of land not intended by its owner for immediate building development or dedication or land for purposes other than development.

Out-Of-Pocket Expenses. The out-of-pocket expenses incurred by the City in employing the services of any planner, engineer, inspector, legal counsel, or other Professional Consultants with regard to zoning and/or subdivision petition processing.

Overlay District. A zoning district shown as an overlay on the Zoning Map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

Owner. Any person, as hereafter defined, who holds title or is in actual possession of, or has charge, care or control of any dwelling, dwelling unit, or land within the city or an employee or agent of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as the owner.

P

 Park. Public or private land, including accessory structures, used primarily for outdoor recreation or for the enjoyment of open space. This term does not include a community center, museum, commercial outdoor recreation facility, commercial indoor recreation facility, or similar use.

Parking Lot. A parcel of land containing five (5) or more unenclosed parking space.

Parking Space. An area of definite length and width designed for parking of motor vehicles exclusive of drives, aisles or entrances and readily accessible to a public street or alley.

Parking Structure. A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles at one (1) or more levels, together with the attendant interior or exterior ramps necessary for ingress and egress of such motor vehicles.

Passive Park. A park featuring passive recreation pursuits, such as interpretive programs and trail systems that take advantage of geological, biological, or scenic resources located within the park.
**Patio.** An outdoor space for dining or recreation that adjoins a residence on the surface of the land, and is paved or constructed of any material other than boards, such as concrete, flagstones, bricks, or pavers.

**Pawn Shop.** A retail business where a lender pays money for a fee and holds some of the borrower’s personal goods for collateral to be sold to the public in the event of default.

**Pedestrian Way.** A public or private right-of-way across or within a block or tract to be used by pedestrians.

**Performance Standards.** A minimum criterion established to control the environmental effects generated by or inherent in uses of land or buildings.

**Permit.** A written authorization made by the approval authority to the applicant to conduct an activity for which a permit is required.

**Person.** An individual, firm, partnership, association, corporation or joint venture or organization of any kind.

**Personal Wireless Service.** Licensed commercial wireless communication service, including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging, and similar services.

**Pervious Surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

**Planned Unit Development.** (See Subdivision 11.35: Planned Unit Development (PUD) Overlay District) Planned Unit Developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land and may include townhouses, apartment projects involving more than one (1) building, residential subdivision submitted under cluster zoning provisions, multi – use structures such as an apartment building with retail at ground floor level, commercial developments, industrial developments, mixed residential and commercial developments and similar projects. Multifamily housing projects containing at least ten (10) dwelling units, regardless of the number of buildings, that serve deficiencies in the community may also be developed as a Planned Unit Development.

**Planning Commission.** The duly appointed Planning Commission of the City of Mahtomedi. (See Chapter 2)

**Plat.** A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

**Platted Land.** Lands with legal descriptions described as lot, block, and plat name.

**Play Equipment.** Equipment, including swing sets, play structures, sand boxes, poles for nets, and similar equipment, intended primarily for the recreation use of children.

**Pollutant.** As it relates to storm water and erosion control, any dredged soil, solid waste, incinerator, residue, sewage, garbage, refuse, oil, sludge, munitions, chemical wastes, biological materials, radioactive substances, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes discharged into water.

**Pollution.** As it relates to storm water and erosion control, human made or human induced alteration of chemical, physical, and biological, or radiological integrity of water.

**Porch.** A structure that is designed for home occupancy that includes a floor and roof, and may include walls, but is not designed for winter use. A porch may be attached or detached. A detached porch (for example, a gazebo) is classified as an accessory structure.

**Post-Construction Site.** A construction site following the completion of land disturbing construction activity and final site stabilization.

**Practical Difficulties.** 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;
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 do
not constitute practical difficulties.

Pre-Development Condition. The extent and distribution of land cover types present before the initiation of
land disturbing construction activity, assuming that all land uses prior to development activity are managed in
an environmentally sound manner.

Premises. A platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any
dwelling or non-dwelling structure, including such building, accessory structure or other structure thereon.

Principal Use. The purpose for which land or a building or structure thereon is designed, arranged, intended
or maintained, or for which it is or may be used or occupied.

Principal Building. A building in which the principal use is conducted.

Private Street. A street serving as vehicular access to two (2) or more parcels of land which is not dedicated
to the public but is owned by one or more private parties.

Professional Consultants. The City’s planning, engineering, inspection, legal and any other paid consultants
retained by the City.

Protective Area. An area of land that commences at the top of channel of lakes, streams, and rivers, or at the
delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally
from the top of the channel or delineated wetland boundary to the closest impervious surface. This term does
not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot
enter the enclosure at this location.

Protective Covenants. Contracts entered into between private parties constituting a restriction on the use of
all private property within a subdivision for the benefit of the property owners, and to provide mutual
protection against undesirable aspects of development which would tend to impair stability of values.

Public Land. Land owned and / or operated by a governmental unit, including school districts.

Public Park. Land owned or leased by a government entity for the purpose of providing public recreation and
/or open space.

Public Use. Uses principally of an institutional nature and serving a public need, such as libraries, museums,
post offices, police and fire stations, public utilities, community centers and other public services.

Public Waters. All lakes, ponds, swamps, streams, drainageways, flood plains, floodways, natural water
course, underground water resources, and similar features involving directly or indirectly, the use of water
within the community as defined by the Department of Natural Resources.

Public Way. All or any part of a road, street, land, or paved alley.

Public Works Yard. Municipal, county, state, and federal administrative buildings; warehouses; garages;
storage yards; and shops that are owned and operated by a governmental unit.

Raze a Structure. To demolish and remove a structure and to restore the site to a dust-free and erosion free
condition.

Recreation Facility, Commercial Indoor. A commercial facility primarily used for the indoor conduct of, or
participation in, recreational activities, and secondarily for the viewing of such activities. This term includes,
but is not limited to, an indoor driving range, volleyball court, bowling alley, skating rink, billiard hall, video
game center, archery or shooting range, basketball court, indoor soccer, movie theater, and similar uses.
Recreation Facility, Commercial Outdoor. A commercial facility primarily for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more related buildings and structures. This term includes, but is not limited to a golf facility, tennis, basketball, volleyball, soccer, baseball, football, amusement or water park.

Recreational Vehicle. Includes, but is not limited to, travel trailers, chassis mounted campers, motor homes, tent trailers, slip-in campers, converted buses, snowmobiles and trailers, all-terrain vehicles and motorcycles. For the purposes of this Subdivision, recreational vehicles do not include race cars or dune buggies.

Recycling. The process of collecting and preparing recyclable materials and reusing the materials in their original form, or using them in manufacturing processes that do not cause the destruction or recyclable materials in a manner that precludes further use.

Refuse. All putrescible and nonputrescible waste, decomposed matter, and solids including garbage and rubbish.

Regulation. An authoritative rule dealing with details or procedure.

Religious Institution. A facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college. This term is also known as a place of worship.

Rental Dwelling or Dwelling Unit. A dwelling or dwelling unit let for rent or lease.

Repair. To restore to a sound and acceptable state of operation, serviceability, or appearance.

Repair Shops. Establishments engaged in miscellaneous repair of household items and smaller business equipment for the general public and business.

Research and Development. At an establishment that conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

Responsible Person or Party. The owner, operator, manager, occupant, or tenant of any structure or premises.

Restaurant, Drive-In. A retail outlet where food or beverages are sold to substantial extent for consumption in parked motor vehicles.

Restaurant Drive-Thru. An opening in the wall of a restaurant designed and intended to be used to provide for food sales to patrons who remain outside of the building or structure.

Restaurant, Fast Food or Carry-Out. A restaurant, other than a sit-down restaurant, where the establishment offers quick food, which is accomplished through limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at a customer’s table and food is generally served in disposable wrapping and containers. Food and beverages may be taken off premises for consumption. This term does not automatically include nor preclude the use of a drive-through window. Refer to the district provisions for information on drive-through windows.

Restaurant, Sit Down. An establishment which sells food and beverages in a ready-to-consume state primarily to persons who are seated within the building or outside on the premises. This term does not automatically include nor preclude the use of the drive-through window. Refer to the district provisions for information on drive-through windows. This term does not include a tavern but may include incidental on premise liquor sales with an appropriate license.

Retail Establishment. An establishment providing the sale or rental with incidental service of commodities or goods directly to the consumer excluding those establishments more specifically defined herein.
**Right-of-Way, Public.** An area owned and maintained by government jurisdiction, for public use.

**Riparian Lot.** A lot of record that abuts a public water that is subject to the City of Mahtomedi’s Shoreland Management regulations.

**Roadway.** A paved area within a street right–of–way available or to be available for vehicular traffic, including all curb and gutter facilities.

**Rotor Diameter (as it relates to WECS).** The diameter of the circle described by the moving rotor blades.

**Runoff.** Storm water or precipitation, including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

**Satellite Dish / Antenna.** An antenna, usually parabolic or spherical in shape, capable of receiving television or radio signals from orbiting satellites.

**School – Primary or Secondary.** A public, parochial, or private school that provides an educational program for one (1) or more grades between kindergarten and grade twelve (12), inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school, senior high school, and technical or college instruction.

**School, Specialty or Personal Instruction.** A business, professional, or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, computer use or programming, and cosmetology.

**Screening.** Includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object throughout the year.

**Seasonal Market.** A temporary facility used to conduct ‘Seasonal Market Retail Trade’ retail trade for a period not to exceed ninety (90) consecutive days during a calendar year or not to exceed ninety (90) total days during a one hundred twenty (120) consecutive day period in a calendar year. Seasonal Markets Retail Trade includes but is not limited to crafts and perishable products of the garden, kitchen, home, farm, tree farm, or business of the seller. Seasonal Market Retail Trade does not include ‘Outdoor Merchandise Sales’ which is a conditional use of specific zoning districts.

**Sediment.** Settleable solid materials that are transported by runoff, suspended within runoff or deposited by runoff away from its original location.

**Senior Housing with Services.**

a. Housing for older persons as defined in the [Federal Fair housing Act, 42 U.S. C. #3601 et seq.](https://www.urban.org/infograph/5-facts-about-fair-housing), as the same is amended from time to time, and

b. 1. Is a licensed ‘residential care home’ pursuant to [Minnesota State Statute Chapter 144 B](https://www.revisor.mn.gov/statutes/text/144B.010.asp); or

2. Is a licensed ‘board and lodging establishment’ pursuant to [Minnesota State Statute Chapter 157](https://www.revisor.mn.gov/statutes/text/157B.010.asp); is registered and operating as an ‘Elderly Housing with Services Establishment’ pursuant to [Minnesota State Statute Chapter 144D](https://www.revisor.mn.gov/statutes/text/144D.010.asp); and is operated by a person licensed as a ‘Home Care Provider’ pursuant to [Minnesota State Statute, #144A.43](https://www.revisor.mn.gov/statutes/text/144A.43.010.asp).
Service Building. In the context of a manufactured home community or a mobile home park, a service building means a structure housing toilet, lavatory, and such facilities as required by the Minnesota Department of Health and Social Services.

Services, Business. Establishments engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional, and service establishments including but not limited to: office supply firms, small business machine repair, convenience printing and copy establishments.

Services, Personal. Establishments providing nonmedical related services, including but not limited to salons, spas (with or without massage), barber shops, garment tailoring or repair, laundry and dry cleaning establishments, massage services, photography and post offices. These uses may also include accessory retail sales of products related to the services provided.

Services, Professional. Establishments engaged in providing the general public and businesses with professional services in an office setting, including but not limited to:

- Security and Commodity Brokers;
- Insurance Agents and Brokers;
- Real Estate Services;
- Holding and Other Investment Offices;
- Professional Health Services;
- Legal Services;
- Engineering;
- Accounting;
- Research;
- Management and Related Services; and
- Educational Services.

Setback. The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by this Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

Shopping Center. A preplanned group of retail stores with common use areas for access, pedestrian, auto and service circulation, common parking, and landscaping.

Shorelands. Lands within one thousand (1,000) feet from the ordinary high water mark of navigable waters: including lakes, ponds, or other flowage.

Sign. Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures. (See Subdivision 10.7: Signs).

Significant Tree. A healthy coniferous tree measuring six (6) feet or more in height, or a healthy deciduous tree measuring eight (8) inches or more in diameter. (See Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement).

Site. The entire area included in the legal description of the land on which the activity is proposed or being conducted.

Sketch Plan. A drawing showing the proposed request. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.
Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and 1 foot vertical.)

Smoke. Small gas-borne particles other than water that form a visible plume in the air.

Solar Energy Device. A device or combinations of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water or generating electricity.

Sport Court. An outdoor play surface intended for use in sports. This term includes outdoor tennis courts, basketball courts, volleyball courts, and similar uses.

Standard. Something set up and established by authority as a rule for the measure of quantity, weight, extent, value or quality.

Standard, Performance. A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by the inherent in or incidental to land use.

State. The State of Minnesota.

State Licensed Residential Facility. A state-licensed and mandatory residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

Stop Work Order. An order issued by the Building Inspector or other Authorized Agent that requires all construction activity on the site to be stopped.

Storm Water Management Plan. A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

Storm Water Management System Plan. A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, the space between such floor and the ceiling next above it.

Street. A public right-of-way, approved and accepted by public authority, that provides a primary means of public access to abutting property. The term ‘street’ shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any similar term. Street classifications are as defined by the City’s Comprehensive Land Use Plan.

Street, Surfaced. A street or highway with existing bituminous or concrete pavement surfacing.

Street, Width. The shortest distance between the lines delineating the right – of – way of a street.

Structure. That which is built or constructed, including, without limitation because of enumeration, buildings, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open-grade steps, sidewalks, stairways, tents and anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground, including a mobile home, manufactured home, modular home or travel trailer.

Structural Alteration. Any change, other than incidental repairs, which would affect the supporting members of a building such as bearing walls or partitions, columns, beams or girders, foundations, or any substantial changes in the roof.

Subdivider. Any person, corporation, partnership, association, individual, firm, trust, or agent dividing or proposing to divide land.
Subdivision. The division of a parcel of land after the effective date of this Ordinance into two (2) or more lots or parcels, unless otherwise specified in this Ordinance, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Supplied. Installed, furnished, or provided by the owner or operator.


Swimming Pool. A swimming pool is any basin or tank, above ground level or below ground level, containing an artificial body of water sufficiently deep for swimming. (See Subdivision 9.6, G: Swimming Pools).

Tattooing. Any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micro-pigmentation and cosmetic tattooing.

Tavern. An establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or recreation facility.

Technical Standard. A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

Temporary Construction Building. A building located on a construction site which serves only as an office until the given construction work is completed.

Temporary Portable Outdoor Storage Container. Temporary portable outdoor storage containers are a purpose – built, fully enclosed, box – like container with signage on one or more of its outer surfaces. It is uniquely designed to permit ease of loading to and from a transport vehicle. A temporary portable outdoor storage container is not a storage shed, roll – off container, dumpster, cargo / shipping container or the trailer portion of a tractor – trailer.

Temporary Real Estate Office. The temporary use of a dwelling unit within a residential development project as a sales or rental office for the units of the same site.

Temporary Structure. Any structure or vehicle which is designed to be easily transported or dismantled after its function has been fulfilled, and which is used for agricultural purposes.

Terrace. A level plane or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

Theater. An establishment for presenting motion pictures or live performances for observation by patrons. This term includes a movie theater, an outdoor stage, band shell, or amphitheater, but does not include an adult entertainment establishment.

Thoroughfare. A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.

Tower. Any mast, pole, spire, lattice structure or similar structure, including any lines, cables, wires, or braces supporting the structure, used for mounting one (1) or more antenna. The term ‘tower’ includes any antenna attached to the tower.
**Tower Height (Wind Energy Conversion Systems).** The total height of the system as measured from the base of the tower to the center of the system hub (also known as hub height).

**Townhouse.** A group of attached single-family dwelling units on a common lot.

**Tree Protection.** Snow fencing or erosion control fencing placed at the drip line of significant trees to be preserved.

**Trailer / House.** Any vehicle designed, used or constructed to permit its being used as a conveyance upon the public streets and constructed in such a manner to permit occupancy.

**Turf-Grass.** See ‘Grass Lawn’.

**Underlying Zone.** The zoning district classification within an overlay district determining requirements including, but not limited to, permitted, conditional and prohibited uses.

**Usable Open Space.** A required area of a development project that is:

- retained or developed and maintained for active and / or passive recreational uses;
- accessible to and usable by owners and occupants of dwelling units with the development project.

Usable open space must be left in its natural state, sodded, seeded with grass or landscaped and may not be covered except for recreational purposes. Roofs, driveway and parking areas do not constitute usable open space.

**Use.** The purpose or activity, for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

**Use, Accessory.** A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

**Use, Permitted.** A use which conforms with the purpose and objectives of a particular District and conforms with all requirements, regulations and performance standards.

**Use, Principal.** The main use of land or buildings for an activity which is an allowable use of the Zoning District in which the land or buildings are located.

**Utility Facilities.** Utility equipment including, but not limited to, electric utility substations, water reservoirs, water treatment plants, sewer treatment plans, transformer stations, booster stations, transmitters and other comparable utility facilities.

**Variance.** A variance is a modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances. *(See Subdivision 8.20: Variance).*

**Vegetation, Natural.** Plant life which is native to the location and which would normally grow if the ground were left undisturbed.
**Vehicle.** A machine propelled by power, other than human power and designed to travel along the ground, air or water by use of wheels, treads, runners, or slides and used to transport persons or property or to pull machinery, including, without limitation because of enumeration, automobiles, trucks, trailers, motor homes, motorcycles, tractors, buggies, wagons, boats and aircraft.

**Vehicle Sales and / or Rental.** Any premises or structures used for the sale and / or rental of vehicles.

**Vehicle Repair and / or Service.** An establishment providing the repair or servicing of vehicles, including the sale, installation, and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, or engines, and it includes paint and body work. This term includes, but is not limited to, an auto repair shop, auto body shop, wheel and brake shop, or tire sales and installation shop.

**Ventilation.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, and space.

**Veterinary Clinic.** An establishment providing medical and surgical treatment of household animals including dogs, cats, birds, and similar animals. Large farm animals including cattle, horses, hogs, and similar animals shall not be treated at a small animal veterinary clinic. This term includes grooming and boarding for not more than thirty (30) days (if incidental to the medical care) and an animal crematorium. Sales of pet supplies incidental to the veterinary clinic are permitted.

**Very Steep Slope.** Land having average slopes over twenty-five percent (25%), as measured over horizontal distances of thirty (30) feet or more.

**Visual Screen.** A permanent fence or wall that permits no view into the area to be screened; or plantings or vegetation that permit no view into the area to be screened and that admit a maximum penetration of light through no more than an evenly distributed twenty-five percent (25%) of their vertical surface during any season of the year.

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**W**

**Warehouse, General.** A building used primarily for the storage of goods and materials. This term does not include Self-Storage Mini-Warehouses.

**Warehouse, Self-Storage (Mini- Warehouse).** Warehouses serving primarily the general public with separate access for each storage stall, one-story, less than ten thousand (10,000) square feet per building; total area less than sixty thousand (60,000) square feet.

**Wetland.** Includes the following types of wetlands: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep mashes, and seasonally flooded basins. Wetlands also includes degraded wetlands that are dominated by invasive species, such as reed canary grass.

**Wholesale and Distribution Facility.** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, and professional business users; or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

**Wildlife Management Area.** An area specifically managed for wildlife and related uses.

**Wind Energy Conversion System (WECS).** An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
Yard. An open space between a building and any lot line which is open to the sky unobstructed by any permanent or temporary uses or structures.

Yard, Corner Side Yard. The yard extending from the front yard to the rear yard and lying between an open public right-of-way and the principle structure.

Yard, Front. A yard extending across the entire front of the lot and measured between the front line of the lot and the front line of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

Yard, Open. A yard in addition to front, side, and rear setbacks, in which no structure, driveway, or parking space shall be located.

Yard, Rear. A yard extending across the entire rear of a lot and measured between the rear lot line and the rear of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side. A yard between the building and the side line of the lot extending from the front yard to the rear yard and measured between the sideline of the lot and the side of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

Zoning Administrator. The City Administrator shall be the Zoning Administrator and the Zoning Official for the City.

Zoning Board of Adjustments Appeals. The City Council acting as the Zoning Board of Adjustments and Appeals of the City of Mahtomedi. (See Chapter 2)

Zoning District. An area or areas for which the regulations and requirements governing land use are uniform.

Zoning Map. The map or maps incorporated into this Ordinance as a part thereof designating the City’s Zoning Districts.

Zoning Permit. A permit indicating that a proposed development will meet the applicable provisions of the Mahtomedi Zoning Ordinance if the proposed development proceeds in accordance with the approved plans.
Chapter 11: Planning and Development

Section 8.0: Application Review and Approval Procedures

APPLICATIONS REVIEW AND APPROVAL PROCEDURES

Subdivisions 8.0 through 8.10 describes applications, review, and approval procedures associated with development in the City of Mahtomedi. Applications, submittal requirements, and application deadlines may be available for downloading from the City’s official website: www.ci.mahtomedi.mn.us. Some development may not have official application forms. In those cases, the applicant should check with the Zoning Administrator or other Authorized Agent for application and submittal requirements.

8.0 Application Review and Approval Procedures. This Subdivision regarding Application Review and Approval Procedures describes the required applications, review, and approval procedures associated with development in the City of Mahtomedi. Applications and submittal requirements may be available for downloading from the City’s official website: www.ci.mahtomedi.mn.us or may be picked up at the Mahtomedi City Hall Office. Some development may not have official application forms. In those cases, the applicant should check with the Zoning Administrator or other Authorized Agent for application and submittal requirements.

8.1 General Provisions.

A. Intent. The intent of this Subdivision of this Ordinance is to establish application procedures, internal review procedures, public notice and hearing procedures, and approval criteria for the processing of applications and action that affect the development and use of property subject to the jurisdictions of the City of Mahtomedi.

B. General Types of Development.

1. Development Defined. Except where the context otherwise requires, and in absence of a more limiting provision in this Ordinance, development means the performance of any building, or making of any material change in the use or appearance of any structure or land. The following activities or uses shall be taken to involve development unless expressly excluded by this Ordinance:

a. A change in type of use of a structure or land, or a change from one use group to a use in another group designated in this Ordinance;

b. A reconstruction or alteration of the size, or material change in the external appearance, or a structure on land;

c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure on land;

d. Commencement of mining or excavation on a parcel of land;

e. Demolition or moving of a structure required by this Ordinance;

f. Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land;

g. In the connection with the use of land, the making of any material change in noise levels, thermal conditions, emissions of waste material, or other objectionable element;
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h. Commencement or change in the location of street graphics or use of land, and commencement or change in the location of advertising on the external part of a structure;

i. Alteration of a shore, bank, floodplain or a stream, lake, pond, or artificial body of water;

j. Reestablishment of a nonconforming or conditional use that has not been used for one (1) or more years;

k. Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this Ordinance, granting the development permission under which the development was commenced or is continued; or

l. Earth fill or other filling activities for the purpose of raising the elevation of a lot or site for the purpose of future development.

2. **Exempt Activities.** The following operations or uses do not constitute development for the purpose of this Ordinance:

   a. The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way;

   b. Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on an established right-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;

   c. Work for the maintenance, renewal, improvement, alteration of any structure, if the work affects only the interior or the color of the structure or decorations of the exterior of the structure, but does not otherwise materially affect the external appearance of the structure;

   d. A change in the use of land or structure from a use within a use group specified in this Ordinance to another use in the same use group; or

   e. Official public information street graphics, installed by or at the discretion of the City of Mahtomedi, Washington County, or the State of Minnesota.

C. **Types of Development Reviews and Approvals.** There shall be the following three (3) types of reviews and approvals associated with development in the City of Mahtomedi:

1. **Public Hearing.** Development or actions that require special opportunities for broad public input require a public hearing pursuant to Subdivision 8.1, G: Procedures Associated with Public Hearing.

2. **Informational Meetings.** Development that requires action by an elected or appointed body, but does not require a public hearing, shall require an information meeting pursuant to Subdivision 8.1, F: General Procedures Associated with Informational Meetings.

3. **Administrative Review and Approval.** Development or action that does not require public review, but is administratively reviewed and approved pursuant to Subdivision 8.1, E: General Procedures Associated with Administrative Reviews and Approvals.
D. Development Review Elements and Procedures.

1. Pre-Application Meeting. Prior to the submission of an application as required by this Ordinance, a pre-application meeting is encouraged by the Zoning Administrator or other Authorized Agent as follows:
   
a. Purpose of the meeting. A pre-application meeting is a meeting between a potential applicant and the Zoning Administrator or other Authorized Agent(s) of the City. Where beneficial / appropriate, other review bodies may also be included in a pre-application meeting. The meeting is an opportunity for the applicant(s) to describe what application is being considered, and for the Zoning Administrator, review body, or other Authorized Agent, to indicate which application is appropriate and what criteria will be used to determine whether the application should be approved.

b. Meeting format. Unless otherwise specified in this Ordinance, there is not a required format for a pre-application meeting.

c. Combined meetings. Pre-application meetings may be combined when an applicant anticipates making simultaneous applications for the same project.

d. No approval action. Participation in a pre-application meeting does not imply or assume subsequent approval, approval with conditions, or denial of an application.

2. Application Forms and Fees. The following provisions shall apply to all required applications pursuant to this Ordinance:

a. Forms. Applications shall be submitted on forms, with any requested information and attachments, and in such numbers as required by the City. The Zoning Administrator or other Authorized Agent of the City shall have the authority to request any other pertinent information required to ensure compliance with this Ordinance.

b. Application fees. Fees for those applications required by this Ordinance shall be in accordance with the City’s current fee schedule, which the City Council may update from time to time. The fees are intended to cover the City’s actual costs in processing the application, publishing notices, and mailing notices regarding the application. The fee is payable at the time the applicant files a petition.

c. Review costs.

   1. Initial Escrow Funds. In addition to the application fees, the applicant shall also deposit initial escrow funds with the City as estimated and determined by the City Administrator or other Authorized Agent. The initial escrow funds shall be used to pay any and all out-of-pocket expenses the City incurs in employing Professional Consultants who review and process the applicant’s petition or petitions.

   2. Replenishment of Depleted Escrow Funds. The applicant must deposit additional escrow funds as directed by the City to replenish the depletion of the initial escrow funds prior to the City’s final action on the applicant’s petition or petitions, or prior to final inspection and issuance of certificates of occupancy, unless otherwise determined by the City Administrator or other Authorized Agent.

   3. Applicant Responsibility for Outstanding Out-of-Pocket Expenses. The applicant must pay any and all outstanding out-of-pocket expenses in excess of deposits of the initial escrow funds and the additional escrow funds within thirty (30) days of
the applicant’s receipt of billings from the City. The applicant is responsible for all out-of-pocket expenses the City incurs. The City will return to the applicant any amount of initial escrow funds / additional escrow funds remaining after the City’s final billing of its out-of-pocket expenses.

4. City Administrator Authority and Discretion to Stop Professional Consultant Work. The City Administrator shall have the authority and discretion to order the City’s Professional Consultants to not begin or to stop work on any petition either before or after depletion of the initial escrow funds, or before or after the depletion of additional escrow funds in order to avoid or minimize the City’s accrual of unpaid out-of-pocket expenses.

3. Application Deadline. All applications shall be completed and submitted to the Zoning Administrator or other Authorized Agent thirty (30) days prior to the next regular meeting of the Planning Commission, unless otherwise determined by the Zoning Administrator or other Authorized Agent.

4. Application Completeness.
   a. Completeness requirements. An application shall be considered submitted only after the Zoning Administrator or other Authorized Agent has determined it is complete, it is in the required form, it includes all mandatory information, and it is accompanied by the applicable fee.
   b. Completeness review period. A determination of application completeness shall be made by the Zoning Administrator or other Authorized Agent within fifteen (15) working days of the City’s receipt of the application.
   c. Incomplete application. If the application is determined to be incomplete, the Zoning Administrator or other Authorized Agent shall provide written notice to the applicant along with an explanation of the deficiencies associated with the application. No further processing of the application shall occur until the deficiencies are corrected.

5. Limit of Time Relating to Final Action. Upon the receipt of a complete application, the City and the applicable review authorities shall review the application and take final action on the application in a timely manner consistent with Minnesota Statutes. The allowable time to take final action on an application is specified in the review procedures of the application. However, the allowable time to take final action may be extended in writing by mutual acceptance of the approval authority and the applicant.

6. Limit on Reapplication. If any application is denied by the approval authority as specified in this Ordinance, another application or petition for the same permit, approval, or amendment for the same property (or any portion thereof) may not be filed within a period of ninety (90) days from the date of final denial, unless allowed by the appropriate approval body and based on the demonstration of any of the following conditions:
   a. Change in circumstances. There is substantial change in circumstances relevant to the issues and / or facts considered during the review of the application that might reasonably affect the approval body’s application of the relevant standards to the development proposed in the application; or
   b. New information. New or additional information is available that was not available at the time of the review that might reasonably affect the approval body’s application of the relevant review standards to the development proposed; or
c. Significant difference. A new application is proposed to be submitted that is significantly different from the prior application; or
d. Mistake made. The final decision on the application was based on a mistake of fact.

7. Review and Approval Criteria. In reviewing and taking final action on an application or required permit, the review and approval authorities shall consider all approval criteria as specified in this Ordinance and shall consider all pertinent facts, public comments, and consistency with all applicable laws.

E. Procedures Associated with Administrative Review and Approval.

1. Intent of Administrative Review and Approval. Administrative review and approval is intended to allow a quicker and less costly review and approval process for development and land use matters that are not expected to have an adverse impact on neighboring properties or the broader community.

2. Required Administrative Review and Approval. Wherever this Ordinance requires administrative review and approval, the review and approval process shall be conducted in accordance with the provisions of this Ordinance.

3. General Noticing Requirements. There shall be no required noticing associated with administrative review and approval. However, at their discretion, administrative staff may notify adjacent property owners of pending development.

4. Conduct of Administrative Review and Approval. Administrative staff shall have the opportunity to consult with other staff and government agencies in reviewing and processing an application. The applicant shall have the opportunity to refine the application submittal as necessary to ensure that the application is consistent with this Ordinance.

F. Procedures Associated with Public Informational Meetings and Noticing Requirements.

1. Required Public Informational Meetings. Whenever this Ordinance requires that a public informational meeting be held, the public informational meeting shall be conducted in accordance with the Minnesota Open Meeting Law as specified in Section 13D: Open Meeting Law, of the Minnesota Statutes and the provisions of this Ordinance.

2. Noticing Requirements. Public informational meeting notices shall be as follows:
   a. Published notice. Published notice in the local newspaper designated by the City Council shall not be required, but should generally occur when feasible. The notice should be published at least seven (7) days in advance of the public informational meeting.
   b. Mailed notice. A mailed notice shall not be required, but should generally occur when feasible. The notice should be mailed to the owners of record of real property within three hundred fifty (350) feet of the property under consideration.
c. **Posted notice on property.** Posted notice on the property shall not be required, but may occur at the discretion of the Zoning Administrator or other Authorized Agent of the City.

d. **Content of Notice.** Published or mailed notices may contain at least the following information: Such notice shall include the date, time and place of the public informational meeting, a description of the substance of the application, and the address or location of the property to which the request applies.

f. **Constructive Notice.** Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bonafide attempt has been made to comply with applicable notice requirements.

3. **Conduct of Informational Meetings.**

   a. **Modification of an application at an informational meeting.**

      (1) The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the informational meeting or to suggestions or recommendations by the body holding the informational meeting.

      (2) Unless such modifications are so substantial that the approval body cannot reasonably be expected to perceive the nature and impact of the proposed change without revised application materials before it, or unless such modifications are so substantial that a new informational meeting must be noticed and held, the approval body may approve the application with the stipulations that the final approval will not be effective until materials reflecting the agreed upon changes are submitted to the Zoning Administrator or other Authorized Agent of the City.

   b. **Continuing the informational meeting.** An informational meeting may be continued without additional mailed or published notice, provided that the motion to continue the informational meeting is made in open session, specifies the date and time when the meeting will continue, and notice is provided consistent with Section 13D of the Minnesota Statutes, dealing with Minnesota Open Meeting Law.

   c. **Evidence.** All findings and conclusions shall be based on reliable evidence as reasonably available.

   d. **Record.** A record shall be made of all informational meetings. All documentary evidence presented at informational meetings shall be made part of the record.

G. **Procedures for Public Hearing and Noticing Requirements.**

   The procedures for holding a public hearing whenever such is required under the provisions of this Ordinance shall be as follows:

   1. **Setting of Hearings.** For all requests brought before the Planning Commission for which a public hearing is required by this Ordinance, the Planning Commission shall select a reasonable time and place for the public hearing on the request.

   2. **Notice of Hearings.** After receipt of a completed application, a date must be set for a public hearing before the planning commission. Not less than ten (10) days before the public hearing, the city must publish notice in the official newspaper and send notice by
mail to the applicant and to the owners of all properties located wholly or partially within three hundred – fifty (350) feet, as reflected in the certified records of the Washington county auditor. Such notice shall be sent by the Office of the Zoning Administrator. Such notice shall include the date, time and place of the public hearing, a description of the contents of the request to be heard, and the address or location of the property to which the request applies.

A copy of the list of owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator, and shall be made a part of the records of the proceedings. The failure to give written notice shall not invalidate the proceedings, provided a bonafide attempt to comply with the requirements has been made.

3. **Conduct of Hearings.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney.

4. **Administrative Procedures and Recordings at Public Hearings.** The body responsible for the hearing shall designate one (1) person to record all pertinent data and comments at the hearing for later preparation of a written public record. Such written record shall be filed with the City Clerk within a reasonable period of time, but in no event later than thirty (30) days from the date of the hearing.

   The hearing shall be conducted in an orderly manner according to rules of procedure established or accepted by the City. The Chair or acting Chair of the responsible body shall conduct the hearing and shall require that all participants furnish name, address and position of interest prior to comment on the subject under consideration during such hearing.

5. **Continuance; Determination.** The responsible body may close the hearing or schedule a date, time and place for a continuance of the same, subject to the requirements of the matter under consideration. Following closure, the responsible body shall meet to make the appropriate determination which shall be prepared and filed as written public record in the office of the City Clerk.
Chapter 11.01: Zoning Ordinance
Section 8.2: Zoning Permit

## APPLICATIONS REQUIRING ADMINISTRATIVE APPROVAL

Subdivisions 8.2 through 8.10 describe applications and review procedures that require administrative approval in lieu of a public hearing or a public informational meeting. Administrative approval is intended to simplify and expedite the review and approval procedures associated with development that is expected to have minimal impact on the site, its surrounding, and within the community.

### 8.2 Zoning Permit

Permits are required to ensure conformance with the Zoning Ordinance. All permits require review and approval of a permit from the Zoning Administrator or other Authorized Agent. A zoning permit is required for items such as driveways, fences, detached decks under thirty (30) inches in height, accessory structures up to two hundred (200) square feet and the like.

A. **Permit Required.** Unless and until a zoning permit shall first have been obtained from the Zoning Administrator, the construction, reconstruction, or moving of any structure requiring a zoning permit shall not be commenced.

B. **Application for Zoning Permit.** Any application for a zoning permit where required by the City, which contains the information required by this Subdivision shall be deemed to be an application for a Zoning Permit.

1. **Application.** Every application for a zoning permit shall contain at least the following information and shall be accompanied by at least the following documents, unless any specifically required information or document is waived in by the Zoning Administrator as not relevant or necessary to determine that all provision of this Ordinance have been met in a particular case:

   a. Boundary survey, prepared by a registered surveyor of an area including the property in question and one hundred (100) feet beyond its outer boundaries showing existing property lines and dimensions, platting and easements, buildings, street and railroad rights-of-way, utilities, topography, waterways, and ownership of all parcels.

   b. A site plan indicating location, size and placement of proposed structures, parking and loading facilities, vehicular access and egress, or pedestrian walkways.

   c. Exterior elevation drawings of the proposed structure which accurately indicate the height, size, design, and appearance of all elevations of the proposed structure, and a description of the construction and materials to be used.

C. **Issuance of Zoning Permit.**

1. The Zoning Administrator or other Authorized Agent shall refuse to issue a permit for the construction of any structure or building in which the construction or necessary grading incidental thereto shall obstruct any natural waterway, unless provision has been made to
leave such natural waterway open in a manner satisfactory to the City Engineer or other Authorized Agent.

D. **Period of Validity.**

1. The work for which a zoning permit is issued shall commence within one hundred – eighty (180) days after the date thereof unless an extension request has been submitted and approved by the Building Inspector or other Authorized Agent. The work shall be completed within twelve (12) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.

2. A zoning permit shall become null and void twelve (12) months after the date on which it was issued unless within such period construction, reconstruction, remodeling or moving of a structure is commenced or a use is commenced, or unless an request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.

E. **Limit on Reapplication.** Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

F. **Zoning Permit Appealed.** In the event that the Zoning Administrator or other Authorized Agent denies a zoning permit application, the applicant may choose to appeal the denial decision to the City Council, acting as the Board of Adjustments and Appeals. Such appeal must be made in writing to the Zoning Administrator within ten (10) days of the denial and shall be subject to Subdivision 8.24: Appeal of an Administrative Decision.
8.3 **Building Permit.** Permits are required to ensure conformance with the Zoning Ordinance and/or the Building Code. All building permits require review and approval of a permit from the Department of Inspections. A building permit is required for items such as new residential dwellings, commercial, industrial, and public buildings, accessory buildings over two hundred (200) square feet, and the like.

A. **Permit Required.** Unless and until a building permit shall first have been obtained from the Building Inspector and/or other Authorized Agent:

1. The construction, reconstruction, major remodeling affecting use of the structure, or moving of any structure shall not be commenced;
2. The improvement of land preliminary to any use of such land shall not be commenced; and
3. Building or other permits pertaining to any use of such land shall not be commenced.

B. **Application for Building Permit.** Any application for a building permit where required by the City, which contains the information required by this Subdivision shall be deemed to be an application for a Building Permit.

1. **Application.** Every application for a building permit shall include the following information and shall be accompanied by at least the following documents unless any specifically required information or document is waived by the Zoning Administrator or other Authorized Agent as not necessary:

   a. Boundary survey, prepared by a registered surveyor of an area including the property in question and on hundred (100) feet beyond its outer boundaries showing existing property lines and dimensions, platting and easements, buildings, street and railroad rights – of – way, utilities, topography, waterways, and ownership of all parcels.

   b. A site plan indicating location, size, and placement of proposed structures and yards, parking and loading facilities, vehicular access and egress, pedestrian walkways, landscaping, free – standing signs, utilities, grading and drainage.

   c. Exterior elevation drawings of the proposed structure which accurately indicates the height, size, design, and appearance of all elevations of the proposed structure and a description of the construction and materials to be used.

   d. Complete construction plans prepared by a registered architect or engineer as required by State law, including footing plan, framing detail cross section, floor plans and elevations. Window size(s) are to be shown on the floor plan. The Average ‘U’ computation is necessary as well.

2. **Denial of a Building Permit.** The Building Inspector may refuse to issue a permit for any of the following:
a. The construction of any building which construction or necessary grading incidental thereto obstructs any natural waterway, unless provisions have been made to leave such natural waterway open in a manner satisfactory to the Building Inspector.

b. The construction of a dwelling unit upon ground which, according to the information furnished, is too low for property drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.

c. The construction of any residential dwelling located on a lot that does not have frontage on an improved public street, as improvement is defined by Minnesota State Statute 429.021.

C. Period of Validity.

1. The work for which a building permit is issued shall commence within one hundred eighty (180) days after the date thereof unless a request for extension has been submitted and approved by the Building Inspector or other Authorized Agent. The work shall be completed within twelve (12) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.

2. A building permit shall become null and void twelve (12) months after the date on which it was issued unless within such period construction, reconstruction, remodeling or moving of a structure is commenced or a use is commenced, or unless a request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.

D. Limit on Reapplication. Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

E. Building Permits for Multiple – Family Dwellings, Commercial, Industrial / Business, Office / Business, and Public Buildings. All applications, prior to being issued a building permit for multiple – family dwellings, commercial, industrial / business, office / business, and public buildings, shall submit to the City a cash escrow or bank letter of credit, in a form approved by the City Attorney, in an amount equal to one hundred twenty – five percent (125%) of the City Engineer’s estimated cost of any requirements for site improvements such as bituminous surfacing, curbing, landscaping, and sidewalks placed on the building permit, to guarantee the performance on such requirements. If a letter of credit is utilized, the letter of credit shall be irrevocable for a period of at least one (1) year.

At any time within the period of one (1) year after the issuance of such building permit, the City may, after having given the applicant ten (10) days written notice, draw upon said letter of credit or cash escrow, and contract for or order the completion of any uncompleted requirements of said building permit. The City may further draw upon said cash or letter of credit for all of its costs and administrative expenses, including, but not limited to, administrative time, engineering time, planning time, attorney’s time, and other costs and expenses expended by the City for the purpose of enforcing or attempting to enforce said building permit requirements.

Should the cost of said completion or the City’s costs and administrative expenses be greater than the amount of the cash escrow or letter of credit, the applicant shall be obligated to pay the City the difference within thirty (30) days of written notification thereof. If the applicant fails to make such payment, the City may, at its option, commence legal suit to collect the difference, together with all costs and expenses related to said collection, including reasonable attorney’s fees.
**F. Building Permit Appealed.** In the event that the Zoning Administrator or other Authorized Agent denies a building permit application, the applicant may choose to appeal the denial decision to the City Council, acting as the Board of Adjustments and Appeals. Such appeal must be made in writing to the Zoning Administrator within ten (10) days of the denial and shall be subject to *Subdivision 8.24: Appeal of an Administrative Decision.*

### 8.4 Sign Permit

**A. Applicability.** It shall be unlawful for any person to erect, construct, enlarge, relocate, or structurally modify a sign or cause the same to be done in the City of Mahtomedi without first obtaining a sign permit for each such sign pursuant to this Subdivision and *Subdivision 10.7: Signs,* unless otherwise stated in this Ordinance.

**B. Review Process.**

1. **Optional Pre-Application Meeting.** The property owner or owner’s agent requiring a sign permit may request a pre-application meeting with the Zoning Administrator or other Authorized Agent to review the proposed work and clarify the requirements for obtaining a sign permit.

2. **Initiation.** Initiation of a sign permit may be made upon application of the property owner or the owner’s designated agent.

3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 8.1, D (2): Application Forms and Fees.* The application shall contain the following information:
   - The name, address, and telephone number of the applicant, the business name where the sign is or shall be located, and the location of the proposed sign.
   - The zoning district in which the sign will be installed.
   - Clear and legible sign drawing showing the construction, size, dimensions, materials to be used, and the location of the proposed sign and any existing signs on the premises.
   - Type of sign (wall, pole, monument, etc.) If a wall sign include a schematic of the frontage of the building on which wall signs will be installed including linear footage of the wall frontage.
   - Signature of the applicant.
   - Such other information as the Zoning Administrator or other Authorized Agent may require to show full compliance with the provisions of this Ordinance.
   - Payment of all required fees.

4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
   - Determine if the application is complete pursuant to *Subdivision 8.1, D (4): Application Completeness;* and
   - Review the application, considering the criteria for approval, and submit the application to other City
Staff for their review and comment as necessary or desired.

C. **Approval Criteria.** The Zoning Administrator or other Authorized Agent shall issue a sign permit when the permit application is properly made, all appropriate fees have been paid and the sign complies with the application provisions of this Ordinance.

D. **Period of Validity.** Any sign for which a permit is issued shall be erected in place within six (6) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Zoning Administrator or other Authorized Agent. Failure to erect the approved sign within six (6) months or receive approval of a submitted request for extension will result in the permit automatically becoming void and a new permit must be applied for pursuant to the provisions of this Ordinance.

E. **Limit on Reapplication.** Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

F. **Sign Permit Appealed.** In the event that the Zoning Administrator or other Authorized Agent denies a sign permit application, the applicant may choose to appeal the denial decision to the City Council, acting as the Board of Adjustments and Appeals. Such appeal must be made in writing to the Zoning Administrator within ten (10) days of the denial and shall be subject to Subdivision 8.24: Appeal of an Administrative Decision.

8.5 – 8.10 (Reserved for future applications requiring administrative approval)
**APPLICATIONS REQUIRING A PUBLIC INFORMATIONAL MEETING**

Subdivisions 8.11 through 8.15 describe applications and review procedures that do not require a public hearing, but require review and approval by an elected or appointed body in the form of a public informational meeting. The public is encouraged to attend public informational meetings and provide comments as may be appropriate.

### 8.11 Site Plan Review.

**A. Applicability.** The special provisions established in this Subdivision are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The purpose of this Subdivision is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Subdivision.

Prior to the issuance of a building permit, development activity, as specified below, in the R3, R4, B1, B2, B3, B4, B5, OB, IB, MU-PUD, PUD, P and PB districts shall be subject to the following requirements as well as all other substantive requirements established for the particular district and required in general by all other relevant provisions of this Ordinance.

**B. Review Process.**

1. **Pre-application Meeting.** If a proposed development requires the approval of a site plan, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (1): Pre-application Meeting.

2. **Initiation.** Initiation of a site plan may be made upon application of the property owner or their designated agent.

3. **Types of Review.**

   a. **Sketch Plan.** Applicants may present a sketch plan to the Zoning Administrator prior to filing a formal application. The plan may be conceptual and may be drawn to scale with topography of a contour interval not greater than two (2) feet and may include the following, as determined by the Zoning Administrator:

      1. The proposed site with reference to existing development on adjacent properties, at least to within two hundred (200) feet;
      2. General location of existing and proposed structures;
      3. Tentative street arrangements, both public and private;
      4. Amenities to be provided such as recreational areas, open space, walkways, etc;
      5. General location of parking areas;
      6. Existing and proposed public sanitary sewer, water and storm drainage;
(7) A statement showing the proposed density of the project with the method of calculating said density also shown.

The Zoning Administrator shall have the authority to refer the sketch plan to the Planning Commission and / or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator, Planning Commission, and / or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

b. Minor Projects. The following shall be considered minor projects and subject to review procedures as indicated:

(1) Administrative Review as defined in Subdivision 8.1, E: Procedures Associated with Administrative Review and Approval.

(a) Building projects that comprise of up to thirty percent (30%) building footprint expansion and / or up to fifty percent (50%) increase in the assessed value of the structure as determined by the Washington County Assessor.

(b) Plantings, landscaping or other site work that does not involve grading or require additional impervious surface coverage. (Example: the planting of trees, shrubs, sod and the like, or refinishing / resurfacing of an existing parking lot that does not involve grading or increased impervious surface coverage).

(2) Procedure. Administrative Review approval of eligible site plans shall be subject to the following procedural requirements:

(a) Plan review will be a coordinated review by other City departments and divisions as determined by the Zoning Administrator;

(b) Site Plans involving properties within approved Planned Unit Developments shall be subject to applicable evaluation in this Subdivision.

(c) Any variance proposal will automatically require the entire application to be processed in accordance with the review and approval provisions of Subdivision 8.20: Variance.

(d) Administrative approval including all applicable conditions and requirements shall be made in writing by the Zoning Administrator. The applicant, in addition to all other applicable requirements, shall submit a zoning permit (building permit) prior to the commencement of any development.
(e) Any unresolved dispute as to administrative interpretation of the City Code, Ordinance, or policy requirements may be formally appealed pursuant to Subdivision 8.24: Appeal of an Administrative Decision.

c. **Major Projects.** A major project is defined as one (1) or all of the following and subject to review as prescribed in this Subdivision and would require review and approval by the Planning Commission and City Council.

(1) Construction on an existing parcel of new structures that may or may not be in conjunction with site improvements or redevelopment site of vacant undeveloped lands, and / or;

(2) Building projects that comprise more than thirty percent (30%) building footprint expansion and / or more than fifty percent (50%) increase in the assessed value of the structure as determined by the Washington County Assessor;

(3) Plantings, landscaping, or other site work that involves grading and / or additional impervious surface coverage.

d. **Site Plan Amendment.** Any approved site plan may be amended in accordance with the standards and procedures established herein, including payment of fees; provided that the Zoning Administrator may waive such procedures for those minor changes listed in this Subdivision. Such minor changes shall not be made unless the prior written administrative approval of such change is obtained from the Zoning Administrator. No fees shall be required for such minor changes as follows:

(1) Moving building walls within the confines of the smallest rectangle that would have enclosed such original approved building(s). Relocation of building entrances or exists, shortening of building canopies.

(2) Changing to a more restrictive commercial or industrial use, provided there is no reduction in the amount of off-street parking as originally approved. This does not apply to residential uses.

(3) Changing the angle of parking or aisle, provided there is no reduction in the amount of off-street parking as originally approved.

(4) Substituting plant species provided a nursery or landscape architect certifies the substitute species is similar in nature and screening effect.

(5) Changing type and design of exterior lighting fixtures provided a certified engineer or architect certifies there will be no change in the intensity of light at the property boundary.

(6) Increasing peripheral yards.

4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:

a. **Minor and Major Projects:** Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness.

b. **Major Projects Only.** Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
Section 11.01: Zoning Ordinance

Subdivision 8.11: Site Plan Review

a. The Planning Commission (considering the approval criteria) shall hold an informational meeting and make a recommendation to the City Council. The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Subdivision. The Planning Commission shall forward its recommendations regarding the criteria outlined in this Subdivision to the City Council. The Planning Commission may recommend approval, approval with modifications, or denial of the site plan. In the event of a recommendation for denial, the Planning Commission shall provide the reasons for its decision.

6. City Council Final Action.

a. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested site plan. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request. The City Council may hold one (1) or more additional information meetings prior to approval, approval with conditions, or denial of the site plan.

b. Approval or approval with conditions shall require a majority vote of the entire City Council.

c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

d. Denial. If an application for site plan approval is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed application fails to meet the standards and intent of this Ordinance.

e. Limit of Reapplication. Limits on Reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

f. Expiration of Approval. Approval of a site plan shall remain valid for one (1) year. Failure to commence development in accordance with an approved site plan within one (1) year after the date of approval shall result in revocation of approval. An extension of site plan approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the city. Three (3) consecutive one-year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

C. Site Plan Review Requirements.

1. Submittal Requirements.

   a. Certificate of Survey;
b. Application. Requests for site plan approval shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by:

(1) An application fee as determined by the City Council;
(2) Initial escrow funds;
(3) Detailed written and graphic materials fully explaining the proposed changes / development of the subject property;

c. Proof of Ownership or Authorization. The applicant shall supply proof of ownership of the property for which the site plan approval is requested or supply written authorization for the owner(s) of the property in question to proceed with the requested site plan approval. All signatures or written consent are due at the time of application submittal to the Zoning Administrator.

2. Site Plan Requirements. The Application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to Section 8.1, D (2): Application Forms and Fees and Section 8.1, D (3): Application Deadline. The Application shall include the following information as applicable or as directed by the Zoning Administrator or other Authorized Agent.

a. Existing conditions: topography at two (2) foot contours, significant woodlands, wetlands and water bodies, existing structures and easements;

b. Contextual setting: identification of existing land uses, zoning and street systems within three hundred (300) feet of the site perimeter and identification of existing structures on all adjacent parcels;

c. Proposed grading and drainage;

d. Proposed location and dimensions of all proposed structures, public and private streets or drives, and exterior parking and drive areas and walkways;

e. A staging plan and proposed schedule if the project is to be developed incrementally over time;

f. Proposed landscaping plan as per Subdivision 10.4, A.

g. Proposed screening as per Subdivision 10.4, B with site cross sections to show the effectiveness of screening;

h. Calculations of total gross site acreage, net developable acres, percentage of lot coverage, percentage of impervious surface coverage, usable open space and proposed density in terms of lot area / unit and units / developable acre (for multi-family development) required and provided parking;

i. Proposed building elevations and materials for proposed structures;

j. Proposed lighting plan indicating the planned area of exposure and the effective illumination in foot candles;

k. Proposed signage;

l. Proposed recreation areas and facilities.

D. Criteria for Approval. The City Council shall approve the site plan if it finds that the plan meets the following standards.
1. **Criteria.**
   a. Consistency with the City’s adopted Comprehensive Plan;
   b. Compliance with all applicable Ordinances including, but not limited to provisions for parking, landscaping and screening;
   c. Reasonable accommodation of unique geologic, geographic or historically significant characteristics;
   d. Consideration of adjacent and neighboring properties through adequate design and provision for such matters as surface water drainage, building location and orientation, parking and access drives, lighting, and trash storage;
   e. Reasonable consideration for the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

E. **Site Plan Review Requirements and Performance Standards.** All site plans for development activities defined above shall be reviewed by the Planning Commission and approved by the City Council according to the following design / performance standards. Modifications of these standards may be granted by the City Council if the Council finds that a modification would result in a more suitable development plan for a particular site and that such modification is in keeping with the general spirit of this Ordinance.

1. **Walkways.** Surfaced walkways shall be provided from parking areas, loading zones, recreation areas, and walkways along City streets to the entrances of buildings.

2. **Trash Storage.** Any exterior storage of trash and recyclables shall be enclosed within a container and screened pursuant to Subdivision 10.4, B (4): Screening of trash containers.

3. **Parking Structures.** Detached accessory parking structures shall be compatible with the materials used on the principal structure.

4. **Lighting.** On-site lighting shall be provided as necessary for security, safety, and traffic circulation. Lighting shall be designed and installed in conformance with the standards set forth in Subdivision 10.8 of this Section.
8.12 Determination of Substantially Similar Use.

A. Applicability. Any landowner may request a determination by the City Council that a use included in this Ordinance is substantially similar to a use classified as permitted, conditional, or accessory.

B. Review Process.

1. Pre-application Meeting. If a proposed use is not included in this Ordinance, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (1): Pre-application Meeting.

2. Initiation. Initiation of a determination of substantially similar use may be made upon application of the property owner or their designated agent.

3. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
   a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness.
   b. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

4. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:
   a. The Planning Commission shall hold an informational meeting and make a recommendation to the City Council. The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Subdivision. The Planning Commission shall forward its recommendations regarding the criteria outlined in this Subdivision to the City Council. The Planning Commission may recommend approval, approval with modifications, or denial of the determination of substantially similar use. In the event of a recommendation for denial, the Planning Commission shall provide the reasons for its decision.

5. City Council Final Action.
Section 11.01: Zoning Ordinance

Subdivision 8.12: Determination of Substantially Similar Use

a. Within sixty (60) days of the City’s receipt of a complete application, the City Council shall approve, approve with conditions, or deny the requested determination of substantially similar use, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request. The City Council may hold one (1) or more additional information meetings prior to approval, approval with conditions, or denial of the site plan.

b. Approval or approval with conditions shall require a majority vote of the entire City Council.

c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

d. Denial. If an application for determination of substantially similar use is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed application fails to meet the standards and intent of this Ordinance.

e. Limit on Reapplication. Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

f. Expiration of Approval. Approval of a determination of substantially similar use shall remain valid for one (1) year. Failure to commence development in accordance with an approved plan for the determined substantially similar use shall result in revocation of approval. An extension of the determination of substantially similar use approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one – year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

8.13 – 8.15 (Reserved for future applications requiring a public informational meeting)
Subdivision 8.16: Comprehensive Plan Amendment

8.16 Comprehensive Plan Amendment.

A. Applicability. Amendments to the City’s Comprehensive Plan may be made from time to time to help guide the City in establishing and maintaining sound, stable and desirable development within the city. Amendments may also be made to correct errors in the text or maps of the Comprehensive Plan or to address changes or changing conditions in a specific area or in the city generally. Pursuant to Minnesota Statutes Section 473.864, the City of Mahtomedi Comprehensive Plan was adopted and is hereby incorporated into the City of Mahtomedi Legislative Code by reference. At least once every ten (10) years, the City shall review and, if necessary, amend its entire Comprehensive Plan and Legislative Code to eliminate any conflicts between the Comprehensive Plan and the Legislative Code.

B. Review Process. The review process shall be consistent with Section 473.859 of the Minnesota Statutes, Comprehensive Planning and as follows:

1. Pre-Application Meeting. If a proposed development requires a Comprehensive Plan Amendment, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to Subdivision 8.1, D (1): Pre-Application Meeting.

2. Initiation. A Comprehensive Plan Amendment may be initiated by any of the following:
   a. The Planning Commission;
   b. The City Council;
   c. The Zoning Administrator or other Authorized Agent; or
   d. The property owner or their designated agent.

3. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline.

4. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
   a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness;
Section 11.01: Zoning Ordinance
Subdivision 8.16: Comprehensive Plan Amendment

b. Notice a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:

a. The Planning Commission shall hold a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

b. The Planning Commission (considering the approval criteria) shall make a recommendation to the City Council.

6. **City Council Action.**

a. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria and the Planning Commission recommendation) shall deny the request or adopt an Ordinance that amends the Comprehensive Plan unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

c. Adoption of an Ordinance shall require a majority vote of the entire City Council. Adoption of an Ordinance shall be a conditional approval pending final approval of the amendment by the Metropolitan Council.

d. Failure to deny a request within sixty (60) days of receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

e. **Denial.** If an application for a Comprehensive Plan amendment is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial.

f. **Limit of Reapplication.** Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

7. **Adjacent Review and Comment.** One (1) copy of the proposed Amendment shall be submitted to adjacent governmental units, affected special districts lying in whole or in part within the City, and affected school districts for review and comment at least six (6) months prior to submission of the plan to the Metropolitan Council. For minor plan amendments, the Metropolitan Council may prescribe a shorter review and comment period, or may waive the review and comment period if the minor plan amendments involve lands that are not contiguous to other local governmental units.

8. **Metropolitan County Review and Comment.** Upon completion of review, amendment and adoption of a comprehensive plan amendment, the City shall:
Section 11.01: Zoning Ordinance
Subdivision 8.16: Comprehensive Plan Amendment

a. Submit the entire updated Comprehensive Plan and / or amendment or amendments to the Metropolitan Council for review and approval as stated in Section 473.859 of the Minnesota State Statute.

C. Application. Proceedings for amendment which are initiated by the petition of the owner or owners of the property shall be filed with the City Administrator or other Authorized Agent. All applications shall be accompanied by the prescribed administrative fee and shall include the following information:

1. The name and address of the applicant or applicants;
2. A description of the area to be re-guided by the proposed Comprehensive Plan amendment;
3. The names and addresses of all owners of property lying within such area, and a legal description of the property owned by each;
4. The present land use classification of the area and the proposed land use classification;
5. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
6. A detailed description of how the property proposed to be re-guided by the comprehensive plan amendment would fit in with the general pattern of the neighborhood, and the plan of the entire City.
7. A boundary or area survey showing the property to be re-guided, and the present guiding of the surround area for at least a distance of three hundred fifty (350) feet, including the street pattern of such area, together with an abstractors’ certificate with the names and addresses of the owners of the land in each area;
8. Proof of ownership of the property consisting of an Abstract of Title currently certified, a current Certificate of Title or Title Insurance Commitment;
9. If the applicant proposes a new plan guide designation and / or a plan text amendment, the City Administrator may require a reasonable complete draft of the new plan guide designation and plan text amendment capable of being incorporated into the current Comprehensive Plan prior to declaring the application complete and suitable for review by the Planning Commission; and
10. Such other information as the City Administrator or other Authorized Agent may require.

D. Approval Criteria. In determining whether to approve, approve with conditions, or deny a Comprehensive Plan Amendment, the following approval criteria shall be considered:

1. Criteria.
   a. The Comprehensive Plan Amendment helps guide and accomplish coordinated development that is harmonious with existing development in the City of Mahtomedi, which will be in accordance with existing and future needs, best promote public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
   b. The Comprehensive Plan Amendment is consistent with the requirements and elements of Section 473.859 of the Minnesota State Statutes;
   c. The Comprehensive Plan Amendment review process has provided adequate opportunity for public review and comment.
8.17 Zoning Map Amendment (Rezoning).

A. Applicability.

1. General Applicability. The Zoning Map may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the Zoning Map or to address changed or changing conditions in a specific area or within the city generally. All Zoning Map Amendments must be consistent with the Comprehensive Plan and the provisions of this Subdivision.

B. Review Process.

Helpful Note. The City’s Zoning Map must be consistent with the City’s Comprehensive Plan. Any rezoning request that is not consistent with the Comprehensive Plan shall also include a request to amend the Comprehensive Plan. The requests can be processed together, but action on the Comprehensive Plan must occur before action on the rezoning.
1. **Pre-application Meeting.** If a proposed development requires a Zoning Map Amendment (rezoning), the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Subdivision 8.1, D (1): Pre-application Meeting*.

2. **Initiation.** A Zoning Map Amendment may be initiated by any of the following:
   a. The property owner or their designated agent;
   b. The Planning Commission;
   c. The City Council; or
   d. The Zoning Administrator or other Authorized Agent.

3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline*.

4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
   a. Determine if the application is complete pursuant to *Subdivision 8.1, D (4): Application Completeness*;
   b. Notice a public hearing pursuant to *Subdivision 8.1, G: Public Hearing and Noticing Requirements*;
   c. Review the application, considering the approval criteria and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
   a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 8.1, G: Public Hearing and Noticing Requirements*; and
   b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.

6. **City Council Final Action.**
   a. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Zoning Map, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
   b. Approval, or approval with conditions, shall require a majority vote of the entire City Council, unless otherwise required by State Law.
c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

d. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

e. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.

f. Denial. If an application for a zoning map amendment (rezoning) is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.

g. Limit of Reapplication. Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

C. Approval Criteria for a Zoning Map Amendment. In determining whether to approve, approve with conditions, or deny an application for a Zoning Map Amendment (rezoning), the following criteria shall be considered:

1. Criteria.
   a. The Zoning Map Amendment is consistent with the Comprehensive Plan;
   b. The Zoning Map Amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
   c. The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and
   d. The property to be amended (rezoned) is suitable for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment.

8.18 Zoning Ordinance Text Amendment.

A. Applicability. The text of the Zoning Ordinance may be amended whenever the public necessity, convenience, general health, safety or welfare, or good zoning practice require. Amendments may also be made to correct errors in the text of the Zoning Ordinance or to address changed or changing conditions affecting the City. All text amendments shall be consistent with the Comprehensive Plan.

B. Review Process.
1. **Pre-Application Meeting.** If a proposed development requires a text amendment to the Zoning Ordinance, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Subdivision 8.1, D (1): Pre-application Meeting*.

2. **Initiation.** A text amendment may be initiated by any of the following:
   a. The Planning Commission;
   b. The City Council;
   c. The Zoning Administrator or other Authorized Agent;
   d. The property owner or their Authorized Agent.

3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 8.1, D (3): Application Deadline*, and include the following:
   a. The Applicant’s name and address;
   b. The precise wording of any proposed amendment to the text of this Ordinance; and
   c. In the event that the proposed amendment would change the zoning classification of any property:
      1. A legal description and street address of the property proposed to be re-classified;
      2. The name and address of the owner or owners of the said property;
      3. The present zoning classification and existing uses of the property proposed to be reclassified;
      4. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof;
      5. A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses, together with an abstractor’s certificate with the names and addresses of the owners of land within three hundred and fifty (350) feet of the area proposed to be rezoned;
      6. A written statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
      7. Proof of ownership of the property consisting of an Abstract of Title currently certified or a current Certificate of Title; and
      8. Such other information as the Zoning Administrator or other Authorized Agent may require.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
   a. Determine if the application is complete pursuant to *Subdivision 8.1, D (4): Application Completeness*;
   b. Notice a public hearing pursuant to *Subdivision 8.1, G: Public Hearing and Noticing Requirements*; and
   c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
   a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 8.1, G: Public Hearing and Noticing Requirements*; and
   b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.

6. **City Council Final Action.**
   a. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Ordinance Text, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
   b. Approval, or approval with conditions, shall require a majority vote of the entire City Council.
   c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
   d. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
   f. An applicant may, by written notice to the City, request an extension of the time limit under this Subdivision.
   g. **Denial.** If an application for a zoning ordinance text amendment is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways the proposed request fails to meet the standards and intent of this Ordinance.
   h. **Limit of Reapplication.** Limits on reapplication shall be as specified in *Subdivision 8.1, D (6): Limit of Reapplication*. 

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**Diagram:** 
- Optional Pre-application Meeting
- Application Submittal
- Completeness Determination
- Staff Review
- Public Hearing Notice
- Staff Recommendation
- Planning Commission
- Public Hearing
- Planning Commission Recommendation
- City Council Final Action

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**Chapter 11: Planning and Development**
C. **Approval Criteria.** In determining whether to approve, approve with conditions, or deny an application for a text amendment to the Zoning Ordinance, the following criteria shall be considered:

1. The text amendment is consistent with the Comprehensive Plan;
2. The text amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
3. The text amendment is compatible with the present zoning and conforming use of the property and the character of the neighborhoods, existing conditions and the conservation of property values, as well as the direction of building development to the best advantage of the entire City and for the uses to which the property affected is being devoted at the time.
8.19 Creation of a Planned Unit Development (PUD) Overlay District.

A. Applicability. A tract of land proposed to be developed as a Planned Unit Development (PUD) shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County.

The provisions of this Subdivision are generally intended for application to larger and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.

B. General Review Process. The creation of a PUD Overlay District requires a zoning map amendment pursuant to Subdivision 8.17: Zoning Map Amendment (Rezoning), and a text amendment pursuant to Subdivision 8.18: Zoning Ordinance Text Amendment. In addition, the review process for the creation of a PUD Overlay District involves two phases: review of a PUD – Preliminary Development Plan and review of a PUD – Final Development Plan.


1. Pre-application Meeting. The property owner of a proposed development that is intended to proceed as a PUD is encouraged to request a pre-application meeting pursuant to Subdivision 8.1, D (1): Pre-application Meeting.

2. Initiation. Application for a PUD – Preliminary Development Plan shall be initiated by the property owner or their designated agent.

3. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent for approval of a PUD – Preliminary Development Plan pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline. The application shall include the following information as applicable or as directed by the Zoning Administrator or other Authorized Agent:

   a. Context map. A map of the project prepared by a Registered Civil Engineer or Registered Land Surveyor covering the entire tract proposed for development. Such map shall be drawn at a scale of 1”=50’ and shall include its relationship to surrounding properties, topography at a two (2) foot contour interval, and other prominent site features such as existing buildings, land features and trees;

   b. Statement. A statement as to why the Planned Unit Development (PUD) zoning is proposed. The statement shall identify reasons why Planned Unit Development (PUD) zoning is preferable to development under standard zoning districts and a narrative explanation of the general character of the Planned Unit Development, its integration with the surrounding land uses and justification of any requested density bonuses. The written statement must also include a statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures and useable open space. It is also required that such statement include the total anticipated population of the Planned Unit Development, with breakdowns as to the estimated number of school age children, adults and families;

   c. Site Plan. A site plan of the Planned Unit Development (PUD) at a scale of not less than one inch equals one hundred feet (1”=100’) showing the following:
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Subdivision 8.19: Creation of a Planned Unit Development (PUD) Overlay District

(1) Land use and development densities;

(2) The size, arrangement, and location of parcels;

(3) The proposed use, height, bulk, and approximate location of buildings and other structures;

(4) The location of public and private streets, parking of vehicles and location and width of proposed streets, curb and gutter;

(5) The location and size of recreational areas and open space, and description about who will own and maintain;

(6) A landscaping plan;

(7) A grading plan, indicating onsite storm water management facilities and indicating the amount and location of off-site drainage distribution of sanitary wastes, and the provisions of other utilities;

(8) Identification of mature vegetation on the site and a proposal to preserve such vegetation worthy of protection;

(9) Identification and / or delineation of wetlands and floodplains within the site and a proposal to protect such areas from encroachment or degradation;

(10) Statistical data on the size of the development, density / intensity of various sub-areas, and expected phasing or staging;

(11) A description of the intended organizational structure for a property owner’s association, if any; and

(12) A description of the deed restrictions or restrictive covenants, if any.

(13) A schedule showing the proposed times within which application for final approval of all sections of the Planned Unit Development are intended to be filed.

(14) A topographical map prepared by a Registered Civil Engineer or Registered Land Surveyor covering the entire tract proposed for development indicating topography at a two (2) foot contour interval. It shall show in accurate detail the topography, existing buildings, land features and trees.

d. Written Statement. A written statement is required at the time of submittal, and shall include the following information:

(1) A narrative explanation of the general character of the Planned Unit Development (PUD), its integration with the surrounding land uses and justification of any requested density bonuses.

(2) A statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures and useable open space.

(3) The total anticipated population of the Planned Unit Development, with breakdowns as to the estimated number of school age children, adults and families.

e. Additional Plans. The Planning Commission or City Council may require other special studies, plans or additional information that would aid in consideration of the proposed development.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
   
a. Determine if the application is complete pursuant to *Subdivision 8.1, D (4): Application Completeness*;
   
b. Notice the public hearing pursuant to *Subdivision 8.1, G: Public Hearing and Noticing Requirements*; and
   
c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
   
a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 8.1, G: Public Hearing and Noticing Requirements*.
   
b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions or denial to the City Council.

6. **City Council Final Action.**
   
a. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and the PUD – Preliminary Development Plan, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*. The ordinance associated with the PUD – Preliminary Development Plan is an interim zoning classification that does not enable any development until the PUD – Final Development Plan is approved.
   
b. Approval, or approval with conditions, or a PUD – Preliminary PUD Plan shall require a four – fifths (4/5) vote of the City Council.
   
d. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
   
e. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
   
f. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.
   
g. **Denial.** If an application for the creation of a PUD – Planned Unit Development Overlay District is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.
h. **Limit on Reapplication.** Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

**D. PUD – Final Development Plan Review Process.**

1. **Initiation.** Application for PUD – Final Development Plan shall be initiated by a property owner or their designated agent.

2. **Application Submittal.**
   a. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent for approval of the PUD – Final Development Plan pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline. The application shall contain all the information required for the Preliminary Development Plan review specified in this Subdivision, except that the information shall be in final and detailed form. In addition, the applicant shall submit all other required plans for review and action.
   
   b. The application shall be submitted within six (6) months of approval of the PUD – Preliminary Development Plan. Failure to provide the PUD- Final Development Plan within six (6) months of approval of the PUD – Preliminary Development Plan shall result in the automatic repeal of the previously approved PUD – Preliminary Development Plan. The City Council at its discretion may extend the period for filing of the Final Development Plan by six (6) months upon written request by the Applicant.

3. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
   a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness; and
   
   b. Review the PUD – Final Development Plan. If the PUD – Final Development Plan is consistent with the PUD- Preliminary Development Plan, then the Zoning Administrator or other Authorized Agent shall prepare a report and a recommendation to the Planning Commission that directs the Planning Commission to hold an informational meeting to take their final action on the plan.
   
   c. If the PUD – Final Development Plan is not consistent with the PUD – Preliminary Development Plan, then the Zoning Administrator or other Authorized Agent shall prepare a report to the Planning Commission that identifies the discrepancies and directs the Planning Commission to hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Development Plan.

4. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
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a. If the Zoning Administrator or other Authorized Agent’s report identifies that the PUD – Final Development Plan is substantially consistent with the approved PUD – Preliminary Development Plan, then the Planning Commission (considering the approval criteria) shall hold an informational meeting and make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – Final Development Plan.

b. If the Zoning Administrator or other Authorized Agent’s report identifies that the PUD – Final Development Plan is substantially inconsistent with the approved PUD – Preliminary Development Plan, then the Planning Commission shall hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Development Plan. Following the public hearing, the Planning Commission (considering the approval criteria) shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – Final Development Plan.

5. City Council Final Action.

a. After reviewing the recommendation of the Planning Commission, the City Council may order another public hearing before the City Council pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements.

b. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – Final Development Plan, unless extended pursuant to Minnesota State Statute 15.99: Timeline Deadline for Agency Action. The ordinance associated with the PUD – Final Development Plan shall incorporate the Final Development / Implementation Plan, including any conditions or restrictions that may be imposed by the City Council.

c. Approval, or approval with conditions, shall require a four – fifths (4/5) vote of the City Council.

d. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

e. Denial. If an application for the creation of a PUD – Planned Unit Development Overlay District is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.

f. Limit on Reapplication. Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

g. Expiration of Approval. Approval of a PUD – Final Development Plans shall remain valid for one (1) year. Failure to commence development in accordance with an approved PUD – Final Development Plans within one (1) year after the date of approval shall result in revocation of approval. An extension of PUD – Final Development Plans approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one – year extensions shall be
conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision. Denial of an extension by the City Council will result in the revocation of the PUD – Preliminary Development Plan and the PUD – Final Development Plan approval and will revert the site zoning to its previous zoning district classification.

E. **Approval Criteria.** In determining whether to approve, approve with conditions, or deny a PUD – Preliminary Development Plan or a PUD – Final Development Plan, the Planning Commission and City Council shall consider the approval criteria for a zoning map amendment as specified in Subdivision 8.17: Zoning Map Amendment (Rezoning) as well as the following approval criteria with special consideration given to whether the plan would or would not be in the public interest:

1. **Criteria.**
   a. The plan is consistent with Mahtomedi’s Comprehensive Plan.
   b. The plan is designed to form a desirable and unified development within its own boundaries.
   c. The proposed uses will not be detrimental to present and future land uses in the surrounding area.
   d. Any exceptions to the standard requirements of the Zoning and Subdivision Codes are justified by the design of the development.
   e. The plan will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the Planned Unit Development.
   f. The Planned Unit Development (PUD) will not have an undue and adverse impact on the reasonable enjoyment of neighboring property.

F. **Conditions that may be attached to a PUD.** The City Council may attach any conditions to the approval of a PUD – Preliminary Development Plan and / or the approval of a PUD – Final Development Plan that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:

1. **Conditions.**
   a. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
   b. Control and sequence of development, including when it must be commenced and completed;
   c. Control the duration of the use of development and time within which any structures must be removed;
   d. Ensure that development is maintained property in the future;
   e. Designate the exact location and nature of development; and
   f. Establish more detailed records by submission of drawings, maps, plats, or specification.

G. **Effect of the PUD – Final Development Plan Approval.** The approved PUD – Final Development Plan, together with the conditions and restrictions imposed by the City Council, shall constitute the final zoning for the subject property. The zoning provisions applicable to
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the underlying zoning districts shall continue to be applicable where consistent with the PUD – Final Development Plan.

H. Zoning. When the Planned Unit Development plan has been approved, it shall be appropriately identified on the Zoning Map as an overlay district.

8.20 Variance.

A. Applicability. The City Council, acting as the Board of Adjustments and Appeals, may authorize variances from the provisions of this Ordinance, except as otherwise specified in this Ordinance.

B. Review Process.

1. Pre-application Meeting. If a proposed development requires the approval of a variance, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (1): Pre-application Meeting.

2. Initiation. Initiation of a variance may be made upon application of the property owner or their designated agent.

3. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline, and should include:

   a. A description of the proposed use and how it varies from the applicable provisions of the Zoning Code;
   b. A legal description of the property, including plot and parcel number;
   c. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
   d. A statement of the applicant, referring to specific facts, describing the following:
      (1) The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same zone classification;
      (2) The practical difficulty to the applicant if the variance is not granted;
      (3) Any other information required by the City Administrator, Planning Commission, City Council, or other Authorized Agent.

4. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following review tasks:

   a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness;
   b. Notice a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

Helpful Note. A variance allows a property owner an exception from the physical requirement such as parcel area, setbacks, height, frontage, and similar requirements.

Granting a variance allows the City Council (acting as the Zoning Board of Adjustments and Appeals) flexibility from the Ordinance where the regulation provides practical difficulties on the proposed activity. In addition, the Council must find that variance request relates to a unique property condition and that granting the variance will cause no harm to the public interest.
c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commissions Review.** The Planning Commission shall complete the following tasks:

   a. The Planning Commission shall hold a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

   b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council. In the event the Planning Commission recommends denial of any application for a variance, the reasons for such denial shall be provided identifying the ways in which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the health, safety, and welfare.

6. **City Council Final Action.** The City Council, acting as the Board of Adjustments and Appeals, shall complete the following tasks:

   a. Within sixty (60) days of the City’s receipt of a complete application, the City Council shall review the request, the Planning Commission’s recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request by a simple majority of the Council, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

   b. A variance may be approved by an affirmative vote of a simple majority of the City Council.

   c. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

   d. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.

   e. **Denial.** If an application for a variance is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.

   f. **Limit of Reapplication.** Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

   g. **Expiration of Approval.** Any variance granted by the city shall run with the land and shall be perpetual unless no building permit has been issued or substantial work performed on the project within one (1) year from the date of approval, in which case
the variance shall be null and void. The Planning Commission may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. An extension of a variance approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one–year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

C. Approval Criteria. No variance from the terms of this Ordinance shall be authorized unless the City Council finds failure to grant the variance will result in practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the following criteria have been met:

1. Because of the exceptional or extraordinary physical surroundings, shape or topographical 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 ordinance were to be carried out.

2. The conditions upon which an application 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 within 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 a parcel of land.

4. The alleged practical difficulties are caused by this Ordinance and have not been created by any persons presently 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 of the parcel of land nor shall it alter the essential character of the neighboring lots and the locality.

6. The proposed variance is in keeping with the spirit and intent of the Ordinance.

7. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the 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 neighborhood.

8. The variance is consistent with the Comprehensive Plan.

D. Appeal. Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the City Council acting as the Board of Adjustments and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, as such statutes may be from time to time amended, supplemented or replaced.
8.21 Conditional Use Permit (CUP).

A. Applicability. A conditional use permit is required for development that generally would not be appropriate within a district, but might be allowed within certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

Conditional use permits for antennas and towers are governed by Subdivision 12.37: Antenna and Tower Overlay District of this Ordinance, and Wind Energy Conversion Systems (WECS) are governed by Subdivision 9.4, A: Wind Energy Conversion Systems (WECS) of this Ordinance, and not by this Subdivision.

B. Review Process.

1. Pre-application Meeting. If a proposed development requires the issuance of a conditional use permit, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to Subdivision 8.1, D (1): Pre-application Meeting.

2. Initiation. Initiation of a conditional use permit may be made upon application of the property owner or their designated agent.

3. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline.

Except as specifically excused by a written order of the Planning Commission, a copy of which order shall be attached to the application, the application shall contain the following information and be accompanied by the following submissions, as well as such additional information and submissions as may be prescribed by rule of the Planning Commission:

a. Legal description of the tract of land;

b. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;

c. Plans drawn to convenient scale, showing the current zoning classification and existing land use of the tract, and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;

d. A site plan, drawn to a convenient scale, showing the following information:
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(1) The location, size, use, and arrangement of proposed buildings and existing buildings which will remain, if any;

(2) The use of adjacent land;

(3) The location and proposed function of all yards, open spaces, parking areas driveways, storage areas and accessory structures;

(4) The location of all utilities;

(5) The provisions for parking, moving or loading of vehicles;

(6) The timing of construction proposed;

(7) Building elevations;

(8) Landscape plan;

(9) Such other information as the Zoning Administrator or other Authorized Agent may require including, when deemed necessary, a topographic map.

e. When the proposed development includes provisions for common space or recreational facilities, a statement must be submitted, describing the provisions that are to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a governmental authority, copies of the proposed articles of incorporation and by – laws of such entity shall be submitted.

f. When it deems to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the development will have upon traffic in the streets and thoroughfares adjacent to and in the proposed development.

g. A statement as to how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.

h. An application fee as established from time to time by resolution of the City Council.

4. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:

a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness;

b. Notice a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

a. The Planning Commission shall hold a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council. In the event the Planning Commission recommends denial of any application for a conditional use, the reasons for such denial shall be provided identifying the ways in
which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety, and welfare.

6. City Council Final Action.
   a. Within sixty (60) days of the City’s receipt of a complete application, the City Council shall review the request, the Planning Commission’s recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.
   b. A conditional use permit may be approved by an affirmative vote of a simple majority of the City Council.
   c. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
   d. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.
   e. Denial. If an application for a conditional use permit is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety and welfare.
   f. Limit of Reapplication. Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.
   g. Expiration of Approval. Approval of a conditional use permit shall remain valid for one (1) year. Failure to commence development in accordance with an approved conditional use permit within one (1) year after the date of approval shall result in revocation of approval. An extension of conditional use permit approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one – year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

C. Approval Criteria. In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Planning Commission and the City Council shall consider all relevant factors specified in other applicable subdivisions of this Ordinance, including standards for specific requirements for certain land uses and activities. In addition, the following approval criteria shall apply:

1. Criteria.
a. Conforms to the District and conditional use provisions and all general regulations of this Ordinance.

b. Does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards in Provision D: Performance Standards herein.

c. Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

d. Produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.

e. Organized vehicular access and parking to minimize traffic congestion in the District.

f. Promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

D. Performance Standards. Conditional uses shall comply with the requirements of this Subdivision. In order to determine whether a proposed use will so conform, the City Council may obtain a qualified consultant to testify. The costs for said consultant’s services shall be borne by the applicant. The following performance standards shall apply:

1. Fire Protection. Fire prevention and fighting equipment required by the Fire and Building Code shall be readily available when any activity involving the handling or storage of flammable, hazardous, or explosive materials is carried on.

2. Electrical Disturbance. The activity shall not cause electrical disturbance adversely affecting radio or other electrical or electronic equipment in the vicinity of the use.

3. Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled in accordance with generally acceptable noise level standards. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

4. Vibrations. Vibrations detectable without instruments on neighboring property in any District is prohibited.

5. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. State standards on odor emissions may be used in measuring such odors.

6. Air Pollution. Air pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.

7. Glare. Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.

8. Erosion. No offensive erosion by wind or water shall be permitted onto adjacent properties.

9. Water Pollutions. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.

10. Drainage. No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other public facilities.
11. **Pollution Control.** All performance standards shall be subject to the Minnesota Pollution Control Agency rules and regulations.

E. **Conditions that may be attached to a Conditional Use Permit.** The City Council may attach any conditions to the approval of a conditional use permit that deems necessary to address any of the following conditions or other applicable conditions not herein listed:

1. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type of intensity of activities that may be conducted;
2. Control the sequence of development, including when it must be commenced and completed;
3. Control the duration of use of development and the time within which any structures must be removed;
4. Ensure that development is maintained properly in the future;
5. Designate the exact location and nature of development; and
6. Establish more detailed records by submission of drawings, maps, plats, or specifications.

F. **Additional Information.**

1. A conditional use permit, once issued, shall be transferable in the event of change of property ownership or control providing, however, that those conditions attached to the original permit shall be applicable to the responsible agent following such change. It shall be the duty of the original permit holder to advise the party assuming control regarding the conditions of such permit.
8.22 Interim Use Permit

A. Applicability. An interim use is intended as a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. When such circumstances exist, an interim use permit may be granted by the City Council. The permit may be issued for a certain period of time, with automatic cancellation at the end of the time unless it is renewed, or conditions may be applied to the issuance of a permit and/or periodic review may be required.

B. Review Process.

1. Pre-application Meeting. If a proposed temporary use of property is requested that would require the issuance of an interim use permit, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to Subdivision 8.1, D (1): Pre-application Meeting.

2. Initiation. Initiation of an interim use permit may be made upon application of the property owner or their designated agent.

3. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline, and should include:

   a. The required application fee as established from time to time by resolution of the City Council.

   b. Written documentation that includes:

      (1) A complete description of the use;
      (2) Schedule for commencement of the use;
      (3) Hours and dates of operation; and
      (4) Evidence that the applicant has sufficient control over the lot to effectuate the proposed plan, or evidence that the property owner has given the operator permission to use the premises.

   c. Site Plan.

   d. Any special studies requested. The Zoning Administrator or other Authorized Agent may request special studies when there is evidence that the proposed use may negatively impact public infrastructure, the environment or adjacent land uses. Such
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Subdivision 8.22: Interim Use Permit (IUP)

studies may include but are not limited to traffic, environmental, wetland, and utility studies.

4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
   a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness;
   b. Notice a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and
   c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
   a. The Planning Commission shall hold a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and
   b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council. In the event the Planning Commission recommends denial of any application for an interim use permit, the reasons for such denial shall be provided identifying the ways in which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety, and welfare.

6. **City Council Final Action.**
   a. Within sixty (60) days of the City’s receipt of a complete application, the City Council shall review the request, the Planning Commission’s recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.
   b. An interim use permit may be approved by an affirmative vote of a simple majority of the City Council.
   c. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
   d. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.
   e. Denial. If an application for an interim use permit is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety and welfare.
   f. Limit of Reapplication. Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.
   g. Expiration and Termination.
(1) An interim use permit expires and the interim use must terminate at the earlier of the following:
   (a) The expiration date established by the City Council at the time of approval, but in no event more than five (5) years from the date of approval;
   (b) The occurrence of any event identified in the interim use permit for the termination of the use; or
   (c) Upon an amendment of the City Code that no longer allows the interim use.
(2) Unused interim use permits expire six (6) months after approval if the proposed use has not commenced. A land owner may apply to the Zoning Administrator for no more than one (1) time extension of up to six (6) months for an unused interim use permit.
(3) Interim use permits expire if the interim use ceases operation for a continuous period of one (1) year or longer.

h. Standards.
   (1) Term. The term of an interim use permit must not exceed five (5) years.
   (2) Re-Application. Because of its temporary nature, an interim use permit is not subject to renewal, but upon re-application for a time extension of the same use on the same site beyond the date of expiration of its interim use permit, succeeding interim use permits may be approved for up to five (5) years each if the City Council makes the findings set forth in Subprovision C: Approval Criteria hereof in the affirmative and also finds that all previous conditions of approval have been satisfied and that the use meets all Code requirements or has received appropriate variances from those requirements.

C. Approval Criteria. In determining whether to approve, approve with conditions, or deny a request for issuance of an interim use permit, the Planning Commission and the City Council shall consider all relevant factors specified in other applicable subdivisions of this Ordinance, including standards for specific requirements for certain land uses and activities. In addition, the following approval criteria shall apply:

1. Criteria.
   a. The proposed use will not delay permanent development of the site;
   b. The proposed use will not adversely impact implementation of the Comprehensive Plan;
   c. The proposed use will not be in conflict with any provisions of the City Code on an ongoing basis;
   d. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare; and
   e. The date or event that will terminate the use has been identified with certainty.
8.23 Discontinuance or Vacation of Streets, Alleys, Public Ways, Public Grounds, and Utility Easements.

A. Applicability. The City Council may by resolution vacate any street, alley, public grounds, public way, public utility easement, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated.

B. Review Process.

1. Pre-application Meeting. If a property owner or the owner’s designated agent is interested in requesting the discontinuance or vacation of a public way, the owner is encouraged to request a pre-application meeting with the Zoning Administrator and the Director of Public Works or other Authorized Agent pursuant to Subdivision 8.23, D (1): Pre-application Meeting.

2. Initiation and Petition Submittal. A petition for the full or partial discontinuance or vacation of streets, alleys, public ways, public grounds, or utility easements shall be submitted to the Zoning Administrator or other Authorized Agent. The petition shall be on forms provided by the City and shall specifically designate the street, alley, public grounds, public way, utility easement or boulevard reserve, or any portion of it, proposed to be discontinued or vacated. Initiation of an application for discontinuance or vacation of a public way shall be as follows:

   a. Written petition. A written petition shall be submitted of a majority of the owners of all the frontage of the parcels and lands abutting upon the public way sought to be discontinued or vacated.

   b. Written formal request. A written formal request shall be made to the Zoning Administrator, Director of Public Works, or other Authorized Agent. The request shall clearly identify the subject public way and the reasons for requesting the discontinuance or vacation of the public way.

   c. Site plan. A measured, professionally drawn site plan shall also be submitted with the written request. The site plan, at a minimum, shall show the following where applicable:

      1. Proposed and existing uses;
      2. Proposed and existing layout of buildings / improvements;
      3. Existing and proposed utilities;
      4. Adjacent land uses;
      5. Dimensions and locations of all right-of-way and easements.
3. **Initial Staff Review.** Initial staff review and action regarding a request for discontinuance or vacation of a public way.

   a. The Director of Public Works or other Authorized Agent shall review a formal petition for discontinuance or vacation of a street, alley, public grounds, public way, public utility easement, or any part thereof, document their findings, and submit their findings to the Zoning Administrator or other Authorized Agent.

   b. After submitting their findings to the Zoning Administrator or other Authorized Agent, the Director of Public Works or other Authorized Agent shall move the request forward for review and recommendation from the City Council.

4. **Introduction of resolution to the City Council.** The Zoning Administrator or other Authorized Agent shall place the request on the City Council agenda. A resolution shall be introduced to the City Council to set a public hearing and the Council’s intent to discontinue or vacate the public way. The resolution must be introduced at least two (2) weeks prior to the public hearing. The Applicant shall pay all required fees as set by the City before the request is placed on the agenda.

5. **Notification of Public Hearing.**

   a. The Zoning Administrator or other Authorized Agent shall notice a public hearing pursuant to Minnesota State Statutes 412.851. The notice shall be published and posted for two (2) weeks prior to the public hearing. Written notice of the hearing shall be mailed to each property owner affected by the proposed vacation at least ten (10) days before the hearing. The notice must contain, at minimum, the following:

      (1) A copy of the petition or proposed resolution;

      (2) The time, place and date of the hearing.

   b. In addition, if the street, alley, public grounds, public way, public utility easement, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the commissioner of natural resources at least sixty (60) days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner. At least fifteen (15) days prior to convening the hearing required under this Subdivision, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation. The commissioner must evaluate:

      (1) The proposed vacation and the public benefits to do so;

      (2) The present and potential use of the land for access to public waters; and

      (3) How the vacation would impact conservation of natural resources.
Section 11.01: Zoning Ordinance

Subdivision 8.23: Discontinuance or Vacation of Streets, Alleys, Public Ways, Public Grounds, and Utility Easements

The commissioner must advise the City Council or its designee accordingly upon the evaluation.

6. **City Council Final Action.** The City Council shall complete the following tasks:

a. The City Council shall hold a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements, to formally consider the request for discontinuance of a public way.

b. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall take action to approve or deny the requested discontinuance or vacation, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

c. The City Council (considering the approval criteria) shall take action to approve or deny the request. Approval of a request for discontinuance of a public way shall require majority vote of the entire City Council. When there has been no petition, the resolution may be adopted only by a vote of four–fifths (4/5) of all members of the Council. The names and number of relevant landowners will be determined from official tax records.

d. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to Minnesota State Statute 15.99: Time Deadline for Agency Action.

e. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

f. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.

g. **Denial.** If an application for discontinuance or vacation of streets, alleys, public ways, public grounds, and utility easements is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.

h. **Limit on Reapplication.** Limits on reapplication shall be as specified in Subdivision 8.1, D (6): Limit of Reapplication.

C. **Recording a Discontinuance or Vacation of a Public Way.** After a resolution of vacation is adopted, the City Clerk shall prepare a notice of completion of the proceedings which shall contain the name of the City, an identification of the vacation, a statement of the time of completion, and a description of the real estate and lands affected thereby. The notice shall be presented to the Washington County auditor and recorded with the Washington County recorder.

D. **Approval Criteria.** All relevant factors (as well as any available comments from applicable government agencies and the public) shall be considered in determining whether to approve or deny a request for discontinuance or vacation of a public way. The discontinuance or vacation of a public way shall not be allowed if it results in a landlocked parcel of property or if there is written objection by a property owner that depends on the public way to provide access to their property.
8.24 Appeal of an Administrative Decision.

A. Applicability. The City Council, acting as the Board of Adjustments and Appeals, shall hear and decide appeals from the review and any order, requirement, decision or determination made by the Zoning Administrator or other Authorized Agent in the enforcement of this Ordinance, or where it is alleged that there is an error.

B. Review Process.

1. Initiation. Any appeal may be taken to the City Council by any person or by any officer, department, board or commission of the City affected by a decision of the Zoning Administrator or other Authorized Agent. An appeal from the ruling of an administrative officer of the City shall be filed with the Zoning Administrator within ten (10) days after the making of the order being appealed. The Administrative Officer shall forthwith transmit to the City Council all of the papers constituting the record upon which the action appealed from was taken.

2. Application Submittal. A request for an appeal of an administrative decision shall be made in writing to the Zoning Administrator or other Authorized Agent. The request shall provide sufficient information for the City Council to make an informed and just decision.

3. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:

   a. The Zoning Administrator shall instruct the appropriate staff person to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation of the action to the City Council acting as the Board of Adjustment and Appeals; and

   b. Notice a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements.

4. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:
Chapter 11.01: Zoning Ordinance

Section 8.24: Appeal of an Administrative Decision

5. **City Council Final Action.** The City Council acting as the Board of Adjustments and Appeals shall complete the following tasks:

   a. The City Council shall hold a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and

   b. The City Council may reverse the decision by a majority vote of the City Council.

   c. **Denial.** If an application for an appeal of an administrative decision is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance. Denial by the City Council shall be the final decision and ruling of the City Council acting as the Board of Adjustments and Appeals.

   d. The Zoning Administrator shall serve a copy of the final order of the City Council upon the petitioner by certified mail.

C. **Appeals.** Any person or persons, any private or public board aggrieved by any decision of the City Council, acting as the Board of Adjustment and Appeals, shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, as such statutes may be from time to time amended, supplemented, or replaced.

D. **Approval Criteria.** In determining whether an administrative official’s actions were appropriate, the City Council, acting as the Board of Adjustment and Appeals, shall consider the details of the case presented by the applicant and the administrative officials, and the City Council shall consider the requirements of this Ordinance. All findings and conclusions shall be based on reliable evidence.
Chapter 11: Planning and Development

9.0 **Specific Use Standards.** Not all uses allowed by this Ordinance have special requirements or standards associated with them. Furthermore, some special standards or requirements relating to specific uses may be specified in other Parts of this Ordinance. For example, general uses, such as parking, landscaping, and signs are specified in Subdivisions 10.0 through 10.9: General Development Standards. The specific use standards described in this Subdivision are generally organized by major types of uses including residential, commercial, industrial, and other major types of uses.

9.1 **Residential Uses**

A. **Convent, Rectory, or Monastery.** A convent, rectory, or monastery shall be on the same parcel or contiguous to the associated religious institution. If this standard is not met, the convent, rectory, or monastery shall comply with the allowable density, number of units, and other applicable provisions of the zoning district in which it is located.

B. **Home Occupation.** A home occupation is defined as an accessory use of a dwelling carried on for gainful employment which is clearly incidental and subordinate to the use of the dwelling as a residence. A home occupation is allowed as an accessory uses within the agricultural and all residential Districts.

1. **Intent.** It is the intent of this Subpart to provide for those customary home occupations of a primarily service character which will not be detrimental to the desired low intensity residential environment of Mahtomedi’s neighborhoods. The basic philosophy underlying the following regulations is that preservation of a quiet residential environment and the use of dwelling for living purposes is primary, and the conduct of home occupations is secondary.

2. **Home Occupation Permitted with the Issuance of a Home Occupation Permit.** A home occupation may include such uses as professional offices, small service establishments or offices, and home crafts which are typically considered accessory to a dwelling unit. Examples of home occupations include, but are not limited to, the following: architects, artists, writers, manufactures representatives, music teachers, beauticians and seamstresses. A home occupation shall be allowed in those zoning districts where they are a permitted accessory use provided that the home occupation use obtains a home occupation permit made upon a form furnished by the City Administrator or other Authorized Agent of the City. Such permit shall be issued for as long as the home occupation is being conducted, shall be personal to the applicant, and shall be consistent with all the following standards:

   a. A state licensed day care or residential facility as defined and regulated by state law is considered a permitted single family use, and shall not be subject to home occupation regulations set forth herein.

   b. It is intended that retail sales of goods and products shall not be permitted with the following exceptions:

      (1) Articles made or originating on the premises such as home crafts;

      (2) Articles incidental to a permitted commercial service such as shampoo sold by a beautician or barber;
(3) Sales conducted by mail.

c. It is intended that manufacturing, defined as the conversion of raw materials to finished products, shall not be permitted except for minor, unobtrusive activities such as home crafts and clothes making;

d. There shall be no exterior evidence of the occupation including:

(1) No exterior display of articles for sale;

(2) No sign except as permitted for a dwelling in the district pursuant to Subdivision 10.7: Signs;

(3) No exterior storage of equipment or materials used in the occupation.

e. Home occupations shall be carried on wholly within the principal building. No home occupation shall be allowed in attached or detached garages or accessory buildings;

f. No more than four hundred (400) square feet of the principal building shall be devoted to the home occupation;

g. There shall be no structural alterations, enlargements, or construction to the dwelling for the primary purpose of conducting the home occupation;

h. There shall be no repair or construction of vehicles, motors, equipment, or machinery;

i. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, dust, smoke, gas, heat, vibration, toxic or noxious emissions, electrical interference, customer traffic, number of deliveries, hours of operation or any other annoyance resulting from the home occupation. Home occupations shall be subject to the performance standards set forth in this Ordinance.

j. Classes held on the premises shall have no more than four (4) students at any given time and shall be given within the principal structure only;

k. Only persons residing in the dwelling and a maximum of one (1) non–resident equivalent shall be engaged in the home occupation. A non–resident equivalent is defined as one (1) or more persons who work a combined total of forty (40) hours per week in the residence; and

l. The home occupation shall not result in the need for more than two (2) parking spaces at any given time, in addition to the off–street parking spaces required for the primary dwelling pursuant to Subdivision 10.3: Parking and Loading.

m. The following activities or those of similar nature shall be prohibited:

(1) Motor vehicle service or repair of any vehicles other than those registered to residents of the property;

(2) A commercial food service requiring a license;

(3) Activities that generate significant amounts of customer traffic to the premises, in excess of ten (10) vehicles per day;

(4) Activities that generate significant amounts of truck traffic to the premises in excess of three (3) deliveries or pick – ups per week. Deliveries and pick – ups by semi – truck / trailer shall be prohibited.

3. **Home occupation Permitted with the Issuance of a Conditional Use Permit.** No home occupation use shall exceed any of the standards specified in Provision 1 of this Subpart
unless a conditional use permit has been issued pursuant to Subdivision 8.21: Conditional Use Permit.

4. **Denial of a Home Occupation Permit.** In the event an application for a Home Occupation Permit is denied by the City Administrator or other Authorized Agent, the applicant may appeal the decision to the City Council, acting as the Board of Adjustments and Appeals. Notice of such appeal shall be mailed by the City Administrator, not less than ten (10) business days nor more than thirty (30) business days prior to the Council meeting, to the owner or owners of property located within three hundred – fifty (350) feet of the affected property.

5. **Non – compliant Home Occupations.** In the event a permitted home occupation becomes non – compliant with the standards and criteria established above, the City shall have the authority to revoke the permit and to cause the non – conforming feature to desist or be removed.

6. **Home Occupations for Handicapped Persons.** Home occupations for handicapped persons that do not meet the conditions listed above may be reviewed by the City Council, acting as the Board of Adjustments and Appeals, which may modify or waive the above requirements.

C. **Modular Home.**

1. **Modular Homes Permitted.** A modular home is permitted in any zoning district that permits a single family detached dwelling provided that it conforms to all of the requirements of the district in which it is located and the provisions of this Subsection.

2. **Basement or Foundations.** Each modular home shall be installed on a basement of masonry foundation.

3. **Minimum Size.** Each modular home shall have a minimum dimension, when erected on site, of at least twenty –four (24) feet in width and a minimum floor area of at least nine hundred sixty (960) square feet.

4. **Siding and Roofing Material.** Siding and roofing materials shall be similar to materials found on nearby non – modular home dwellings, or be a typed broadly and generally used in residential construction and shall have an appearance harmonious with adjacent housing.

D. **Dwelling Units Prohibited.**

1. **Certain Dwelling Units Prohibited.** No cellar, garage, trailer, or basement, unless it has a finished structure above, or accessory building, except mobile homes located in an improved mobile home park, shall, at any time, be used as a dwelling unit or residence or parked within the City, except as otherwise allowed under this Section.

2. **Campers and Travel Trailer Parking.** A camper or travel trailer of the type generally used for recreation purposes may be parked on residential property provided that such camper or travel trailer shall not, also parked, be used as a human dwelling place for a period greater than thirty (30) days in any calendar year. Such camper or travel trailers shall be located in such a way as to meet all provisions for ‘accessory structures’.

3. **Temporary Family Health Care Dwellings.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subd. 9, the City opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.
E. Accessory Dwelling Units.

1. **Purpose and Application.** In order to accommodate the housing needs of residents while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:
   a. Create new housing units while respecting the appearance and character of single-family dwellings;
   b. Provide housing that responds to changing family needs, privacy standards, and household sizes;
   c. Make more efficient use of existing housing stock and infrastructure; and
   d. Encourage the creation of additional affordable housing.

2. **Standards**
   a. **Zoning district.** Accessory Dwelling Units may be located with a Conditional Use Permit within the following districts:
      1. A – Agricultural District
      2. RR – Rural Residential District
      3. All R-1 districts
   b. **Minimum site size.** Accessory Dwelling Units must not be located on a site less than 10,000 square feet in area.
   c. **Parking.** Accessory Dwelling Units are not permitted on residential sites that do not currently meet the minimum parking standards for single-family dwellings (two per dwelling unit). In addition, residential lots that have an Accessory Dwelling Unit must provide, at a minimum, one additional off street parking space on the property. All parking must meet the requirements of Chapter 11, Section 11.01, Subdivision 10.3 of Zoning Ordinance.
   d. **Location.** Accessory Dwelling Units may be attached to or located within single-family dwellings. Accessory Dwelling Units are also permitted in, or attached to, detached accessory structures, including, but not limited to detached garages. The location and design standards of all Accessory Dwelling Units in detached accessory structures shall be required to meet the standards of Section 9.6 “Accessory Uses and Other Uses.” Accessory Dwelling Units are not permitted in conjunction with two-family dwellings, townhomes, or multiple-family dwellings.
   e. **Number.** No more than one Accessory Dwelling Unit is permitted per residential lot.
   f. **Home occupations.** Home occupations are allowed within an Accessory Dwelling Unit, subject to existing performance standards, provided the combined impacts of home occupations in the Accessory Dwelling Unit and associated single-family dwelling do not exceed the performance standards for one single-family dwelling, including but not limited to the number of employees, signs, deliveries, pick-ups, and client appointments per site.
   g. **Size.** Accessory Dwelling Units must be at least three hundred (300) square feet in area but must be less than nine hundred sixty (960) square feet in area exclusive of utility rooms & garages. Accessory Dwelling Unit floor area must not exceed thirty-three (33) percent of the four season living area of the associated single-family dwelling (exclusive of the Accessory Dwelling Unit). The associated single-family dwelling must continue to meet minimum floor...
area requirements. Accessory Dwelling Units must also meet the standards of
City Code Section 12.05

h. Utilities. On lots with municipal water and sewer, these services shall be
connected to the detached Accessory Dwelling Unit using the same service as
the principal dwelling. Separate utility metering for the Accessory Dwelling
Unit is prohibited. On lots without municipal water and sewer, an application
for an Accessory Dwelling Unit must be accompanied by a written report from
a licensed Subsurface Sewage Treatment System Inspector that includes the
following: 1) compliance inspection, 2) review of the on-site septic system to
ensure that it is sized correctly for the additional dwelling unit and 3) review
stating that there are no conflicts between the existing septic system and the
location of the proposed Accessory Dwelling Unit.

i. Ownership. Accessory Dwelling Units may not be subdivided and may not be
otherwise separated in ownership from the associated single-family dwelling.

j. Bedrooms. No more than two bedrooms are permitted in the Accessory
Dwelling Unit.

k. Rental license. Rental of either the Accessory Dwelling Unit or the associated
single-family dwelling requires a rental license pursuant to Chapter 7, Section
7.08 of the City Code. Only one rental license is permitted per residential site.

l. Occupants. Occupancy is limited to two persons in the Accessory Dwelling
Unit.

m. Appearance. Accessory Dwelling Units and associated single-family
dwellings must clearly be designed and constructed to maintain the outward
appearance of one single family dwelling; the appearance of a two-family
dwelling must be avoided.

n. Single-family dwelling standards. Accessory Dwelling Units in combination
with their associated single-family dwelling must conform to all City Code
requirements for single-family dwellings, including but not limited to setback,
height, impervious surface, motor vehicle, recreation vehicle, and accessory
structure standards.

o. Building code compliance. The Accessory Dwelling Unit and the associated
single-family dwelling must meet current Minnesota State Building Code
provisions, including but not limited to fire resistance and sound insulation
standards between units.

p. Health & safety code compliance. Both the principal and the Accessory
Dwelling Units must meet all requirements of minimum housing standards of
City Code 12.05

q. Addressing. A detached Accessory Dwelling Unit shall have the same street
address as the principal dwelling unit, and using alphabetical letters for each
unit, starting with “A” as the designation for the accessory dwelling unit.

3. Approval process. A Conditional Use Permit issued pursuant to Section 11.01,
Subdivision 8.21: Conditional Use Permit (CUP) is required for all Accessory
Dwelling Units.

a. Site plan requirements. In addition to the standard submittal requirements for
CUPs, all applications for a CUP for an Accessory Dwelling Unit shall include
the following:

1. A letter of narrative describing the proposed Accessory Dwelling
Unit;
2. Elevation drawings depicting both the existing and proposed structures from all four directions; and
3. A floor plan of both the single-family dwelling and the associated Accessory Dwelling Unit indicating points of entrance and floor areas.
4. In the event an Accessory Dwelling Unit is proposed entirely within the existing floor area of a single family dwelling, the existing conditions survey is not required and elevation drawings are required only for those elevations proposed to be altered.
9.2 Commercial Uses

A. Day Care Center: Commercial

1. A commercial day care center shall not be located within five hundred (500) feet from an adult entertainment establishment.

2. A commercial day care center shall comply with all applicable laws including those specified by Minnesota State Statutes.

B. Outdoor Merchandise Sales

1. General Requirements. Outdoor merchandise sales, as defined by this Ordinance, shall only be allowed in those zoning districts where it is permitted as a conditional use and only after the issuance of a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit. In addition outdoor merchandise sales shall be consistent with all of the following standards:

   a. All outdoor merchandise storage, display, or sales area shall be wholly within a completely enclosed structure or shall be screened so as not to be visible from an adjacent public street or residential property;

   b. The area within a completely roofed alcove or entryway facing the street maybe used for merchandise display if it is located inside the line of the building face and does not create a hazard to pedestrians or encroach on a required building exit; and

   c. Driveways and required onsite parking spaces shall not be used for outdoor merchandise sales.

2. Exceptions. The following uses shall not be subject to the provisions of this Subpart and shall not require the issuance of a conditional use permit, unless specified otherwise in this Ordinance:

   a. Seasonal market uses as defined by this Ordinance;

   b. Automobile, boat, trailer, camper, motorcycle, and motor driven vehicle sales and rental;

   c. Gasoline pumps and accessory items when located on pump islands and / or along the front / sides of an Automobile Service Station or Gas Station (i.e. firewood, car window fluid, etc.);

   d. Vending machines;

   e. Building materials and supplies;

   f. Other similar uses as determined by the Zoning Administrator or other Authorized Agent.

9.3 Industrial Uses. This Subdivision is reserved for future industrial uses.
9.4 Utility and Communication Uses

A. Wind Energy Conversion Systems (WECS)

1. **Intent.** The intent of this Subdivision is to promote safe, effective and efficient use of alternative energy sources and systems as the technology becomes available. The intent is also to establish standards and procedures by which the installation and operation of wind energy conversion systems (WECS) shall be governed within the City.

2. **Procedure.**
   
a. The erection of wind energy conversion system shall require a Conditional Use Permit, subject to the requirements of this Subdivision 8.21: Conditional Use Permit.
   
b. Wind energy conversion systems (WECS) governed by this Subdivision shall be allowed within the PB – Public Building zoning districts.

3. **Submittal Requirements.**
   
a. **Site Plan Drawing.** All applications for a WECS Conditional Use Permit shall be accompanied by a detailed certified survey / site plan drawn to scale and dimensioned, displaying the following information:

   (1) Lot lines and dimensions;
   
   (2) Location and height of all buildings, structures, aboveground utilities and trees on the lot, including both existing and proposed structures and guy wire anchors.
   
   (3) Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question;
   
   (4) An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.

   (5) Existing and proposed setbacks of all structures located on the property in question.

b. **Additional Submittal Requirements.** In addition to the information required elsewhere in this Ordinance, development applications for WECS, and temporary towers for meteorological equipment shall include the following supplemental information:

   (1) A significant tree inventory in conformance with Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement showing the loss of significant trees within the construction area for the WECS and / or temporary meteorological tower;

   (2) A letter or copy of the review response from the Federal Aviation Administration concerning the development application and their requirements for warning devices, height restrictions, etc;

**Sustainability Tip**
A wind energy facility, when properly designed, located, and operated, can provide a renewable source of energy that can help reduce our dependence on fossil fuels.
(3) The technical specifications for the WECS including, but not limited to, the type, height, blade length, operating parameters, the anticipated sound level at the property line, and lightning protection; and

(4) Clearance distance between the farthest extensions of the WECS blades to the property lines.

4. **Criteria for Approval.**

   a. **Declaration of Conditions.** The Planning Commission may recommend and the City Council may impose such conditions on the granting of a WECS conditional use permit as may be necessary to carry out the purpose and provisions of this Subdivision. The Council must consider the following criteria in determining whether to grant or deny a conditional use permit for a Wind Energy Conversion System (WECS):

   (1) The proposed WECS compliance with the performance standards described in this Subpart;

   (2) The potential for the WECS to cause a condition that may pose an unreasonable threat or cause unreasonable damage to any other property or person; and

   (3) The proposed WECS impact on the environment and on the visual image of the surrounding area.

5. **Performance Standards.**

   a. **Number of Systems.** No more than one (1) wind energy conversion system (WECS) shall be permitted per lot.

   b. **Capacity.** A wind energy conversion system shall have a nameplate capacity of forty (40) kilowatts or less.

   c. **Height.** The permitted maximum height of a WECS shall be determined in one of the following two ways. In determining the height of the WECS, the total height of the system shall be measured from the base of the tower to the center of the systems hub (also known as the hub height).

   (1) A ratio of one foot to one foot (1’:1’) between the distance of the closest property line to the base of the WECS to the height of the system.

   (2) A maximum system height of one hundred twenty – five (125) feet. The City Council, at its discretion, may waive the maximum system height requirements provided the City Council finds that the overall height is not feasible for the WECS to function properly in the proposed location based on meteorological data that was taken.
The shortest height of the two above mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with FAA regulations part 77 ‘Objects Affecting Navigable Air Space’ and / or MNDOT Rule 14, MCAR 1.3015 (Minnesota Administrative Rule 8800.1200 ‘Criteria for Determining Obstruction to Air Navigation’).

d. **Setbacks.** WECS shall be set back a distance equal to its height from the following:

   1. Any public road right – of – way, unless written permission is granted by the governmental entity with jurisdiction over the road;
   2. Any overhead utility lines, unless written permission is granted from the affected utility; and
   3. All property lines, unless written permission is granted from the affected property owner or neighbor.

e. **Rotor Size.** All WECS rotors shall not have rotor diameters greater than forty – five (45) feet.

f. **Rotor Clearance.** Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree within a two hundred (200) foot radius.

g. **Rotor Safety.** Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40mph or greater).

h. **Color and Finish.** All wind turbines and towers shall be white, gray, or another non – obtrusive color. Finishes shall be matte or non – reflective.

i. **Tower Access.** To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:

   1. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
   2. A locked anti – climb device shall be installed on the tower.
   3. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.

k. **Signs.** WECS shall have one (1) sign, not to exceed two (2) square feet posted at the base of the tower and said shall contain the following information:

   1. Warning high voltage.
   2. Manufacturer’s name.
   3. Emergency phone number.
   4. Emergency shutdown procedures.

l. **Lighting.** WECS shall not have affixed or attached lights, reflectors, flashers, or any other illumination except for illumination devices required by FAA regulations part 77 ‘Objects Affecting Navigable Air Space’ and FAA Advisory circular 70 / 7460 – 1K ‘Objects Marking and Lighting’.

m. **Electromagnetic Interference.** WECS shall be designed and constructed so as not to cause radio and television interference.
n. **Noise Emission.** Audible noise from wind energy facilities shall not exceed fifty (50) dB(A) when measured from the outside of the nearest residence, business, school, hospital, religious institution, or other inhabited structure. In the event the noise emitted from the wind energy facility contains a steady pure tone such as a whine, screech, or hum, the wind energy facility shall not exceed forty-five (45) dB(A) when measured outside the nearest inhabitable structure. The audible noise from wind energy facilities may periodically exceed allowable noise levels during extreme wind events (winds above 30 mph or greater).

o. **Utility Company Interconnection.** No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and comments upon it. All connections shall be underground.

p. **Compliance with State Building Code.** A standard drawing of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering date and calculations to demonstrate compliance with the structural design provisions of the State Building Code. Drawings and engineering calculations shall be certified by a registered engineer.

q. **Compliance with National Electrical Code.** WECS electrical equipment and connection shall be designed and installed in adherence to the National Electrical Code.

r. **Manufacturer Warranty.** The applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within the City of Mahtomedi. The WECS shall be warranted against any system failures reasonable expected in severe weather operation conditions.

6. **Inspection.** The City hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational conditions and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

7. **Abandonment.** A wind energy conversion system that is out of service for a continuous twelve (12) month period shall be deemed to have been abandoned. The Zoning Administrator or other Authorized Agent may issue a notice of abandonment to the owner of the wind energy facility that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within thirty (30) days of notice receipt date. The Zoning Administrator or other Authorized Agent shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provided information that demonstrates the Wind Energy Conversion System has not been abandoned.

If the wind energy conversion system is determined to be abandoned, the owner of the WECS shall remove the WECS and return the property in which the WECS was located on to its original condition prior to the placement of a WECS, at the owner’s sole expense within three (3) months of receipt of notice of abandonment. If the owner fails to remove the WECS, the Zoning Administrator or other Authorized Agent may pursue a legal action to have the wind generator removed at the owners expense.

8. **Temporary Meteorological Equipment.** Temporary meteorological equipment located upon a temporary tower used on an interim basis to gather wind and meteorological data
to determine feasibility of the WECS shall require written approval by the Zoning Administrator or other Authorized Agent, and shall comply with the following standards:

a. No more than one (1) such temporary tower shall be permitted on a lot at one time.
b. The tower shall be placed on property for no longer than eighteen (18) months from the date of the Administrative Review issuance. Any abandoned or obsolete temporary tower shall be removed within thirty (30) days from the cessation of operation at the site.
c. The tower shall be temporary by nature and shall not have permanent foundations. Guy wires may be used as long as the connections to the ground are temporary and the wires are designed to support the wind and ice load of the tower.
d. The tower shall meet the minimum wind and ice load design required by the City Code and the Uniform Building code.
e. The tower and any related guy wires shall be protected against unauthorized climbing.
f. The tower shall be set back a distance at least equal to its height from any lot line, recreational field, dwelling, school, business or other habitable structure.
g. The tower shall be grounded and shielded to protect against natural lightning strikes, in conformance with the National Electrical Code.
h. No tower shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those devices required by the Federal Aviation Administration.

B. Solar Equipment and Solar Rights

1. Solar equipment shall be consistent with the setback and height requirements of the principal or accessory building, whichever is applicable. Solar equipment that is not consistent with the setback and height requirements may be considered pursuant to the conditional use permit procedures as specified in Subdivision 8.21: Conditional Use Permit.

2. No person in control of property shall allow a tree or shrub to be placed or grow as to cast a shadow between the hours of 9:00 a.m and 3:00 p.m. upon a solar collector energy system capable of generating more than one million (1,000,000) British thermal units (BTUs) per year, and that supplies a part of energy requirements for improvements on the property where the solar energy system is permanently located.
9.5 Temporary or Seasonal Uses

A. Model Home. A model home use shall only be allowed in those Zoning Districts as allowed as permitted or conditional uses, and as approved through the site plan approval procedure pursuant to Subdivision 8.11: Site Plan Review.

B. Temporary Construction Building. A temporary construction building shall be permitted in those Zoning Districts as allowed as permitted or conditional uses, and shall be removed at or before the time of completion of the construction project.

C. Temporary Real Estate Office. A temporary real estate office shall be allowed in those Zoning Districts as allowed as permitted or conditional uses.

D. Seasonal Market

1. General Applicability. Seasonal market uses, as defined by this Ordinance, shall be allowed in the B3, B4, B5, P and PB Zoning Districts, pursuant to the following:
   a. The seasonal market shall be located on property owned or leased, the operator of the seasonal market. Alternatively, the market operator may furnish the Zoning Administrator or other Authorized Agent with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A certificate of occupancy shall not be required for a seasonal market meeting the requirements of this Subpart.
   b. A seasonal market use is an ‘interim use’ as defined by this Ordinance and Minnesota Statutes, Section 462.3597. Any interim use may be terminated by a change in this zoning regulation. The City Council may grant a seasonal market interim use permit that allows a single year or yearly / reoccurring temporary seasonal market use of the property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the interim use pursuant to Subdivision 8.22: Interim Use Permit. An interim use permit (with any conditions that the City Council deems appropriate for permission of the interim use) shall be authorized using the procedural provisions pursuant to Subdivision 8.22: Interim Use Permit.
   c. The seasonal market shall not produce glare or spill light or noise in violation of this Ordinance.
   d. Signage shall be limited to not more than two (2) signs and a total display area of sixteen (16) square feet for all signs combined.
   e. Sales shall not occur between the hours of 9:00 p.m. and 8:00 a.m.
   f. The site shall be restored to its previous condition following termination of the seasonal market.

2. Exceptions. The following uses are not intended to be Seasonal Market uses or Outdoor Merchandise Sales uses, and shall not require the issuance of an interim use permit or a conditional use permit, but shall comply with the following standards:
a. Garage sales on residentially zoned property shall not exceed a period of three (3) days during any six (6) months period.

9.6 Accessory Uses and Other Uses.

A. Accessory Buildings. Accessory buildings shall comply with the following conditions:

1. Accessory Building without a Principal Building. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. The City Council may allow an accessory structure prior to the construction of a principal structure pursuant to the interim use procedures of this code as stated in Subdivision 8.22: Interim Use Permit.


a. Total Lot Coverage on Lots 10,400 Square Feet or Less. All legally buildable lots in the Agricultural, Residential or Conservation Zones (with the exceptions of public buildings in a conservation zone – public being defined as uses owned or operated by Municipal, School District, County, State or other governmental units) less than ten thousand, four hundred (10,400) square feet in area that have a principal building on them shall be permitted to have accessory buildings that have a total lot coverage not to exceed seven hundred fifty (750) square feet – provided all other applicable provisions of this Ordinance are met.

b. Total Lot Coverage on Lots 10,400 Square Feet or More. The total maximum lot coverage of all accessory buildings on a single parcel in the Agricultural, Residential or Conservation zones (with the exceptions of public buildings in a conservation zone – public being defined as uses owned or operated by Municipal, School District, County, State or other governmental units) shall not exceed 1,250 square feet, or 7.25% of the total lot area, whichever is less.

c. Total Maximum Lot Coverage. The total maximum lot coverage of all accessory building shall not exceed eighty percent (80%) of the lot coverage area of the principal building. The City Council may allow the total maximum lot coverage of all accessory building to equal up to one hundred percent (100%) of the lot coverage area of the principal building pursuant Subdivision 8.21: Conditional Use Permit.

3. Separation from Principal Buildings. Detached accessory buildings shall be at least six (6) feet from the principal building situated on the same parcel.


a. An accessory building shall meet the minimum front yard setback requirement of the zoning district in which it is located.

b. On all lots, accessory buildings other than detached garages may not be located closer to a front lot line than the principal building. A detached garage may be nearer the front lot line than the principal building but not nearer the minimum required setback from the front lot line for a principal building. Example: If the existing house is located forty (40) feet from the front lot line, a detached garage may be located
thirty (30) feet from the front lot line to meet the setback requirements of this Subdivision, but no other accessory structure may be located closer than forty (40) feet to match the existing front yard setback of the principal structure.

5. **Accessory Buildings Rear Setback.** Detached accessory buildings shall not be located less than eight (8) feet from the rear parcel lines. On through lots, the Zoning Administrator or other Authorized Agent shall determine the rear property line.

6. **Accessory Building Side Setback.** Detached accessory buildings shall not be located less than five (5) feet from the side parcel lines. In all residential districts, accessory buildings that exceed two hundred (200) square feet in lot area and that are located in the side yard shall meet the side yard requirements of the principal structure for the zoning district in which the lot is located.

7. **Accessory Buildings Setback on Corner Parcels.** Corner lots shall provide the required front yard setback along each street as stated in Subprovision 4 (a) and (b) above.

8. **Accessory Building Height.** No accessory building shall have more than one (1) level nor shall it exceed the height of the principal building in all zones. A loft in an accessory structure is not considered a level if the floor area of the loft is less than fifty percent (50%) of that of the main level of the accessory structure. The City Council may allow accessory structures with more than one level pursuant to Subdivision 8.21: Conditional Use Permit procedures of this Legislative Code. Detached weather protective canopies, such as those used for covering gas pump areas, shall be exempt from the foregoing height provision in recognition of the minimum clearance requirement of 14’6”, but shall be limited to twenty (20) feet overall height.

9. **Accessory Building Attached to Principal Buildings.** When an accessory building is structurally attached to a main building, or located within six (6) feet of the main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to principal buildings.

10. **Appearance.** The architectural appearance of accessory buildings shall be visually compatible with the principal building relative to color, materials, and form. Accessory buildings constructed primarily of canvas, plastic fabric, or other similar non-permanent building materials shall be prohibited.

11. **Garage Door Openings.** Garage door openings in Agricultural, Residential and Conservation Zones shall be limited in height to eight (8) feet as measured from the driveway apron at the door opening.

12. **Number of Accessory Buildings (all districts).** A maximum of two (2) individual accessory buildings per lot, including detached garages, shall be allowed in all zoning districts. The City Council may allow more than two (2) accessory buildings pursuant to the conditional use procedures of this code as stated in Subdivision 8.21: Conditional Use Permit.

13. **Accessory Building Use.** Accessory buildings in Agricultural, Residential and Conservation Zones shall not be used for business purposes.

14. **Permit Requirements.** A zoning permit shall be required for all accessory buildings up to two hundred twenty (200) square feet in area. All accessory buildings over two hundred (200) square feet shall require a building permit. A fee as determined from time to time by the City Council shall be required to process a zoning permit or building permit.
B. Adult Oriented Uses.

1. **Intent.** The purpose of this Subdivision is to establish provisions for the opportunity as well as controls of adult oriented uses within the City of Mahtomedi.

2. **Findings.** Studies conducted by the Minnesota Attorney General and cities such as Minneapolis, Minnesota; St. Paul, Minnesota; Indianapolis, Indiana; Los Angeles, California; and Phoenix, Arizona have studied the impacts that adult oriented uses have in those communities. These studies have concluded that adult oriented uses have an adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risk. Based on these studies and findings, the City Council of the City of Mahtomedi concludes:

   a. Adult establishments have adverse secondary impacts of the types set forth above.
   b. The adverse impacts caused by adult oriented uses tend to diminish if adult oriented uses are governed by locational requirements, licensing requirements and health requirements.
   c. It is not the intent of the City Council of the City of Mahtomedi to prohibit adult oriented uses from having a reasonable opportunity to locate in the City.
   d. Minnesota Statutes, Section 462.357, allows the City to adopt regulations to promote the public health, safety, morals and general welfare.
   e. The public health, safety, morals and general welfare will be promoted by the City adopting regulations governing adult oriented uses.
   f. Adult oriented uses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing crime-prevention programs and law enforcement services.
   g. Adult oriented uses can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the property management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.
   h. Adult oriented uses can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public.
   i. Adult oriented uses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
   j. The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed in Chapter 7 of the City Code.

3. **Adult Oriented Use - General.** Adult oriented uses, as defined in this Section, shall be subject to the following general provisions:

   a. Activities classified as obscene under Minnesota State Law are not permitted and are strictly prohibited.
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Section 9.6: Accessory Uses and Other Uses

b. Adult oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.

c. Adult oriented uses, either principal or accessory, shall be prohibited from locating in any place which is also used to dispense or consume alcoholic beverages.

d. An adult oriented use which does not qualify as an accessory use shall be classified as an adult oriented use – principal.

4. Adult Oriented Use - Principal.

a. Adult oriented uses – principal shall be allowed as a permitted use in any parcel located in the IB Zoning Districts, and shall require the issuance of a license as provided for in Chapter 7. A building housing an adult oriented use – principal shall be located at least one hundred (100) feet from the property line of any Residential, Conservancy, MU-PUD, or Parkland/Public zoning district. A building housing an adult oriented use-principal shall be located at least one hundred (100) feet from a building housing any of the following sensitive uses:

1. Public or private school facility, excluding colleges, universities, or vocational institutions and campuses.

2. Licensed day care facility.

3. On-sale or off-sale liquor facilities.

4. Places of religious worship or cemeteries.

5. Another adult-oriented use – principal.

b. Adult oriented uses-principal, as defined by this Section, shall be classified as one use each. No two (2) adult oriented uses-principal shall be located in the same building or upon the same property.

5. Adult Oriented Use - Accessory.

a. Adult oriented use – accessory shall:

(1) Comprise no more than ten percent (10%) floor area of the establishment in which they are located;

(2) Comprise no more than two thousand (2,000) square feet of floor area in total;

(3) Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation; and

(4) Not involve or include any activity except the sale or rental of merchandise.

b. Adult oriented use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access as follows:

(1) Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.

(2) Magazines. Publications classified or qualifying as adult oriented shall not be physically accessible to minors and shall be covered with wrapper or other means to prevent display of any material other than publication title.
c. Adult oriented use—accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

6. Violation. Any person violating any provision of this Ordinance shall be punished as prescribed in Section 1.15 of the City Code.

7. License Required. No person, firm or corporation shall own or operate an adult-oriented use - principal without first securing a license as provided for in Chapter 7 of the City Code.

C. Animals: Keeping of. Refer to Chapter 3: Animals.

D. Outdoor Mechanical Equipment. To the maximum extent practical, outdoor mechanical equipment, such as air condition condensers and similar mechanical units, shall be located in the rear yard. Where this is not feasible, outdoor mechanical equipment may be located in the side yard. In no case shall outdoor mechanical equipment be located closer than three (3) feet to a property line. All outdoor mechanical equipment (including rooftop mechanical units) shall be screened from public view to the extent practical.

E. Patio, Deck, Terrace, and Similar Use.
   1. Patio. A patio shall be no closer than five (5) feet to any side, side corner, or rear property line. Patios shall comply with the minimum required setback of the principal building from the front parcel line.
   
   2. Deck and / or Terrace. Decks and terraces shall comply with the minimum required setback of the principal building from the front, and side parcel lines, except as stated below for corner lots. Decks shall be set back twenty –five (25) feet from the rear parcel line in R1-B, R1-C, R1-D and R1-E Districts and thirty (30) feet in the R1-A District. On corner lots, decks shall be set back twenty (20) feet from the corner side parcel lines in all residential districts.
   
   3. Porch. A porch shall meet the required setback of the principal building.

F. Sport Court, Play Equipment, and Similar Uses. Sport courts, play equipment, and similar uses shall meet the same setbacks and lot coverage / impervious surface coverage required for an accessory building. However, sport courts, play equipment, and similar uses shall not count toward the maximum allowable number or maximum allowable area of accessory building on a site.

G. Swimming Pool
   1. Intent. The intent of this Subpart is to ensure that swimming pools, as defined by this Ordinance, are constructed and maintained in a manner that protects the health, safety, and welfare of the intended users of the swimming pool. It is also the intent of this Subpart to ensure swimming pools have adequate barriers to deter children and other unauthorized persons from gaining unsupervised access to the swimming pool. For the purpose of this Ordinance, a swimming pool shall mean any pool, hot tub, or similar device as defined by this Ordinance.
   
   2. Required Permits. All swimming pools as defined by this Ordinance shall be consistent with the swimming pool barrier requirements of this Ordinance. In addition, any swimming pool with a capacity of over three thousand (3,000) gallons or with a depth of over three (3) feet of water shall require the issuance of a building permit. Permit fees shall be in accordance with the fee schedules of the Uniform Building Code as adopted by Chapter 4 of the Mahtomedi Legislative Code.
3. **Required Plans.** An application for a development permit and building permit shall include the following information:

   a. The type and size of pool; and
   b. A site plan indicating the location of the pool; the location of the dwelling and/or other buildings on the subject parcel; other improvements on the parcel; location of the filter unit; pump heating unit, and wiring indicating the type of such units (if applicable); location of back flush and drainage outlets; grading and/or surface drainage plan; location of existing overhead or underground utilities; drainage and utility easements, final treatment (decking, landscaping, etc.) around pool; trees over eight (8) inches in diameter; and any other existing features as may be necessary to determine whether the proposed pool is consistent with this Ordinance.

4. **Setbacks.** The setback shall be measured at the edge of the waterline closest to the property line. Swimming pools shall comply with the following setbacks:

   a. Swimming pools shall not be located less than ten (10) feet from any side or rear property line.
   b. Swimming pools shall not be located with the front yard of non-riparian lots. For riparian lots, a swimming pool may be located within the front yard, outside of the shore impact zone.
   c. Swimming pools shall not be located less than six (6) feet from any principal structure.
   d. Swimming pools shall not be located less than ten (10) feet from any portion of a septic system or a well.
   e. Swimming pools shall not be located less than ten (10) feet from any overhead utility lines or less than five (5) feet from any underground utility lines.
   f. Swimming pools shall not be located within any existing private utility, walkway, drainage, or other easement.

5. **In – Ground Pools.** In the case of in – ground swimming pools, necessary precautions shall be taken during construction to avoid damage, hazards, or inconvenience to adjacent or nearby property and to avoid erosion, dust, or other infringements on adjacent property from the stockpiling of excavated material.

6. **Back Flush Water or Pool Drainage Water.** Back flush water or water from pool drainage shall be directed into the street storm water system or onto the owner’s property unless otherwise authorized by the Building Inspector or other Authorized Agent.

7. **Mechanical Equipment.** The filter unit, pump, heating unit, and any other noisemaking mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and at least five (5) feet from any parcel line.

8. **Swimming Pool Barrier.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected, and approved prior to plastering or filling the swimming pool with water. The barrier shall comply with the following:

   a. **Height of Barrier.** The top of the barrier shall be at least forty-eight (48) inches above grade measured on the side of the barrier that faces away from the swimming pool.
b. **Maximum Vertical Clearance.** The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measure on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four (4) inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure.

![Diagram of maximum vertical clearance](image1.png)

The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches on the side of the barrier that faces away from the swimming pool.

![Diagram of maximum vertical clearance](image2.png)

The maximum vertical clearance at the bottom of the barrier may be increased to four (4) inches when grade is a solid surface such as a concrete deck or when the barrier is mounted on the top of the above ground pool structure.

c. **Openings in Barrier.** Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.

d. **Chain Link Fences.** Chain link fences used as barriers shall not be less than eleven (11) gauge. The mesh size should not exceed 1¾ inches square.

e. **Access Gates.** Access gates shall comply with the requirements of *Subprovision a through d* above. Access gates shall be self–closing and have a self–latching device. All gates shall be equipped with lockable hardware or padlocks, and shall remain locked at all times when not in use. Where access gates serve pools located on a lot other than one containing a single-family or two-family dwelling, the access gates shall swing away from the pool.

(1) For all access gates with a latching device located less than fifty-four (54) inches in height above grade, the latching device shall be located on the pool side of the access gate at least three (3) inches below the top of the gate; and
(2) For all access gates with a latching device located fifty-four (54) inches or more in height above grade, the latching device may be located on either the inside or outside face of the access gate; and

(3) When the latching device is located less than 54 inches in height above grade, the gate and barrier shall have no opening greater than one – half (½) inch within eighteen (18) inches of the latching device.

f. Above Ground Pool. Where an above ground pool structure is used as a barrier, or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

(1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

(2) The ladder or steps shall be surrounded by a barrier that meets the requirements of Subprovisions a through e above.

When the ladder steps are secured, locked or removed, any openings created shall be protected by a barrier complying with Subprovisions a through e above.

9. Water Safety. Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type.

10. Inspection. All wiring, installation of heating units, grading, installations and construction shall be subject to inspection.

11. Lighting. Lighting for the pool shall be arranged and shaded to reflect light away from adjacent property.

12. Structures Covering the Pool. Any structure covering an outdoor pool shall require a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit.

13. Access During Construction. All access for construction shall be over the owner’s land and due care shall be taken to avoid damage to public streets and adjacent private or public property.

H. Relocated Structure. Before any building or structure which has been wholly or partially erected on any premises, located either within or outside of the City, can be moved to and placed upon any other premises in this City, as conditional use permit shall be obtained pursuant to Subdivision 8.21: Conditional Use Permit. The applicant shall submit along with the application for a permit photographs taken from two (2) or more angles of the structure to be moved and photographs of the lots on which the structure is to be located together with photographs of adjacent lots and structures. The applicant shall also submit a site plan and a list of proposed improvements to the structure. Any such building or structure shall conform to all the provisions of this Ordinance, in the same manner as new buildings or structures. These requirements do not apply to construction of garages, sheds, agricultural buildings, or temporary structures to be located on a lot for three (3) months or less.

I. Bulk Storage (Liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit, in order for the City Council to have assurance that fire, explosions, or water or soil contamination hazards are not present (that would be
detrimental to the public health, safety and general welfare.) All bulk storage uses (above and below ground) shall comply with the requirements of the Minnesota State Pollution Control Agency. Actual liquid bulk tank storage installation shall be performed by an experienced liquid bulk tank installer. All liquid bulk tank storage and installations shall be inspected during the installation, and subsequently approved by the City Building Inspector or other Authorized Agent.
GENERAL DEVELOPMENT STANDARDS

Subdivisions 10.0 through 10.8 relating to General Development Standards describes development standards, such as parking and landscaping, which generally apply to most types of development in the City. Refer to other Subdivisions of this Ordinance for additional or more specific development standards.

10.0 General Development Standards.

10.1 General Standards. Except hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

A. Lots.

1. Minimum Lot Size. Every building and use of land shall have a lot area and lot width of not less than the required for the applicable zoning district. Development may be allowed on nonconforming lots of record pursuant to Subdivision 10.2, G: Nonconforming Lots.

2. Modification to Lot Size and / or Required Building Setbacks. No lot, yard, court, parking areas, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Ordinance.

3. Division of Lots. No lot improved with a building or buildings shall hereafter be divided into two (2) or more lots (and no portion of any lot that is improved with a building or buildings shall be sold) unless all lots resulting from such division or sale and improved with a building or buildings shall conform with the area and bulk regulations of the applicable zoning district.

4. Street Frontage Required. Except as permitted by other provisions of this Ordinance no lot shall contain any building used in whole, or in part, for residential purposes unless such lot abuts a street for at least thirty (30) feet on a public street or approved private road that is constructed to applicable standards as stated in the City’s Subdivision Regulations.

5. Lot Width on Curvilinear Streets or Cul-de-sacs. In the case of a lot fronting a curvilinear street or cul-de-sac, the lot width shall be defined as the horizontal distance between the side lot lines on a line parallel to the front lot line at the required building setback from the front lot line.

6. Neck Lots. Creation of neck lots after April 1, 2010 shall be prohibited within the city. Any neck lot that was legally created prior to April 1, 2010 may continue to be used for the legal use for which it is zoned in accordance with criteria for continuance as specified in this Provision and all other applicable provisions of this Ordinance.

   a. The ‘neck’ portion of the lot must have a minimum width of thirty (30) feet and must have frontage on a public right – of – way, unless under the conditional use procedure the City Council allowed the neck portion of the lot to have a width of less than thirty (30) feet, but in no case shall the neck be less than twenty (20) feet.

   b. All structures located on a neck lot must conform to the provisions of the zoning district in which it is located including yard requirements and lot coverage.
c. The City may limit the placement of structures on the lots in consideration of preservation of trees, topography, natural amenities, and view of abutting properties. The City may also limit the lighting of driveways.

7. **Vacant lots.** The owner of vacant land shall be responsible for keeping such land free of refuse and weeds.

**B. Setbacks.**

1. **Measurement of Setbacks.** Setbacks for buildings and structures shall be measured as the area between the furthermost projection of the building or structure and the property line of the parcel on which the building or structure is located, except as modified by the standards of this Subdivision. Setbacks shall be unobstructed from the ground to the sky, except as modified by this Subdivision. Required setbacks for each zoning district are specified in *Subdivisions 11.2 through 11.37* and in *Table 11.0-A: Land Use Table.*

2. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

3. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

4. **Balconies, Breezeways, Sun porches, Three Season Porches and the Like.** Balconies, breezeways, sun porches, three season porches and the like, which extend above the height of the ground level of the principal building, shall be subject to required setbacks.

5. **Enclosed Parking Space.** Although the construction of an enclosed parking space is not required for a single-family detached dwelling, an open space must be provided which will be accessible and allow for the future construction of a single enclosed space which would comply with all setback requirements. Such parking space must be of a hard surface. The hard surface shall consist of a durable material such as concrete or asphalt but not including gravel or crushed rock.

6. **Allowable Encroachments into Required Setbacks.** The following may encroach into the required setbacks:

   a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half (2 ½) feet into any required setback and do not extend to a distance less than six (6) feet from any side property line.

   b. Terraces, steps, patios, stoops, landings or similar structures provided said terrace, steps, patios, stoops, landings or similar structures has its floor no higher than the entrance floor of the building and does not extend to a distance less than six (6) feet from any property line.

   c. Window or similar bays not to exceed a depth of three (3) feet nor to contain an area of more than thirty (30) square feet and not extending to a distance less than six (6) feet from any side property line.

   d. Fire escapes not to exceed a width of three (3) feet and not extending to a distance less than six (6) feet from any side property line.

   e. Fences and walls as regulated by *Subdivision 10.6: Fences.*
f. Detached outdoor picnic shelters, gazebos, pergolas, recreational equipment and access drives, except as regulated hereinafter shall adhere to the setback regulations for accessory structures as regulated in Subdivision 9.6, A: Accessory Buildings, unless considered an integral part of a fence, as determined by the Zoning Administrator or other Authorized Agent.

g. Outdoor heating and cooling units (excluding outdoor wood-fired furnaces) may encroach into the required setback by a distance of not more than three (3) feet and not extending to a distance less than six (6) feet from any side property line.

h. Allowable encroachment for handicap access. Upon proof of a physical disability that requires the need for a ramp, the owner of a residential structure shall be allowed to project into the required yards for the purpose of installing a ramp. However, the ramp shall be set back a minimum of three (3) feet from the front, side and rear parcel lines wherever possible, except that the ramp may be installed within a zero setback, if no other reasonable means exist that would allow the ramp to be installed with a greater setback, and if approved by the Zoning Administrator or other Authorized Agent. Special approval requests shall expire five (5) years from the date of issuance. Reissuance shall require the documentation that a physical disability still exists that requires the need for a ramp that encroaches into the required yard.

7. Lots with Lake and Stream Frontage. All lots having frontage on a water body, other than a classified wetland, shall be governed in the following manner:

a. The boundary of the lot abutting the public water shall be considered the front lot line.

b. No principal building or accessory building other than those used for the storage of boats or other water use equipment shall be located within seventy–five (75) feet of the normal high water line; said lines shall be as established by the City Engineer or other Authorized Agent referenced to sea level datum by means of a permanent benchmark. See Section 11.36: Shoreland Overlay District.

c. Waterfront uses shall be maintained in a safe, orderly, and efficient manner that presents a good appearance from the water. Shorelines shall be maintained so as to present a natural or landscaped appearance.

d. The rear yard setback on waterfront uses shall conform to the prevailing setbacks in the area or front yard setback of the particular zoning classification, as determined by the Zoning Administrator.

8. Zero Lot Line Setbacks. Subject to the regulations contained in the Building Code and other applicable regulations, buildings may be excluded from side and rear setback requirements provided party walls are used and the units are constructed as a common building at the same time.

C. Building Height

1. Measuring Building Height.

a. How to measure height of buildings: Building height is the vertical distance measured from the average ground level surrounding the proposed structure, prior to construction, to the top cornice line of a flat and mansard roof, to the uppermost point on a round, or other arch-type roof, or to the midpoint of the tallest gable of a pitched or hipped roof. The average ground elevation at least
five (5) years prior to construction is measured at the corners of a principal or accessory building footprint. Said average ground elevation shall be established from topography maps or certified survey, and shall be verified by the City Engineer or designee.

b. The top peak of any portion of a roof shall not exceed the allowable building height in the applicable zoning district by more than five (5) feet. (4/22)

2. **Height Exceptions for Certain Building Appurtenances.** The height limitations stipulated in the Ordinance shall not apply to the following:

   a. **Elevator Penthouse, etc.** Elevator penthouses (elevator machinery loft), monitors, and scenery lofts, provided no linear dimension of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be accepted.

**D. Building and Site Design.** Buildings shall be designed to fit the particular site and shall be harmonious with adjacent buildings, topography and natural surroundings and shall otherwise meet the provisions of this Ordinance. In addition, buildings shall meet the following requirements:

1. **Minimum Building Width.** The minimum width of a building in all districts shall not be less than twenty (20) feet measured to the exterior of the narrowest dimension.

2. **Foundations.** All buildings shall be placed on a permanent foundation in compliance with the Uniform Building Code as adopted by the City.

3. **Exterior of Commercial, Institutional, and Industrial Buildings.** All exterior vertical surfaces of commercial, institutional, and industrial buildings shall be treated as a front and shall have the same face.

4. **Garages.** Garages and other accessory buildings shall have a design and appearance that will not detract from either the main building or adjacent buildings.

5. **Mechanical Equipment.** All visible mechanical protrusions to the exterior of buildings shall be screened in a manner that they are not visually obvious and are compatible with surrounding development.

6. **Building Materials.** All building materials shall be those utilized for permanent type construction and found to be compatible with nearby existing buildings. In the MU-PUD District and all Commercial and Industrial Districts, no galvanized or unfinished steel, gal alum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive design finish, such as corten steel, shall be permitted. Exterior buildings finishes shall consist of materials comparable in grade and quality to the following:
   a. **Brick**
   b. **Natural Stone**
   c. **Decorative concrete block**
   d. **Cast in place concrete or precast concrete panels**
   e. **Wood provided the surfaces are finished for exterior use and wood of proven exterior durability is used such as cedar, redwood, etc.**
f. Curtain wall panels of steel, fiberglass, and aluminum (nonstructural no load bearing), provided such panels are factory fabricated and finished with a durable nonfade surface with fasteners of a corrosion resistant design and provided further that the use of metal fiberglass and aluminum shall be limited to use as an accent material and not as a principal wall finish.

g. Glass curtain wall panels

h. Stucco

E. Impervious Coverage

1. Measurement of Impervious Coverage. Impervious coverage is measured as the percentage of a parcel that is covered by a material that releases as runoff all, or a large portion, of the precipitation that falls on it. Impervious coverage includes conventional roofs, driveways, sidewalks, patios, or similar hard surfaced materials as determined by the City Engineer or other Authorized Agent. Pervious pavers, porous concrete and other similar materials shall be included in impervious coverage. Lawns and gardens are not considered impervious.

F. Location and Number of Principal Buildings on a Parcel. Every principal building hereafter erected shall be located on a parcel as specified in this Ordinance. In no case shall there be more than one (1) principal building on a parcel except in the following situations:

1. Planned Unit Developments (PUDs).

2. Multi - Family Buildings or Institutional Building. Multi - family buildings or institutional buildings that are developed as a planned group.

3. Temporary Buildings. Temporary buildings as approved through an agreement with the Applicant and the Zoning Administrator and City Attorney.

G. Vision Triangle

1. Vision Triangle at Streets. Nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersection street and alley or driveway such that a clear line of vision is possible of the intersecting street from a distance of twenty – five (25) feet along the edge of each street and the third side being a line connecting the other sides. All distances from county, state, and U.S. highways shall be approved by the applicable permitting authority.
2. **Vision Triangle at Alleys and Driveways.** Nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting street and alley or driveway such that a clear line of vision is possible of the intersecting street from a distance of fifteen (15) feet from the alley or driveway. The Zoning Administrator or other Authorized Agent may, at his or her discretion, exempt development from this requirement in zoning districts where reduced or no building setbacks are encouraged and / or allowed.

![Traffic Visibility Triangle](image)

H. **Grading, Filling, and / or Excavation**

1. **Applicability.**
   a. **Under ten (10) cubic yards.** Grading, land filling, and / or excavation as a separate activity not associated with any other development approvals (for example, a building permit or development permit) involving ten (10) cubic yards or less of material shall not require the issuance of a permit, but the work shall be consistent with the provisions of this Ordinance.
   b. **Between ten (10) cubic yards and one hundred (100) cubic yards.** Grading, land filling, and / or excavation as a separate activity not associated with any other development approvals involving between ten (10) cubic yards and one hundred (100) cubic yards of material shall require the issuance of a permit pursuant to Subdivision 8.2: Zoning Permit. At the discretion of the City Engineering or other Authorized Agent, such quantity between ten (10) cubic yards and one hundred (100) cubic yards of material may require the issuance of a Conditional Use Permit pursuant to Subdivision 8.21: Conditional Use Permit.
   c. **Over one hundred (100) cubic yards.** Grading, land filling, and / or excavation as a separate activity not associated with any other development approvals involving over one hundred (100) cubic yards of material shall require the issuance of a permit pursuant to Subdivision 8.2: Zoning Permit and will require the issuance of a Conditional Use Permit pursuant to Subdivision 8.21: Conditional Use Permit.

2. **Plans Required.** Applicants requesting approval of a development permit or conditional use permit for grading, filling, and / or excavation shall submit the following:
   a. Plans showing present and proposed elevations, type of fill to be used, location of material to be moved, filled, and / or excavated, impact on adjacent properties and a date when the work will be complete. The plan shall show that it will not adversely affect the surrounding properties. Depending on the extent of work, additional plans and approvals may be required, including, but not limited to approval of an erosion and sediment control plan and approval of a storm water management plan.
b. The filling of waterways, ponds or flood areas is prohibited unless it can be shown that no adverse ecological, environmental or drainage effects are caused.

c. If trees are impacted due to filling, a tree replacement / preservation plan must be submitted pursuant to Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement.

d. At the end of excavation or filling operations, the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded within one (1) growing season with native indigenous vegetation.

3. **Review Costs.** Upon inspection of the site, the Zoning Administrator or other Authorized agent may request that the Building Inspector, the Public Works Director or others review the proposed grading, filling, and / or excavation and submit written comments on the proposal. The costs of such review shall be borne by the applicant in accordance with the City’s fee schedule. The City reserves the right to require an escrow account of such costs.

4. **Permit Limitations.** If the Public Works Director or other Authorized Agent determines that the proposed grading, filling, and / or excavating would cause flooding or drainage problems on adjoining properties, the Zoning Administrator or other Authorized Agent may reject, condition, or impose limitations on the proposed work.

5. **Permit Exceptions.** A permit under this Subpart shall not be required for the following:

   a. Excavations or fills associated with a development project on platted property after an approved plat has been filed with Washington County.

   b. Excavations or fills by State, County or City authorities in connection with the construction or maintenance of roads, highways, parks, stormwater ponds, utilities or utility easements, provided such activity is conducted within public rights – of – ways or easements. Any work performed by State, County or City authorities not done entirely within public right – of – ways or easements shall follow the requirements as listed in above.

   c. Curb cuts, utility hookups or street openings for which another permit is required from the City.

   d. Any development for which a conditional use permit has been approved and granted, and a final grading plan was approved as a part thereof.

6. **Drainage.** New uses shall channel water run–off into storm drains, water courses or approved ponding areas. Grading shall not change the water flow to the detriment of adjacent or downstream landowners. The grading plan submitted must be approved before any building permits or certificates of occupancy are issued.

### 10.2 Nonconformities

A. **Intent.** Within this Ordinance, or amendments thereto, situations may occur where as a result of the provisions of this Ordinance, an existing use, lot, structure, site feature, sign, or similar situation does not conform to one or more of the provisions of this Ordinance. It is the intent of this Subdivision to regulate such nonconforming situations to accomplish the following:

1. Recognize the existence of uses, dimensional characteristics, and intensity characteristics of structures, parcels, site features, and signs that were lawful when established before the effective date of this Ordinance, but that no longer conform to all of the provisions of this Ordinance.
2. Regulate the enlargement, expansion, intensification, or extension of any nonconformity or any increase in the impact of a nonconformity on adjacent properties.

3. Encourage the elimination of nonconformities or their reduction of their impact on adjacent properties and the community.

B. Prior Construction Approved. Nothing contained herein shall require any change in the plans, construction, or designated use of a building legally under construction, or for which a permit for construction has been issued, at the time of the passage of this Ordinance or amendment thereto.

C. Nonconformities Due to Governmental Acquisition of Right – of – Way. Where a lot, parcel, or tract is occupied by a lawful structure, and where acquisition of right – of – way by eminent domain, dedication, or purchase by a city, county, state, or federal agency creates a nonconforming situation regarding any provision of this Ordinance, then such situation shall be deemed lawful.

D. Certificate of Occupancy. Certificates of occupancy for nonconformities existing on the effective date of this Ordinance may be issued by the Building Inspector or other Authorized Agent provided that such certificates state that the nonconformity does not conform to the provisions of this Ordinance.

E. Relief from Nonconforming Status. The owner of a nonconformity may seek relief from the provisions of this Ordinance pursuant to the applicable procedures specified in this Ordinance relating to variances, conditional uses, and amendments.

F. Nonconforming Uses.

1. Applicability. A nonconforming use may be continued subsequent to the effective date of this Ordinance, provided that such continuance is in accordance with the criteria for continuance as specified in this Subpart and all other applicable regulations necessary to ensure adequate protection and safety of adjacent property and the users and occupants of such nonconforming use.

2. Criteria for Continuance of Nonconforming Uses. Continuance of nonconforming use shall be permitted provided that all of the following criteria are met:

a. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance. No nonconforming use of land shall continue if it ceases for any reason (except where governmental action impedes access to the premises) for a period of more than twelve (12) consecutive months. No nonconforming land use shall be moved in whole or in part to any portion of the parcel or lot other than that occupied by such use on the effective date of this Ordinance.

b. No nonconforming use of a structure shall extend to any part of the structure that was not manifestly arranged or designed for such use on the effective date of this Ordinance, and no such use shall be extended to occupy any land outside the structure. Moreover, such use or structure shall not be enlarged, extended, constructed, or reconstructed, mobbed, or structurally altered except for a permitted use. No nonconforming use of a structure shall continue if it is discontinued for twelve (12) consecutive months.

c. Any nonconforming use that requires a license, permit, or other evidence of City approval, initially issued lawfully prior to the nonconformity, shall be conducted in accordance with the terms of the City’s approval, provided that the use has not been abandoned for a continuous period of twelve (12) months or more. The license,
permit, or other evidence of City approval ceases at the time the nonconformity ceases to exist.

d. If a structure housing a nonconforming use is removed or damaged by fire or other peril to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the Washington County Assessor at the time of damage, and no building permit has been applied for within one hundred—eighty (180) days of when the property is damaged, the structure housing a nonconforming use shall not be repaired, or replaced, except in conformity with this Ordinance or as allowed by Minnesota State Statutes.

3. Change in Nonconforming Uses.
   a. A nonconforming use shall not be changed to another nonconforming use.
   b. When any nonconforming use has been changed to a conforming use, it shall not be later changed to a nonconforming use.
   c. A nonconforming use may be changed to reduce the nonconformity, but once reduced; the use may not be changed to increase the nonconformity.

4. Elimination of Nonconforming Uses. The owner of a nonconforming use may employ one (1) or more of the following mechanisms in an attempt to eliminate the nonconformity:
   a. Replace the existing nonconforming use with a conforming use.
   b. Apply for a conditional use permit, provided that the use is listed as a conditional use in the applicable zoning district.
   c. Apply for a Zoning Map amendment to rezone the property to a zoning district in which the existing use is permitted, or request an amendment to the Zoning Ordinance to allow the nonconforming use to be a permitted or conditional use in the existing zoning district. An application for a map or text amendment shall be approved or denied base on the criteria specified in Subdivision 8.17: Zoning Map Amendment or Subdivision 8.18: Zoning Ordinance Text Amendment.

G. Nonconforming Lots.

1. Applicability. Any lot that was legally created and is of record with Washington County Recorder’s Office, but that does not comply with the minimum lot requirements for the current zoning district in which it is located, may continue to be used for the legal use for which it is zoned in accordance with the criteria for continuance as specified in this Subdivision and all other applicable provisions of this Ordinance. A lawful non—conforming lot of record shall be deemed buildable, without a variance, as follows:
   a. R1-A, R1-B, R1-C, R1-D, or R1-E Districts. A lawful non—conforming lot of record that is in the R1-A, R1-B, R1-C, R1-D, or R1-E District shall be deemed a buildable lot for single—family detached dwelling purposes, without a variance, provided that the following conditions are met:
      (1) The lot shall have a net area of at least 6,240 square feet exclusive of wetlands, street right—of—ways or easements, and steep slopes;
      (2) The lot shall have at least forty—eight (48) feet of frontage on a public right—of—way;
      (3) The lot shall be served by public sanitary sewer.
b. A or RR. A lawful non–conforming lot of record that is in the A or RR District shall be deemed a buildable lot for single–family detached dwelling purposes, without a variance, provided that the following conditions are met:

(1) There shall be an existing single–family dwelling on the lot;

(2) The property owner does not own a contiguous parcel that could be combined with the subject lot to make the subject lot conforming or closer to conforming to the zoning district in which it is located;

(3) The lot shall have a net area of at least twenty–six thousand, one hundred thirty–six (26,136) square feet exclusive of wetlands, street right–of–ways or easements, and steep slopes;

(4) The lot shall have at least ninety six (96) feet of frontage on a public right–of–way; and

(5) The dwelling must have a sewage system compliant with Minnesota Rule 7080 and all subsequent rule revisions. The Applicant shall provide a compliance inspection report for the existing on–site sewage treatment system. Additionally, it must be shown (through soil borings and percolation test) that area is available on that lot for a secondary sewage treatment system. The compliance inspection report and soil report shall be reviewed by Washington County to determine if the proposed construction conflicts with long term sewage treatment on the lot.

H. Nonconforming Structures.

a. Applicability. Any structure existing on the effective date of this Ordinance, which is not in conformity with the provisions of this Ordinance, shall be allowed to continue subject to the criteria for continued use as specified in this Subdivision and all other applicable provisions of this Ordinance.

b. Criteria for Continued Use of Nonconforming Structures.

(1) A nonconforming structure may be continued provided that it remains otherwise lawful pursuant to the provisions of this Ordinance.

(2) No nonconforming structure shall be enlarged or altered in any way that increases its nonconformity except as permitted pursuant to the applicable variance or conditional use permit procedure as specified in this Ordinance. Alterations or expansions to nonconforming structures shall be allowed so long as the expansion or alteration is made in conformance with the provisions of the zoning district in which the structure is located.

(3) If a nonconforming structure is destroyed by fire or other peril to the extent greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within one hundred – eighty (180) days of when the property is
damaged, the nonconforming structure shall not be repaired, or replaced, except in conformity with this Ordinance or as allowed by Minnesota State Statutes.

(4) If a nonconforming structure is moved for any distance, it shall thereafter conform to the applicable provisions of the zoning district in which it is located after it is moved.

(5) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Improvements to nonconforming structures occurring in a consecutive twelve (12) months period shall not exceed fifty percent (50%) of the current assessed value.

I. Nonconforming Site Features.
   a. Applicability. Nonconforming site features, including parking lots, screening, landscaping, and similar features shall be allowed to continue subject to the criteria for continued use as specified in this Subdivision and all other applicable sections of this Ordinance.
   b. Criteria for Continued Use of Nonconforming Site Features.
      (1) Upon any change in occupancy, nonconforming site features may be continued without improvements, except that if the improvements exceed fifty percent (50%) of the value of the existing feature, the feature shall be brought into full conformance with this Ordinance.
      (2) When expansion of an existing nonconforming site feature is required, the newly constructed portion shall be in conformance with the provisions of this Ordinance.
      (3) In the case of a nonconforming fence or wall, the fence or wall shall lose its nonconformity and shall be brought into compliance or removed if one or more of the following occurs:
         (a) The fence or wall is structurally altered in any way, except for normal maintenance or repair, which tend to make the fence less in compliance with the requirements of this Ordinance than it was before the alteration;
         (b) The fence or wall is relocated;
         (c) The fence or wall fails to comply with the Ordinance in regard to maintenance and repair; or
         (d) The fence or wall endangers the health, safety, or welfare of the public.


10.3 Parking and Loading
A. Intent
   1. General. The intent of this Subdivision is to ensure adequate parking and loading for the various uses in the City of Mahtomedi by regulating the number, size, and location of parking and loading spaces. These provisions are intended to promote the safety and general welfare of the public by accomplishing the following:
      a. Increase the safety and capacity of public streets by requiring off-street parking and loading facilities as appropriate;
b. Minimize adverse effects of the off-street parking and loading facilities on adjacent properties through the use of design and maintenance standards; and

c. Lessen congestion and prevent the overtaxing of public streets by regulating the location and capacity of off-street parking and loading facilities.

2. **Sustainable Land Use.** It is also the intent of this Subdivision to strike a balance between the need to provide parking based on the current and conventional use of motor vehicles in the city, with the City’s desire to move toward sustainable development practices. Consequently, this Subdivision is intended to accomplish the following:

a. Promote efficient and cost effective use of land by requiring and allowing no more parking than necessary;

b. Reduce the adverse impact of parking on the natural environment;

c. Promote cost effective and healthy alternatives that reduce the need for parking by allowing parking reductions for public transit, bicycle parking, and pedestrian – oriented design.

**B. Applicability**

1. All parking and loading space needs generated by development shall be accommodated off-street, except as otherwise allowed in this Subdivision. All required parking shall be maintained for the life of the use.

2. The provisions of this Subdivision apply to all new development, including expansions and alterations, and to any development or building that undergoes a change in use or intensity.

**C. Number of Off – Street Parking Spaces Required**

1. **Required Number of Off – Street Parking Spaces.** Required off – street parking spaces shall not be less in number than the parking and loading space requirements of Table 10.3 - A: Schedule of Required Off – Street Parking Spaces, except as otherwise provided in this Subdivision. Property owners are discouraged from providing more parking than is necessary for the subject use.

2. **Interpretation by Zoning Administrator or other Authorized Agent.** Parking spaces for permitted or conditional uses not listed in this Subdivision shall be determined by the Zoning Administrator or other Authorized Agent based on the requirements for comparable uses.

3. **Fractional Numbers.** Fractional numbers shall be increased to the next whole number.

4. **Parking Requirements Based on Square Footage of Use.** Where this Ordinance specifies parking requirements based on the square footage of the use, the square footage shall refer to the gross floor area (GFA) as defined by this Ordinance, unless stated otherwise.

5. **Parking Requirements Based on Seats.** Where this Ordinance specifies parking requirements based on the number of seats associated with the use, such requirements shall be based on the seating capacity as determined by the Building Inspector or other Authorized Agent.

6. **Mixed Occupancies.** In the case of two (2) or more uses in the same building, the total requirements for all off – street parking facilities shall be the sum of the requirements for the several uses computed separately. Off – street parking for the one use shall not be
considered as providing required parking facilities for any other use, except as otherwise provided pursuant to the provisions of this Ordinance.

7. **Similar Uses.** For uses not specifically listed in this Ordinance, uses for which a specific number of spaces have not been defined, or for joint parking facilities serving two (2) or more different uses, the Zoning Administrator or other Authorized Agent shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed in *Table 10.3-A: Required Off – Street Parking Spaces.*

8. **Pre – Existing Parking and Loading Spaces.** Off – street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. Off – street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

9. **Use Exclusively for Parking and Loading.** Parking and loading spaces shall be used solely for the intended use and not for the storage of goods, or vehicles that are inoperable, for lease, or sale, except for the sale of vehicle at an owner’s home.

10. **Use of Driveway for Required Parking.** Single and two – family residential uses may use their driveways as required parking spaces provided that the required parking does not occur in that portion of the driveway that is in the right – of – way.

11. **Parking Surface.** All parking shall be hard surfaced as defined in *Subdivision 7.0: Definitions.*

<table>
<thead>
<tr>
<th>Use</th>
<th>Base Number of Spaces Required</th>
<th>Additional Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Family Residential Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day care: family home</td>
<td>None</td>
<td>2 per principal dwelling</td>
</tr>
<tr>
<td>Dwelling: multi – family</td>
<td>1.5 per 1 bedroom unit</td>
<td>.05 dwelling unit for visitors</td>
</tr>
<tr>
<td></td>
<td>1.75 per 2 bedroom unit</td>
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</tr>
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<td></td>
<td>2.0 per 3 bedroom unit</td>
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</tr>
<tr>
<td>Dwelling: single – family attached</td>
<td>2 per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Dwelling: single – family detached</td>
<td>2 per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Dwelling: two – family or duplex</td>
<td>2 per dwelling unit</td>
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<td>Home occupation</td>
<td>Dependent on occupation, maximum of 2</td>
<td>2 for principal dwelling</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>2 per dwelling unit</td>
<td>0.5 per dwelling unit for visitors</td>
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<tr>
<td><strong>Group Residential Uses</strong></td>
<td></td>
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<tr>
<td>State licensed residential facility</td>
<td>1 per employee at maximum shift</td>
<td>1 visitor space for every 4 residents</td>
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<tr>
<td><strong>Commercial Uses</strong></td>
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<td></td>
</tr>
<tr>
<td>Adult entertainment establishment</td>
<td>1 per 4 seats or 1 per 250 sf GFA if no seats</td>
<td></td>
</tr>
<tr>
<td>Animal; pet store and the like</td>
<td>1 per employee at maximum shift</td>
<td>1 visitor space per employee on shift</td>
</tr>
<tr>
<td>Animal grooming or training facility</td>
<td>1 per employee at maximum shift</td>
<td>1 visitor space per employee on shift</td>
</tr>
</tbody>
</table>
### Section 11.01: Zoning Ordinance
#### Subdivision 10.3: Parking and Loading

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appliance sales</td>
<td>1 per 400 sf GFA</td>
</tr>
<tr>
<td>Artist studio</td>
<td>1 per 500 sf GFA devoted to sales or display</td>
</tr>
<tr>
<td>Assembly hall</td>
<td>1 per 4 seats or 1 per 30 sf GFA if no seats</td>
</tr>
<tr>
<td>Auto sales</td>
<td>1 per 400 sf GFA</td>
</tr>
<tr>
<td>Bank or financial institution</td>
<td>1 per 300 sf GFA</td>
</tr>
<tr>
<td>Business service</td>
<td>1 per 300 sf GFA</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>4 per alley</td>
</tr>
<tr>
<td>Car wash</td>
<td>4 stacking spaces per bay</td>
</tr>
<tr>
<td>Conference center</td>
<td>1 per 4 seats or 1 per 250 sf GFA if no seats</td>
</tr>
<tr>
<td>Currency exchange, payday loan, title loan</td>
<td>1 per 300 sf GFA if no seats</td>
</tr>
<tr>
<td>Day care center: commercial</td>
<td>1 employee at maximum shift</td>
</tr>
<tr>
<td>Dental office</td>
<td>5 per doctor at maximum shift</td>
</tr>
<tr>
<td>Dry cleaning and laundry drop off and pick up</td>
<td>1 employee at maximum shift</td>
</tr>
<tr>
<td>Filling station</td>
<td>4 for each service stall</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Furniture sales</td>
<td>1 per 400 sf GFA</td>
</tr>
<tr>
<td>Garden supply or landscaping center</td>
<td>1 per 500 sf of GFA on building and sales area</td>
</tr>
<tr>
<td>Home improvements center</td>
<td>1 per 500 sf of GFA on building and sales area</td>
</tr>
<tr>
<td>Hospital and rest homes</td>
<td>1 per 3 beds</td>
</tr>
<tr>
<td>Household maintenance and repair</td>
<td>1 per 500 sf of GFA</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 per 300 sf GFA</td>
</tr>
<tr>
<td>Lodging establishment: short or extended stay</td>
<td>1 per room offered for occupancy</td>
</tr>
<tr>
<td>Medical office</td>
<td>5 per doctor at maximum shift</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 300 sf GFA</td>
</tr>
<tr>
<td>Outdoor merchandise sales</td>
<td>1 per 1,000 sf of outside display</td>
</tr>
<tr>
<td>Personal service</td>
<td>1 per 300 sf of GFA</td>
</tr>
<tr>
<td>Recreation facility: commercial indoor (e.g. dance halls, night clubs)</td>
<td>1 per 50 sf GFA</td>
</tr>
<tr>
<td>Restaurant: drive – in</td>
<td>1 per 35 sf GFA of building</td>
</tr>
<tr>
<td>Restaurant: sit – down</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Restaurant: fast food or carry out</td>
<td>1 per 4 seats for sit-down, 1 per 50 sf GFA of building area for carry-out</td>
</tr>
<tr>
<td>Retail establishment</td>
<td>1 per 250 sf GFA</td>
</tr>
<tr>
<td>Secondhand store (pawn shop)</td>
<td>1 per 250 sf GFA</td>
</tr>
<tr>
<td>Tavern</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Theater</td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Tool and equipment rental facility</td>
<td>1 per 500 sf GFA of building and rental area</td>
</tr>
<tr>
<td>Vehicle sales and / or rental</td>
<td>1 per 300 sf GFA of building</td>
</tr>
<tr>
<td>Vehicle repair and / or service</td>
<td>3 spaces per service bay</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>5 per doctor on largest shift</td>
</tr>
<tr>
<td>Warehouse: self-storage</td>
<td>1 per employee at maximum shift</td>
</tr>
</tbody>
</table>

**Industrial Uses**
### D. Bicycle Parking

1. **Intent.** It is the intent of this Subpart to promote opportunities for bicycle transportation by regulating the number and location of required bicycle parking spaces associated with the use in the City of Mahtomedi.

2. **Required Bicycle Parking Spaces.** Bicycle parking facilities may be provided based on established need. However, unless waived by the applicable approval authority, a development or use established after the effective date of this Ordinance shall provide a minimum of one (1) bicycle parking space for every ten (10) required automobile parking spaces.

3. **Location.** Bicycle parking spaces shall be located so as to be visible from the street or the building entrance from where bicyclists approach. Bicycle parking spaces shall be located in safe and convenient locations and in a manner that does not obstruct pedestrian or vehicular traffic. Bicycle parking spaces should be designed as an integral part of the development.

### E. Parking Requirement Waivers, Alternatives, and Incentives.** This Subpart specifies a variety of waivers, alternatives, and incentives to allow a reduction in the amount of parking that would otherwise be required by this Ordinance. Any waiver, alternative, or incentive shall be approved by the applicable approval authority and shall ensure adequate parking for the use.

### Table: Parking Requirements

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacturing</strong></td>
<td>1 space for each 350 sq ft of floor area, plus 1 space for each company vehicle not stored inside a building</td>
</tr>
<tr>
<td><strong>Warehousing - Wholesale</strong></td>
<td>That space that is used for office space shall comply with office space requirements and 1 space per each 1,000 sq ft of floor area, plus 1 space per employee at maximum shift, plus 1 space for each company vehicle if not stored inside a building. Proof of parking shall be shown on site plans to provide a minimum of one parking space for each 500 square feet of floor space so that adequate parking is provided in the event of more labor intensive use is installed.</td>
</tr>
<tr>
<td><strong>Public, Civic, and Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>Clinic</td>
<td>5 per primary care provider</td>
</tr>
<tr>
<td>Club or association</td>
<td>1 per 4 seats or 1 per 4 members if no seats</td>
</tr>
<tr>
<td>College or vocational school</td>
<td>1 per employee at maximum shift</td>
</tr>
<tr>
<td>Government or community service</td>
<td>1 per 300 sf GFA</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1 space per 3 beds</td>
</tr>
<tr>
<td>Public park or festival grounds</td>
<td>Determined by Zoning Administrator</td>
</tr>
<tr>
<td>Religious institution</td>
<td>1 per 4 seats in principal assembly room</td>
</tr>
<tr>
<td>School: elementary or middle</td>
<td>1 per employee at maximum shift</td>
</tr>
<tr>
<td>School: senior high</td>
<td>1 per employee at maximum shift</td>
</tr>
<tr>
<td>School: specialty or special instruction</td>
<td>1 per 300 sf GFA</td>
</tr>
</tbody>
</table>
1. **Shared Parking.** In accordance with the intent of this Subdivision to ensure sufficient parking for the various uses in the city while encouraging efficient use of land and resources, this Subpart sets forth provisions that allow users to share off–street parking facilities when feasible. Developments or uses with different operating hours or peak business periods may share off–street parking spaces if approved by the City Council pursuant to the appropriate application associated with a shared parking request and if the shared parking complies with all of the following standards:

   a. **Shared Parking Study.** Those wishing to use shared parking as a means of satisfying off–street parking requirements shall submit a shared parking analysis to the Zoning Administrator or other Authorized Agent that clearly demonstrates the feasibility of shared parking. The study shall be provided to the Zoning Administrator or other Authorized Agent and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off–street parking spaces.

   b. **Location.** Shared parking must be provided within five hundred (500) feet of the primary entrance of all uses served, unless remote parking shuttle service is provided.

   c. **Agreement.** A shared parking plan shall be enforced through a properly drawn legal instrument, executed among all parties participating in the shared parking arrangement, duly approved as to form and manner of execution by the City Attorney, and filed with the Zoning Administrator or other Authorized Agent. Shared parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Subdivision.

2. **Transportation Management Plan.** The City Council may authorize a reduction in the number of required off–street parking spaces for developments or uses that prepare and commit to maintain a transportation management plan pursuant to the following provisions:

   a. **Study of transportation and parking issues.** The applicant shall submit a study to the Zoning Administrator or other Authorized Agent that specifies the types of transportation management activities proposed. The study shall be provided to the Zoning Administrator or other Authorized Agent and shall be available to the public for review.

   b. **Transportation management activities.** The following describes potential transportation management activities that may be eligible for a reduction in the required number of parking spaces:

      1. Off–peak work hours. Employers that institute off–peak work schedules, allowing employees to arrive at staggered times, may be eligible for a reduction in the required number of off–street parking spaces.

3. **On–Street Parking for Pedestrian Oriented Development.** The minimum number of required off–street parking spaces associated with a pedestrian oriented development may be reduced by the number of on–street parking spaces abutting the parcel.
4. **Interior Landscaping and Tree Preservation.** An applicant may reduce the number of required parking spaces up to a maximum of five percent (5%) for the installation of interior landscaping in excess of the required interior landscaping for parking lots specified in Subdivision 10.4: Landscaping, Buffers, and Screening. Up to an additional five percent (5%) is permitted where an area which would otherwise be devoted to parking cannot be used in order to preserve an existing tree or trees with a diameter of six (6) caliper inches or more.

5. **Residential Uses with Low Automobile Ownership.** The City Council can reduce the required number of parking spaces for residential uses that are determined to have low automobile ownership, including, but not limited to, elderly housing.

6. **Off – Site Parking.** Pursuant to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit, parking may be provided on a parcel separate from the permitted principal use in accordance with the following:
   a. If the use is residential, a lodging establishment, or similar use, the off – site parking shall be within two hundred (200) feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved.
   b. If the use is other than stated above, the off – site spaces shall be within one thousand (1,000) feet of an entrance to the establishment.
   c. Distances indicated above shall be measured along routes generally available to the pedestrians involved.
   d. Off – site parking shall be held in fee simple ownership by the same owner as the use requiring the off – street parking space, or under lease, rental, or other form of agreement satisfactory to the City Attorney with respect to assuring continuing availability for required off – site parking for the use.

F. **Design Standards for Parking Lots and Parking Spaces**

1. **Site Plan.** Any application for a building permit and / or development permit shall include a site plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Ordinance.

2. **Size of Parking and Loading Spaces.** Each parking space shall contain a minimum area of not less than two hundred (200) square feet excluding access drives, a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet, unless otherwise determined by the City Engineer or other Authorized Agent. Each space shall be adequately served by access drives of not more than twenty – four (24) feet in width at the property line for residential lots and not more than thirty – two (32) feet in width for commercial and industrial properties, unless otherwise determined by the City Engineer or other Authorized Agent. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve.

3. **Size and Number of Handicapped Parking Spaces.** The size and number of handicapped parking spaces shall be as established by the Americans with Disabilities Act (ADA).
4. **Pedestrian Connections.** Safe pedestrian ways and crossing shall be provided from the parking area to the entrance of the building. Driving aisles may be used as pedestrian ways.

5. **Surfacing and Drainage.** Parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area. The method of discharge of such water shall be consistent with the provisions of this Ordinance and subject to the approval of the Public Works Director or other Authorized Agent. All required parking and loading spaces and access drives shall be paved with concrete or bituminous pavement. Properly designed porous pavement, concrete pavers, permeable pavers, or other materials may be approved by the applicable approval authority provided that design and materials are consistent with the intent of this Ordinance.

6. **Lighting.** Lighting shall be directed away from adjacent properties so as not to create a nuisance to neighboring uses or traffic. Lighting shall be consistent with Subdivision 10.8: Exterior Lighting.

7. **Landscaping.** Parking areas shall be landscaped as specified in Subdivision 10.4: Landscaping, Buffers, and Screening.

8. **Location.** Parking and loading spaces generated by development shall be located on the same parcel as the use that they are intended to serve unless otherwise provided pursuant to the provisions of this Subdivision. On-street parking may count towards fulfilling parking requirements where specifically allowed pursuant to the provisions of this Ordinance. No off-street parking shall be located within thirty (30) feet of any street right-of-way for non-residential zoning district or within five (5) feet of any interior property line except as provided through access drives, unless otherwise required in this Ordinance. See Subdivisions 11.2 through 11.37 for other parking setback requirements.

9. **Access.** All off-street parking spaces shall have access off driveways and not directly off the public street, unless authorized by the City Engineer or other Authorized Agent.

10. **Maintenance of Off–Street Parking Space.** It shall be the responsibility of the owner of the principal use, uses and / or building to maintain, in a neat and adequate manner, the parking space access ways, landscaping, and required fences.

G. **Design Standards for Parking Spaces on Residential Lots**

1. **Permit Requirements.** All new driveways, alterations, or additions to existing driveways (not including pavement overlay or seal coating) shall require the issuance of a zoning permit pursuant to Subdivision 8.2: Zoning Permit.

2. **Maximum Width of Residential Driveways.** Residential lots are allowed one (1) driveway with a maximum width of twenty – four (24) feet at the property line and thirty – six (36) feet within the lot. Loop or U-shaped driveways are permitted at the discretion of the City Engineer or other Authorized Agent, so long as the total driveway width at the property line does not exceed twenty – four (24) feet (Example: width of twelve (12) feet at the property line for each access point). Lots that have frontage on more than one street may be permitted one (1) additional driveway when in the discretion of the City Engineer multiple driveways can be safely located on the lot. Each driveway must access the property from a different street. (4/22)

3. **Residential Driveway Setbacks.** All driveway areas shall be set back at least five (5) feet from interior property lines and ten (10) feet from corner side property lines.

4. **Residential Driveway Required Surface Materials.** All driveways shall be of a hard surface as defined in Subdivision 7.0: Definitions.
5. **Vehicular turn – around.** One twelve by twenty foot (12’ x 20’) hard surfaced area for vehicular turn – around purposes adjacent to the driveway shall be permitted in the front yard. The vehicular turn – around is in addition to the maximum requirement for driveway width within the property, but is not allowed to be built in such a way that would exceed the driveway width at the property line of twenty – four (24) feet. The vehicular turn – around shall be set back at least five (5) feet from interior side property lines and ten (10) feet from corner side property lines and shall be hard surfaced. Hard surfaced areas shall consist of a durable material such as concrete or asphalt but not including gravel or crushed rock.

6. **Parking area.** One four hundred (400) square foot hard surfaced area adjacent to a garage or driveway for parking purposes shall be permitted. Such area shall not be located in front of the living area of the dwelling. The parking area is in addition to the maximum requirement for driveway width within the property, but is not allowed to be built in such a way that would exceed the driveway width at the property line of twenty – four (24) feet. The parking area shall be set back at least five (5) feet from interior side property lines and ten (10) feet from corner side property lines and shall be hard surfaced. Hard surfaced areas shall consist of a durable material such as concrete or asphalt but not including gravel or crushed rock.

**H. Types of Vehicles Prohibited to be Parked on Residential Lots.** Except for the purpose of loading or unloading or rendering a service, the following commercially licensed motor vehicles and recreational vehicles shall be prohibited from being parked or stored outside on residential lots or within a platted residential district for more than seventy – two (72 hours):

1. Commercially licensed vehicles with a manufacturer’s nominal rated carrying capacity of over one (1) ton and commercially licensed trailers.

2. Boats and unoccupied trailers over twenty – five (25) feet in length.

3. Other recreational vehicles (motor homes, camper trailers, etc.) over thirty – six (36) feet in length.

**I. Types of Vehicles Permitted to be Parked on Residential Lots.** The following motor vehicles and recreational vehicles shall be permitted to be parked or stored outside on residential lots subject to the requirements set forth in Table 10.3 – B: Types of Vehicles Permitted to be Parked on Residential Lots.

<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Permitted Location</th>
<th>Numerical Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger automobiles, vans and trucks with a carrying capacity of one (1) ton or less.</td>
<td>On the designated driveway or hard surfaced parking area as described in Subdivision 10.3, G.</td>
<td>One (1) commercially licensed vehicle per lot.</td>
</tr>
<tr>
<td>Large recreational vehicles such as travel trailers, motor homes, and pickups with slip – in campers thirty – six (36) feet or less in length.*</td>
<td>On the designated driveway or hard surfaced parking area as described in Subdivision 10.3, G.</td>
<td>One (1) per lot.</td>
</tr>
</tbody>
</table>
Section 11.01: Zoning Ordinance
Subdivision 10.3: Parking and Loading

<table>
<thead>
<tr>
<th>Motorboats, sailboats, and unoccupied trailers twenty–five (25) feet or less in length.</th>
<th>On the designated driveway or hard surfaced parking area as described in Subdivision 10.3, G, and also in the rear yard subject to setbacks for accessory buildings. No parking shall be allowed in corner side yards.</th>
<th>No restriction.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other smaller recreational vehicles as defined herein such as motorcycles, snowmobiles, jet ski, etc.</td>
<td>In interior side and rear yards subject to setbacks for accessory buildings. Not in corner side yards.</td>
<td>No restriction.</td>
</tr>
</tbody>
</table>

* Recreational vehicles over thirty (30) feet in length which are stored on residential lots for more than seventy–two (72) hours shall be subject to screening requirements of Subdivision 10.4, B (6) (b).

J. Other Regulations. Other general regulations applicable to parking or storing motor vehicles and recreational vehicles on residential lots are as follows:

1. All vehicles stored on a residential property shall be owned by the residents of such property.
2. A motor home or travel trailer stored on a property shall not be occupied while on the premises.
3. Passenger vehicles and trucks in an inoperative state or without current license shall not be parked for a period exceeding thirty (30) days unless parked or stored within a building. Inoperative shall mean incapable of movement under their own power.

10.4 Landscaping, Buffers, and Screening

A. Landscaping

1. Intent. This Subdivision is intended to provide minimum landscaping and planting standards for the purpose of promoting and protecting the health, safety, and welfare of the public by creating an environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life. This Subdivision is also intended to promote proper selection, installation, and maintenance of plant materials that result in the conservation of natural resources.

2. Applicability. The provisions of this Subdivision shall apply to the following types of development:
   a. New Development. New development that requires site plan approval or a land division approval as specified in this Ordinance.
   b. Expansion of Existing Building or Parking Lot. When a building or parking lot is expanded, the requirements of this Subdivision shall apply on an incremental basis. This means that landscaping is required in the same proportion that the expanded building area or parking lot has to the existing development.
   c. Exemptions. The provisions of this Subdivision do not apply to following situations:
      (1) Single or two–family dwelling located on an existing parcel of record;
      (2) Agricultural uses;
(3) The reconstruction of an existing building of which fifty percent (50%) or less of the floor area was destroyed or ruined by flooding, fire, wind storm, or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided;

(4) Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities or in an enlargement in the exterior dimensions of the building;

(5) Any use, building, or structure for which only a change of use is requested and which requires no structural modifications that increase its volume or scale.

3. **Landscape Plan Required.** Applications subject to this Subdivision shall include a landscape plan prepared by a landscape architect or other qualified person in accordance with the provisions of this Subdivision. At a minimum, the landscape plan shall include the following information as applicable or as directed by the Zoning Administrator or other Authorized Agent:

   a. **General Information.** Name and address of the developer / owner; name and address of the landscape architect or designer; date of preparation; date and description of all revisions; and name of the project or development.

   b. **Landscape Plan.** A scaled drawing of the site based on a survey of the property showing the following:

      (1) Existing and proposed base conditions: indication of scale and north arrow, the names and right–of–ways of proposed and existing streets; location of all existing and proposed easements and right–of–ways; existing and proposed topography at two (2) foot contour intervals; location of proposed and existing buildings, parking areas, water bodies, sidewalks, and other site features.

      (2) Existing and proposed landscaping: the location, size, and identification of all existing and proposed trees and shrubs with appropriate planting details; the proposed planting beds with the identification of all plant material used; the location of all existing and proposed hardscape improvements, including patios, retaining walls, fences, berms, and similar improvements; and the location and details of irrigation systems.

      (3) Planting schedule and detail: a table and graphic showing the common and botanical names, the size, root specifications, quantities, and special planting conditions, or the proposed plantings.

4. **Planting requirements.** The planting requirements for development subject to this Subdivision shall be as follows:

   a. **Planting Requirements for Single and Two–Family Parcels Associated with a New Subdivision or New Dwellings.**

      (1) Minimum number of trees per lot. All new residential subdivisions and all new one– or two–family dwellings shall be required to plant three (3) trees per single family lot and five (5) trees per two–family lot. At least one (1) tree per lot shall be an overstory tree. Multiple varieties of trees shall be required for new subdivisions.
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(2) Minimum size of trees. Minimum size of trees and planting time requirements shall be as set forth in Provision 5: Acceptable plant materials of this Subdivision. In the event the required trees are not installed as part of a subdivision’s public improvements, such trees shall be installed as part of the building permit requirements.

(3) Credit for existing trees. Sites containing significant existing trees which will be retained may be given a credit against the number and caliper inch requirements. The amount of credit will be based upon location and size as determined by the City Planner or other Authorized Agent. Credit shall not be given for dead, diseased, or damaged trees. Significant trees are defined as:

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Height/Size Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coniferous trees</td>
<td>Six (6) feet or more in height</td>
</tr>
<tr>
<td>Deciduous trees</td>
<td>Eight (8) inches or more in diameter*</td>
</tr>
</tbody>
</table>

* Deciduous trees are measured at four (4) feet above the root collar

(4) Berms. Where practical in newly developed areas, planted earth berms shall be provided along collector and arterial streets to minimize negative impacts upon residential properties from adjacent high traffic volumes. Plant material shall consist of tree and shrub types which most effectively provide a visual screen, as determined by the City Planner or other Authorized Agent.

b. Planting Requirements for Uses on Parcels Other than Single and Two – Family Parcels. Development or redevelopment of all parcels, except one and two – family parcels, shall comply with the following standards:

(1) Minimum number of trees per lot. The minimum number of overstory trees per parcel shall be not less than the lineal feet of the perimeter of the parcel divided by forty (40). Fractional numbers shall be increased to the next whole number.

(2) Minimum caliper inches of overstory trees per building. The minimum number of caliper inches of overstory trees shall be determined by dividing the total gross square footage of all floors of a building by three hundred – twenty (320). Coniferous trees may be considered equivalent to overstory trees by dividing the height of a coniferous tree by 2.4 to determine equivalent caliper inches. Fractional numbers shall be increased to the next whole number.

(3) Credit for existing trees. Sites containing significant existing trees which will be retained may be given a credit against the number and caliper inch requirements listed above. The amount of credit will be based upon location and size as determined by the City Planner. Credit shall not be given for dead, diseased, or damaged trees. Significant trees are defined as:

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Height/Size Definition</th>
</tr>
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<tr>
<td>Coniferous trees</td>
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</tr>
<tr>
<td>Deciduous trees</td>
<td>Eight (8) inches or more in diameter*</td>
</tr>
</tbody>
</table>

* Deciduous trees are measured at four (4) feet above the root collar

(4) Minimum number of shrubs per lot. The minimum number of shrubs per parcel shall be not less than the lineal feet of the perimeter of the parcel divided by forty (40). In addition, a full complement of perennials, annuals, or other planting shall be provided to complete a quality landscape treatment of the site as determined by the approval authority. Fractional numbers shall be increased to the next whole number.
c. **Planting Requirements for the Interior of Parking Lots.** Parking areas with twenty (20) or more parking spaces shall have at least five percent (5%) of the total interior parking area landscaped with plantings.

d. **Exceptions to Planting Requirements.** The planting requirements specified in this Subdivision may not be applicable to all development or redevelopment in the City. For example, the compact nature of the B3 Downtown Mahtomedi District may not reasonably allow for the planting of trees as specified in this Subdivision. Consequently, at the discretion of the applicable approval authority, the approval authority may waive or alter (without a variance) the planting requirements of this Subdivision when it is determined that the requirements cannot be reasonably met due to the unique conditions of the zoning district, the parcel, or the development.

5. **Acceptable Plant Materials.** Plant materials shall comply with the following standards:

   a. **Minimum Size Requirements.** Trees shall comply with the following minimum size requirements:

      (1) Deciduous trees for all parcels: One and one – half (1½) caliper inches, measured at four (4) feet above the root collar;

      (2) Coniferous trees or multi – trunk deciduous trees for all parcels: Six (6) feet tall;

      (3) Major shrub plantings: Five (5) gallons.

   b. **Plant Species.** Plant species shall relate favorably to the conditions for which they are intended to be placed. Native plants are recommended where appropriate.

   c. **Species Diversity.** No more than twenty – five percent (25%) of the trees planted on a development shall be of the same species.

   d. **Prohibited Plants.** No noxious weeds, nuisance weeds, nor invasive woody plants shall be planted or allowed to grow.

6. **General Planting Requirements.** All developments requiring a landscape plan pursuant to this Ordinance shall comply with the following standards:

   a. **Undisturbed Areas.** Undisturbed areas containing viable vegetation may be left in an undisturbed state.

   b. **Disturbed Areas.** All disturbed areas that are not devoted to buildings, parking, circulation, patios, and similar uses shall be seeded, sodded, or landscaped with trees, shrubs, perennials, or annual plantings in accordance with this Subdivision.

   c. **Required Sodding or Seeding.** Unless specifically waived by the approval authority due to excessively large areas or other limitations, all newly disturbed areas in the front and side yards shall be covered with sod, landscape plantings, or other landscape improvements. Rear yards and areas that are part of an approved natural landscape plan may be seeded or covered with another appropriate groundcover in lieu of sod.

   d. **Slopes and Berms.** Final slopes greater than a 3:1 ratio (thirty – three percent (33%) slope) shall not be permitted without the written approval of the City Engineer or other Authorized Agent.

   e. **Placement of Plant Materials.** Placement of plant materials shall comply with the following standards:
(1) No plantings shall be placed in a manner (or be allowed to be maintained in a manner) that interferes with the required vision triangle as specified in Subdivision 10.1, G: Vision Triangle.

(2) No trees shall be placed in drainage or utility easements without the written permission of the Public Works Director or other Authorized Agent of the City.

(3) No plantings (other than seed or sod associated with maintained lawns) shall be placed in the public right – of – way without the written approval of an Authorized Agent of the City.

(4) Any trees planted must be seven (7) feet or greater from the curb or edge of road.

(5) Trees and plant material centers shall be located at least three (3) feet from fences and property lines.

f. **Time Requirement for Installation.** The landscaping required by this Subsection shall be installed to the satisfaction of the Zoning Administrator, building Inspector or other Authorized Agent within one (1) growing season of building completion or occupancy, whichever is first. In the event completion or occupancy occurs after September 15, installation shall be required by June 1 of the following year.

g. **Responsibility.** The developer shall be responsible for installation of required plant materials, unless there is no developer in which case the property owner shall be responsible. For three (3) years after the plantings are installed, the property owner shall be responsible for timely replacement of any dead plant materials required by this Subdivision.

h. **Maintenance.** All plant material shall be maintained in an attractive and healthy growing condition at no cost to the City.

7. **Tree Preservation and Replacement.** Tree preservation and replacement shall be as specified in Subdivision 10.5: Slopes / Woodland Protection, Preservation and Replacement.

B. **Screening of Equipment, Vehicles, Outdoor Storage, and Similar Uses**

1. **Intent.** This Subdivision is intended to provide standards for the screening of parking lots, structures, equipment, and similar uses from surrounding properties and right – of – ways. The screening required in this Subpart shall consist of a fence, wall, landscaping or earth berm, but shall not extend within fifteen (15) feet of any public street. Natural features, such as differences in elevation, tree masses or similar features may negate the need for man – made screening in certain areas. In general, plant materials are preferred as opposed to walls and fences. If walls and fences are used, they shall be architecturally harmonious with the principal building. Color of freestanding fences and wall shall be compatible with natural surroundings; earth tone colors are encouraged.

2. **Screening of Parking Lots.** Parking lots with five (5) or more spaces shall be screened from the street right – of – way and adjacent properties to the extent practical as follows:

   a. Parking lots shall be screened with a landscaped area, no less than five (5) feet wide, in which plantings and / or berms no less than three (3) feet in height are located; or

   b. Parking lots may be screened with a fence or wall between four (4) and six (6) feet in height. The fence shall be consistent with Subdivision 10.6: Fences.
3. **Screening of Mechanical and Electrical Equipment.** Mechanical and electrical equipment associated with uses other than single and two – family residential uses shall be screened from public view as follows:
   a. **Rooftop Equipment.** Rooftop equipment shall be screened using materials that are harmonious with the subject building. Screening materials may include metal screening or louvers that are painted to blend in with the surroundings.
   b. **Wall Mounted or Ground Equipment.** To the maximum extent practical, buildings with wall mounted or ground equipment shall provide equipment screening that is an integral to the design of the building. Where this is not practical, plantings, wood fences, or masonry walls may be used to screen the equipment from public view.
   c. **Utility Substations.** Utility substations shall be screened with a minimum six (6) foot high screen.

4. **Screening of Trash Containers.** Trash dumpsters and other trash containers associated with uses other than single and two – family residential uses and dumpsters or containers designated for public use and located on public property shall be screened as follows: (1-19-21)
   a. Trash containers shall be screened on all four (4) sides, using an enclosure that is a minimum of one (1) foot above the top of the container;
   b. To the maximum extent practical, the trash enclosure shall be constructed of materials that are harmonious with those of the principal structure and have a minimum opacity of ninety percent (90%);
   c. A gate or door of the trash enclosure shall be closed at all times except as needed to access the trash container.

5. **Screening of Loading Docks.** Loading and service areas shall be screened as follows:
   a. Loading and service areas shall be located at the side or rear of buildings and shall be screened to the maximum extent practical from view of any street or adjacent property.
   b. Loading and service areas shall be enclosed on three sides by a wall or other screening device not less than ten (10) feet in height and have a minimum opacity of ninety percent (90%).
   c. Screening materials shall be comprised of a wall that is harmonious with the primary structure.

6. **Screening for Residential Districts.** Screening shall be required in residential districts where:
   a. Any material and equipment is stored other than recreational equipment, construction and landscaping materials currently being used on the premises or the off – street parking of automobiles and pick – up trucks.
   b. Recreational vehicles over thirty (30) feet in length are stored for more than seventy – two (72) hours. Such vehicles shall be visually screened from adjacent properties and public streets. Such screening shall be at least six (6) feet in height and at least fifty percent (50%) opaque.

7. **Screening for Commercial and Industrial Uses.**
a. Any side yard of a business or industry that is across the street from, or within one hundred feet of property zoned for residential use shall be screened by a six foot high sight – obscuring fence, wall, landscape berm, or planting strip when approved by the Zoning Administrator or other Authorized Agent.

b. Permitted outdoor storage and outdoor storage areas associated with commercial and / or industrial uses shall be screened as follows:

1. Outdoor storage of storage areas exposed to view from any street adjacent to the property on which the storage is located shall be screened by a six (6) foot high sight – obscuring fence, wall, landscape berm, or planting strip when approved by the Zoning Administrator or other Authorized Agent.

2. Materials covered by buildings with roofs only, but without any sides, shall be considered outdoor storage and shall be subject to the screening provisions of this Subdivision. This provision shall not apply to the display of new or used agricultural implements, motor vehicles, or watercraft where such activities are an integral part of an automobile, agricultural implement, or watercraft dealership or storage facility.

3. Within the IB – Industrial Business District, outdoor storage of raw materials, supplies and finished and semi – finished products and equipment shall be permitted only if the storage area is totally screened from public view by a solid wall constructed of the same material as the principal structure unless otherwise authorized by the appropriate approval body.

8. **Location of Screening.** Required screening shall be located on the same lot as the facility to be screened. It shall not be located within street rights-of-way, nor within fifteen (15) feet of any street or driveway opening onto a street.

9. **Screening Maintenance.** All screening shall be maintained by the property owners so as not to be unsightly, a nuisance, or create a hazard or safety problem.

### 10.5 Slopes / Woodland Protection, Preservation and Replacement

#### A. Slope Preservation.

1. It is the policy of the City of Mahtomedi that land within the City be used in a manner which retains, to the greatest extent possible, the land’s natural contours. If reshaping of the land is necessary for functional reasons, such reshaping shall be done in a manner which reflects the character of the land prior to development. Substantial grading of rolling and hilly land to create level or nearly level land is prohibited.

2. The City of Mahtomedi shall not approve a subdivision or issue a building permit or grading permit for land containing steep slopes unless the applicant demonstrates that the proposed land development, grading or construction will utilize techniques which preserve the land’s natural topographical features and prevents soil erosion and its resultant negative impacts.

3. It is the policy of the City of Mahtomedi not to issue grading permits or building permits for property containing very steep slopes unless the applicant for such permits demonstrates that grading and construction activities on the land will not alter, disturb or otherwise affect the very steep slopes. Notwithstanding the above, the City may approve the construction of access streets and driveways, but not parking areas, across very steep slopes if the individual or entity seeking such approval demonstrates that no other
4. The use of very steep slopes is subject to the following restrictions:
   a. Clearcutting of trees and shrubs is prohibited,
   b. Limited clearing, pruning and trimming of trees and shrubs may be permitted to accommodate the placement of stairways and pathways,
   c. The topping of trees is prohibited unless they are under overhead utility lines,
   d. The removal of trees, limbs or branches that are dead, damaged, diseased or that pose safety hazards is permitted.

5. Principal and accessory structures shall be set back at least twenty (20) feet from the top of very steep slopes to prevent soil erosion and tree loss.

6. Grading, excavating and filling activities shall not create slopes greater than twenty – five percent (25%).

B. Woodland Preservation.

1. The City of Mahtomedi recognizes the value of trees and woodlands for absorbing air pollutants, reducing noise, having a cooling effect in the summer, providing wildlife habitat, providing visual amenity and preventing soil erosion and siltation.

2. It is the policy of the City of Mahtomedi that land within the City be used in a manner that preserves significant trees and wooded areas and that the development of wooded areas be undertaken in a manner which protects these valuable resources.

3. As a condition of subdivision approval or the issuance of a grading or building permit, applicants must demonstrate, to the reasonable satisfaction of the City that the design and construction of streets, site improvements and buildings has and will be undertaken in a manner which avoids unnecessary damage to or destruction of trees of significant size, value and health.

4. Applications for subdivision / minor subdivision, building permits or grading permits shall submit to the City, along with required application, the following:
   a. A detailed survey of the significant trees located on the land. The survey shall indicate the size, species and location of each significant tree;
   b. A tree preservation / replacement plan. The City Forester, City Staff and or other Authorized Agent shall review the proposed tree preservation / replacement plan and may require modifications or additions to the plan. Procedures for preserving trees may include color markings, banding and fencing of significant trees to keep construction machinery and equipment a safe distance from the trees.

5. As a condition of a subdivision / minor subdivision, grading permit, or building permit, the City may require the applicant to replace any significant trees which are damaged or destroyed as a result of development or construction activities. At a minimum in heavily wooded areas, trees that are damaged or destroyed shall be replaced at a rate of one (1) tree replaced for each three (3) significant trees lost. At a minimum in areas that are not heavily wooded, trees
that are damaged or destroyed shall be replaced at a rate of one (1) tree replaced for each one (1) significant tree lost. Significant trees are defined as coniferous trees six (6) feet or more in height or deciduous trees eight (8) inches or more in diameter. Replacement trees shall be no less than two and one half (2½) inches in diameter for deciduous trees and six (6) feet tall for coniferous trees. Replacement shall be completed within one (1) year of the conclusion of development or construction activities. The City may require the applicant to provide the City with a cash deposit, surety bond or letter of credit to secure the applicant’s obligation to replace the lost trees.

10.6 Fences

A. Intent. The intent of this Subdivision is to regulate the materials, location, height, and maintenance of fences, gates, and walls to prevent the creation of nuisances and to protect the safety and general welfare of the public.

B. Compliance and Required Fence Permit.

1. Compliance. It shall be unlawful to construct or cause to be constructed a fence, gate, or wall that does not meet the provisions of this Subdivision.

2. Required Fence Permit. No fence, gate, or wall (except those specifically exempted by this Subdivision) shall be constructed without first having obtained an approved permit from the Building Official or other Authorized Agent, pursuant to Subdivision 8.2: Zoning Permit. Required information and / or documents of a Building Permit are modified for fence permit application to include the following:

a. A plan showing the location of any fence(s) and landscaped areas in relation to structures and property lines;

b. A description of the types of fencing materials to be used; and

c. A drawing showing the height, footings, and design of fence(s).

3. Fences Not Requiring a Fence Permit. The following type of fences shall not require the issuance of a fence permit:

a. Temporary Snow Fences. For the purpose of catching windblown snow, the erection of temporary snow fences shall not require a fence permit, provided the following conditions are met:

(1) The fence shall be erected prior to November 15 and shall not remain later than March 15 of each year;

(2) The fence shall be located entirely in the side or rear yard; and

(3) At no point shall the fence be a safety concern for pedestrians or vehicular traffic.

b. Temporary Construction Fences. Fences on construction and excavation sites for erosion control, the protection of plants, and the protection of the construction site shall not require a fence permit, providing the following conditions are met:

(1) The fence may be standing up to one hundred eighty (180) consecutive days and no more than one hundred eight (180) days per calendar year, unless otherwise authorized by the City Engineer or other Authorized Agent.

c. Seasonal Garden Fences. Fences made of wire and / or wood shall be allowed around garden areas without a permit, provided the following conditions are met:

(1) The fence shall be located entirely in the side or rear yard;
(2) The fence shall not exceed seventy – two (72) inches in height; and

(3) The fence shall be removed at the end of the growing season, unless otherwise authorized by the Zoning Administrator or other Authorized Agent.

C. General Design Standards

1. Type and Material. All fences and walls shall comply with the following criteria:
   a. Fences and walls shall be constructed in a manner and of such materials that do not adversely affect the appearance of the neighborhood or adjacent property values. Except as listed in Subdivision 10.6, B (3) above, fences shall not be constructed from chicken wire, welded wire, snow fence, branches, or materials originally intended for other purposes, unless upon the showing of a high degree of architectural quality achieved through the use of such, prior approval is granted by the Zoning Administrator or other Authorized Agent.
   b. Fences and walls hereafter erected shall be durable, weather resistant, rust proof, and easily maintained.
   c. Fences shall have structural supports (posts / footings) as required by the Building Official.
   d. Fences and walls shall be constructed of new or like new materials.
   e. The finished appearance of fences and walls shall be constructed with the higher quality finish directed toward the exterior of the property if the visual quality of the fence or wall is not the same on both sides.
   f. The fence and gate shall be of a single decorative style.
   g. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
   h. The framing and posts of wood, chain link, picket, stockade, and decorative metal fences shall face the inside of the parcel area fenced. The side of the fence considered to be the face (facing as applied to fence posts) shall face the abutting property.
   i. Metallic cyclone type or other open grid fences shall not be used as required screening between uses.
j. A certificate of survey may be required by the City Planner, Building Official or other Authorized Agent for all fences (except hedges and plantings) or walls to be constructed on or within six (6) feet from the property line, unless corner property stakes are in place and marked. Additionally, retaining walls shall not be placed within any drainage or ponding easements unless also reviewed and approved by the City Engineer.

2. **Height.** All fence and wall heights shall be measured from the average grade (measured at a point three (3) feet on each side of the fence or wall) to the top of the fence or wall. Fence height shall comply with the following standards:

   a. **Residential Uses.**

      (1) Front yard. Four (4) feet maximum.

      (2) Side yards. A fence up to six (6) feet in height may be erected on the side and corner side behind the nearest front corner of the principal building.

      (3) Rear yard. The fence shall not be taller than six (6) feet, except when a fence is located within the buildable area of eight (8) feet or more from the rear lot line, the fence height may be up to eight (8) feet in height. In residential districts where the front yards of neighboring properties abut the street at the rear lot line of the subject property, a fence within thirty (30) feet of the street right – of – way at the rear lot line of the subject property shall not exceed four (4) feet in height. For the purpose of this fence ordinance, the Zoning Administrator or other Authorized Agent shall determine the rear lot line on through lots.

      (4) Exemptions. Fence heights listed above in Subprovisions 1 – 3 may be increased for the following types of fencing:
(a) Sport court fencing. Chain link fences (without slat screens) used for the enclosure of sport court fencing and the like shall not exceed ten (10) feet in height and shall be located in a rear yard only. Sport court fencing and like may exceed the height requirements through the issuance of a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit.

(b) Commercial, Public / Institutional, and Industrial Uses.

(1) Front yard. The maximum height in the front yard is six (6) feet. Fences may extend to eight (8) feet with a security arm for barbed wire if a conditional use permit is obtained pursuant to Subdivision 8.21: Conditional Use Permit.

(2) Side yard. The maximum height in a side yard is six (6) feet. Fences may extend to eight (8) feet with a security arm for barbed wire if a conditional use permit is obtained pursuant to Subdivision 8.21: Conditional Use Permit.

(3) Rear yard. The fence shall not be taller than six (6) feet. Fences may extend to eight (8) feet with a security arm for barbed wire if a conditional use permit is obtained pursuant to Subdivision 8.21: Conditional Use Permit.

(4) Exemptions. Fence heights listed above in Subprovisions 1 – 3 may be increased for the following types of fencing:

(a) Sport court fencing. Chain link fences (without slat screens) used for the enclosure of sport court fencing and the like shall not exceed ten (10) feet in height. Sport court fencing and the like may exceed the height requirements through the issuance of a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit.

(b) Loading docks. The height of screening (fencing) for loading docks within view from public streets or adjacent to residential or public properties shall comply with Subdivision 10.4, B (5): Screening of loading docks.

(c) Trash containers. The height of screening (fencing) for trash dumpsters and other trash containers shall comply with Subdivision 10.4, B (4): Screening of trash containers.

3. Location. The location of all fences and walls shall comply with the following:
Chapter 11.01: Zoning Ordinance
Section 10.6: Fences

a. Fences and walls may be located on the property line, except where otherwise indicated in this Subdivision.

b. No fence or wall shall be located within an easement area without the prior approval of the Building Official or other Authorized Agent.

c. No fence or wall shall be located within the street right-of-way and in no case should a fence or wall be located closer than five (5) feet to the paved edge of a street (or face of curb) nor three (3) feet to the edge of an alley.

d. No fence or wall shall be permitted that materially impedes the required vision triangle as specified in Subdivision 10.1, G: Vision Triangle.

e. On lots with lake frontage, fences between the nearest corner of the principal structure to the lake and ten (10) feet upland of the ordinary high water level, shall be limited to a maximum height of four (4) feet. No fences shall be placed closer than ten (10) feet to the ordinary high water level. Fences six (6) feet in height or less shall be permitted from the corner of the principal structure nearest to the lake to within thirty (30) feet of the street right-of-way.

f. No fences or walls shall be placed within a wetland or required wetland buffer, cross over a required rain garden, or extend below the ordinary high water level of a stream or water quality/detention pond.

D. Special Provisions and Requirements

1. **Fence or Wall Intended to Serve as a Swimming Pool Barrier.** A fence or wall may serve as a swimming pool barrier provided that it complies with all applicable provisions for a swimming pool barrier as specified in Subdivision 9.6, G (8): Swimming Pool Barrier.

2. **Barbed Wire and Security Fences.** Barbed wire and security fences shall be permitted by conditional use permit only in commercial, public/institutional, and industrial districts, and shall be permitted by conditional use permit for essential services facilities located in any zoning district, pursuant to Subdivision 8.21: Conditional Use Permit.

3. **Electric Fences.** No electric fencing is permitted.

4. **Nonconforming Fence or Wall.** A nonconforming fence or wall may continue pursuant to Subdivision 10.2, I: Nonconforming Site Features.
10.7 Signs

A. **Intent.** The intent of this Subdivision is to regulate the placement, size, location, and maintenance of signs in the City so as to encourage visual communication by providing orderly, effective, and safe signage while retaining the individual character of the City’s buildings and its quality lake front image.

B. **Sign Permits and Fees.**

1. **Sign Permits.** No sign shall be erected or maintained anywhere in the City without first obtaining a sign permit pursuant to Subdivision 8.4: Sign Permit, except as otherwise exempted in this Ordinance.

2. **Application, Permit, and Fees.** A formal application together with accompanying documents prescribed by the City shall be submitted to the Zoning Administrator or other Authorized Agent to obtain a sign permit. Permit fees are as adopted annually in the fee schedule and shall accompany the permit application.

3. **Review of Applications.** The Zoning Administrator or other Authorized Agent shall review all sign permit applications. Sign applications for approval of permits for any sign requiring a variance shall be submitted to the City Council acting as the Board of Adjustments and Appeals pursuant to Subdivision 8.20: Variance.

4. **Replacement.** All permits for erection and maintenance of signs regulated by this Subdivision shall be issued for the useful life of the sign. Replacement signs or changes in the messages or symbols / designs shall require a new sign permit.

5. **Exemption.** No permit is required for a change in the copy on signs specifically designed for the use of replaceable copy, normal sign repairs, repainting or cleaning, and electrical maintenance.

6. **Appeal.** Upon notice of any application being rejected, the applicant shall have access to the variance and / or appeal procedure pursuant to and prescribed in Subdivision 8.20: Variance and Subdivision 8.24: Appeal of an Administrative Decision.

7. **Conforming.** An existing sign which has previously been issued a sign permit by the City and which conforms to the provisions of this code shall be considered a pre-existing, conforming sign and may continue to be displayed.

8. **Nonconforming.** An existing sign which has previously been issued a sign permit by the City but which is in violation of this Subdivision, is a pre-existing nonconforming sign and may continue to be displayed subject to Subdivision 10.7, R: Nonconforming Signs.

9. **Timing of Installation.** An existing sign for which a permit is issued shall be erected and in place within six (6) months from the date of such permission, or the permit shall automatically become void and a new permit must be applied for pursuant to the provisions of this Subdivision.

10. **Installation Before Permit Issuance.** Any person, firm, or corporation who either erects or has erected on his property any sign governed by this Subdivision prior to a permit being issued shall be guilty of a misdemeanor pursuant to City Code.

C. **Signs Allowed Without a Permit.** No permit shall be required under this Subdivision for the following signs:

1. **Building Signs.** Building signs are allowed in all business and industrial districts only and shall not exceed four (4) square feet in area.
2. Churches and Schools, Off-Site Directional Signs. In any district, one (1) off-site directional sign per church or school with a size no greater than 18” by 24” is allowed within the City right-of-way with the written permission of the adjacent owner.

3. Directional Signs, On-Site. In any district, directional signs are allowed not to exceed three (3) square feet and must be used exclusively for traffic control purposes. Such signs shall be designed and installed in conformance with the requirements of the Manual on Uniform Traffic Control Devices.

4. Governmental Signs. In any district, governmental signs are allowed.

5. Inside Signs. Inside signs are allowed in business and public districts only; at least fifty percent (50%) of the area of the window or door in which the inside sign is placed shall remain free from signage at all times.

6. Personal Sign. In any district, a sign not exceeding two (2) square feet in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

7. Political Signs. In any district, political signs are allowed on private property with the consent of the owner of the property to a maximum size of thirty-two (32) square feet. Such signs must be removed within seven (7) days following the date of an election to which they apply.

8. Portable Signs. In any district, portable signs are allowed provided they are not in use for more than five (5) consecutive days. Portable menu board signs shall be allowed in the B3 District as provided in Subdivision 11.13, I (2) (d): Portable menu board signs.

9. Private Informational Signs. In any district, private informational signs are allowed provided they do not exceed two (2) square feet in area and, if the sign is freestanding, it shall be no more than six (6) feet in height.


11. Temporary Construction Signs. In any district, temporary construction signs are allowed subject to the following requirements:
   a. A temporary construction sign shall be removed prior to occupancy of the development or completion of the project.
   b. A temporary construction sign shall not be illuminated in any manner.
   c. The temporary construction sign shall be no more than thirty-two (32) square feet and, if the sign is freestanding, it shall be no more than seven (7) feet in height and shall have a minimum clearance above the ground of no less than two (2) feet.
   d. There shall be no more than one (1) temporary construction sign per lot, except where a lot abuts two (2) or more streets additional signs, one (1) oriented to each abutting street, shall be allowed.

12. Temporary Real Estate Signs. In any district, signs for the purpose of selling or leasing individual lots or buildings shall be allowed without a permit provided that:
   a. Such signs shall not exceed six (6) square feet for residential property and twelve (12) square feet for non-residential property.
   b. Only one (1) such sign is permitted per street frontage upon which the property abuts.
c. Such sign shall be removed within seven (7) days following the lease or real estate closing.

d. No part of such sign shall be closer than six (6) feet from the back of curb or pavement. If there is a sidewalk, no part of the sign shall be located closer than two (2) feet from the inside edge of the sidewalk.

NOTE: If the property is located on a State or County road, their respective right-of-way setback statutes will take precedence over the municipal ordinance.

e. Temporary real estate (open house) directional signs may not exceed 1.5 x 2.0 feet. Said temporary sign may be placed on public right-of-way, but only between the hours of 12 o’clock noon until 8pm on weekdays and 6am Saturday until 8pm on the last day of the weekend.

13. Temporary Special Event Signs. In any district, except the B3 District, temporary special event signs are allowed subject to the following requirements:

a. Not more than one (1) special event sign may be located on any one (1) lot at any time. Such a sign may be located either on – or off- site. A special event sign shall be erected and maintained for a period not to exceed ten (10) days prior to the date, which the special event is scheduled to occur. Furthermore, such sign shall be removed within two (2) days of the termination of the special event.

b. Within residential districts, the sign area shall be no more than twelve (12) square feet and, if the sign is freestanding, it shall be no more than five (5) feet in height and it shall have a minimum clearance above the ground of no less than two (2) feet.

c. Within the business or industrial districts, not more than one (1) special event sign indicating a grand opening or new business may be located on-site and shall be erected and maintained for a period not to exceed thirty (30) days. The sign area shall be no more than thirty – two (32) square feet, and if the sign is freestanding, it shall be no more than ten (10) feet in height and it shall have a minimum clearance above the ground of no less than two (2) feet.

d. No lettering, characters, logos, extensions or attachments shall be allowed to extend beyond the face of the sign.

e. Temporary pennants may be allowed in conjunction with the temporary special event sign so long as they do not interfere in vehicle and pedestrian sight lines, and shall be properly anchored or tied down to the sign and ground.

Temporary special event signs are allowed in the B3 District subject to the requirements set forth in Subdivision 11.13, I (4): Temporary Sign.

14. Other Signs. In any district, signs on benches, newsstands, car stands, bus stop shelters and similar places are allowed not to exceed four (4) square feet in area.

D. Signs Allowed in the Residential Districts, RR, R1-A, R1-B, R1-C, R1-D, R2, R3, and R4. The following are the only types of signs allowed in residential districts. Except for Provision 2 below, all signs require a permit.

1. Total Aggregate Signage Allowed. Total aggregate signage for allowed signs on any one property within residential districts is thirty-two (32) square feet except as otherwise allowed in Subdivision 10.7, C: Signs Allowed Without a Permit.
2. **Signs Allowed Without a Permit.** All signs allowed within residential districts under Subdivision 10.7, C: Signs Allowed Without a Permit.

3. **Residential Entrance Monuments.** Allowed as regulated under Section 10.7, L: Residential Entrance Monument Signs.

4. **Nonresidential Uses.** In addition to the signs permitted in Provision 1 and 2 above, the following signs are permitted for nonresidential uses located within residential districts. Such uses include parks, schools, and churches serving the residential population, but do not include day care, permitted residential group facilities or home occupations.
   a. **Wall Signs.** The sign area shall be no more than thirty – two (32) square feet or ten (10) percent of the area of the wall upon which the sign is located, whichever is less. The sign shall not be illuminated in any manner.
   b. **Ground Signs.** Monument signs are the only type of ground sign allowed for nonresidential use in a residential area. The sign area shall be no more than thirty-two square feet and the sign shall not be more than five (5) feet in height. The sign shall not be illuminated with neon.
   c. **Electronic Changeable Copy or Electronic Graphic Display Signs.** Electronic changeable copy and electronic graphic display signs may be allowed with a conditional use permit, and must comply with the requirements of subdivision 10.7(E)(6).

5. **Prohibited Signs.** Any sign not permitted above is prohibited for use in residential districts.

E. **Signs Allowed in Business Districts, B1, B2, B4, and B5.** The following are the only types of signs permitted in the B1, B2, B4, and B5 Business Districts. Except for those included in Provision 2 below, all signs shall require a permit.

1. **Total Aggregate Area.** Total aggregate area of all wall and freestanding signs per lot shall be limited to two (2) square feet per linear foot of lot frontage.

2. **Signs Allowed Without a Permit.** All signs allowed within business districts under Subdivision 10.7, C: Signs Allowed Without a Permit.

3. **Wall Signs.** The sign area shall be calculated as a maximum percent of the building wall upon which the sign is located.

<table>
<thead>
<tr>
<th>District</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1, B2</td>
<td>15%</td>
</tr>
<tr>
<td>B4, B5</td>
<td>20%</td>
</tr>
</tbody>
</table>

4. **Ground Signs.**
   a. **Pole Signs.** Pole signs are prohibited.
   b. **Monument Signs.** Maximum allowable area and height shall be as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Area (SF)</th>
<th>Maximum Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>32</td>
<td>6</td>
</tr>
<tr>
<td>B2</td>
<td>50</td>
<td>8</td>
</tr>
</tbody>
</table>
B4, B5  75  10

5. **Awning and Canopy Signs.** Awning and canopy signs as regulated in Subdivision 10.7, M: Awning and Canopy Signs.

6. **Electronic Changeable Copy Signs.** Electronic changeable copy signs are permitted in the B4 and B5 Districts and shall adhere to the following:
   a. Electronic changeable copy signs are allowed only on monument signs in the B4 and B5 Districts. Electronic changeable copy signs may occupy no more than thirty-five percent (35%) of the actual copy and graphic area allowed in the B4 and B5 Districts. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one contiguous electronic changeable copy area is allowed on a sign face;
   b. No part of the matrix elements of the display shall change more than once every eight (8) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least eight (8) seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds;
   c. Electronic changeable copy signs shall have messages that change instantaneously, and do not fade, dissolve, blink, or appear to simulate motion in any way.
   d. The messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
   e. The matrix elements of the display shall be monochromatic in color;
   f. Each sign shall be located at least one hundred-fifty (150) feet from any other electronic graphic display sign as measured in a straight line from the base of the sign to the base of any other electronic changeable message sign.
   g. The sign must be designed and equipped to freeze the display in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the city that it is not complying with the standards of this ordinance.

7. **Prohibited Signs.** Any sign not permitted above is prohibited for use in Business Districts.

F. **Signs Allowed in the B3 District.** Refer to Subdivision 11.13, I: Signs for allowable signs in the B3 District.

G. **Signs Allowed in Industrial / Business, IB,** The following are the only types of signs permitted in the Industrial / Business. Except for those included in Provision 2 below, all signs shall require a permit.

1. **Total Aggregate Area.** Total aggregate area of all wall and freestanding signs per lot shall be limited to two (2) square feet per linear foot of lot frontage.
Chapter 11.01: Zoning Ordinance  
Section 10.7: Signs

2. **Signs Allowed Without a Permit.** All signs allowed in Industrial / Business district under Subdivision 10.7, C: Signs Allowed Without a Permit.

3. **Wall Signs.** The sign area shall be no more than a maximum of fifteen percent (15%) of the building wall upon which the sign is located.

4. **Ground Signs.**
   a. **Pole Signs.** Pole signs are not allowed in Industrial / Business District. Nonconforming advertising signs may convert to advertising signs with electronic graphic displays pursuant to Section 10.7, S: Nonconforming advertising signs; conversion to advertising signs with electronic graphic displays below.
   b. **Monument Signs.** The sign area shall be no more than seventy five (75) square feet and the sign shall not be more than eight (8) feet in height.


H. **Signs allowed in the MU-PUD District and other Planned Unit Development (PUD) Districts (PUD).** Signs in the MU – PUD District shall generally be regulated applying the standards of the IB and OB Districts. However, specific sign regulations shall reflect the design intent of the MU – PUD District and shall be specified in the PUD agreement.

Signs in planned unit development districts shall be regulated by use, applying the standards provided in the most closely related district. In instances where sign regulations are specified in existing or new planned unit development districts, those regulations shall supersede any regulations specified in the most closely related district.

I. **Signs Allowed in P – Parkland / Public and C- Conservation Districts.** The following signs are the only types of signs permitted in the Parkland / Public District and Conservation District. Except for those included in Provision 2 below, all signs shall require a permit.

1. **Total Aggregate Signage.** Total aggregate signage allowed within Parkland / Public and Conservation districts is thirty – two (32) square feet.

2. **Signs Allowed Without a Permit.** All signs allowed in Parkland / Public and Conservation districts under Subdivision 10.7, C: Signs Allowed Without a Permit.

3. **Other Signage.** In addition to the signs permitted in Provisions 1 and 2 above, the following signs are permitted for use within Parkland / Public and Conservation Districts. Such uses include government buildings, parks, schools, and churches serving the residential population, but do not include day care, permitted residential group facilities or home occupations.
   a. **Wall Signs.** The sign area shall be no more than thirty – two (32) square feet or ten percent (10%) of the area of the wall upon which the sign is located, whichever is less.
   b. **Ground Signs.** Monument signs are the only type of ground sign allowed in Parkland / Public and Conservation zoning districts. The sign shall be no more than thirty – two (32) square feet and shall not be more than five (5) feet in height. The sign shall not be illuminated with neon.
J. **Signs Allowed in Public Building (PB) Districts.** The following are the only types of signs permitted in the Public Building Districts, except for those signs associated with college campus sites of 20 acres or more located in the PB District, in which the standards outlined in provision 3 below shall take precedence over the standards outlined in provision 1 and 2 below. All signs shall require a permit except for those signs specified in Subdivision 10.7, C: Signs Allowed Without a Permit above as allowed in Public Building Districts without a permit.

1. **Wall Signs.** The sign area shall be no more than fifteen percent (15%) of the building upon which the sign is located.

2. **Ground Signs.**
   a. **Pole Signs.** Pole signs are not allowed in Public Building Districts.
   b. **Monument Signs.**
      1. Monument signs shall be no more than seventy – five (75) square feet in area and eight (8) feet in height.
      2. One monument sign per street frontage or entrance shall be allowed, provided that in the case of multiple entrances along a single street frontage, the entrance must be separated by a minimum of six hundred (600) feet. If entrances are provided from two separate intersecting streets, one monument sign is allowed at each entrance provided the signs are separated by four hundred (400) feet measured in a straight line.
   c. **Identification Signs.** Identification signs shall be monument signs stating the name of the institution or facility or the names of the functions or activities located on the overall site. Commercial advertising of products sold in conjunction with campus activities shall not be permitted. Only one identification sign shall be permitted per overall site. The identification sign shall not exceed one hundred, fifty (150) square feet in area and ten (10) feet in height and must be separated from any other ground sign by a minimum one hundred (100) feet.
   d. **Electronic Changeable Copy Sign.** In the PB District an electronic changeable copy sign may be included as part of the campus identification sign, provided the following:
      1. The information displayed relates only to activities or events taking place directly on the campus or at another publicly owned or leased site or facility in the City of Mahtomedi or surrounding community;
      2. No part of the matrix elements of the display shall change more than once every eight (8) seconds, except one for which changes are necessary to correct hour- and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least eight (8) seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds;
      3. Electronic changeable copy signs shall have messages that change instantaneously, and do not fade, dissolve, blink, or appear to simulate motion in any way.
(4) Operation of the electronic message component of the identification sign shall be restricted to the hours between 7 AM and 10 PM; and

(5) The matrix elements of the display are monochromatic in color.

(6) Electronic Changeable Copy Signs must be designed and equipped to freeze the display in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the city that it is not complying with the standards of this ordinance.

3. Signs for College Campuses. The City Council finds that signage for college campuses present unique communication needs and concerns. Therefore, the following standards shall apply to college campuses of 30 acres or more in size. These standards shall take precedent over the standards in the underlying sign district as listed in provisions 1 and 2 above.

a. Wall Signs. The sign area shall be no more than fifteen percent (15%) of the building upon which the sign is located.

b. Pole Signs. Pole signs are not allowed.

c. Monument Signs. Monument signs shall be located on the site of the use and shall comply with the following standards:

(1) Primary Campus Directional Sign Standards.

(a) One primary campus directional sign shall be allowed per street frontage.

(b) The allowable sign face area shall be no more than twenty-eight (28) square feet.

(c) The maximum height shall be ten (10) feet.

(d) The sign shall be set back a minimum of ten (10) feet from any public street right of way.

(e) The sign may be internally lit, so long as the darker, solid color background is maintained.

(2) Secondary Campus Directional Sign Standards.

(a) One secondary campus directional sign shall be allowed for each entrance into the college campus visible from the public street. If not along a public street, no secondary campus directional sign shall be erected which is not clearly necessary for the safety and convenience of the public. In no instance shall the number of secondary campus directional signs exceed one sign per five acres of total site area.

(b) The allowable sign face area shall be no more than nine (9) square feet.

(c) The maximum height shall be six (6) feet.

(d) The sign shall be set back a minimum of ten (10) feet from any public street right of way.

(e) The sign may be internally lit, so long as the darker, solid color background is maintained.

(3) Building Entry Identification Sign Standards.
Section 11.01: Zoning Ordinance  
Subdivision 10.7: Signs

(a) One building entry identification sign shall be allowed for each prominent building entrance on the college campus.

(b) The allowable sign face area shall be no more than twenty (20) square feet.

(c) The maximum height shall be twelve (12) feet.

(d) The sign shall be located adjacent to the building in which it is providing identification to, but in no case shall the sign be located closer than ten (10) feet from any public right of way.

(e) The sign may be internally lit, so long as the darker, solid color background is maintained.

(4) Light Pole Parking Lot Identification Sign Standards.

(a) The allowable sign face area shall be no more than three (3) square feet.

(b) Internal illumination shall not be allowed.

d. Electric Changeable Copy Sign. Electronic changeable copy signs are not allowed.

K. Industrial Park and Business Center Identification Signs. Industrial park and business center signs shall be ground signs stating the name of the business center or industrial park and or the names of the activities or tenants located within the business center or industrial park. Industrial park and business center identification signs are subject to the following requirements:

1. Industrial park and business center signs shall require a permit.

2. Only one (1) industrial park or business center sign shall be allowed per each entrance or street frontage to the business center of industrial park.

3. In order for an industrial park or business center identification sign to be approved sufficient proof must be offered to demonstrate that an entity exists to provide for the ongoing maintenance of the sign.

4. Business center identification signs shall not exceed one hundred fifty (150) square feet in area. Pole signs shall not exceed twenty-four (24) feet in height and they shall have a minimum clearance above the ground of no less than two (2) feet. Monument signs shall not exceed ten (10) feet in height.

5. Industrial park identification signs shall not exceed one hundred (100) square feet in area. Pole signs are not allowed within Industrial districts. Monument signs shall not exceed eight (8) feet in height.

L. Residential Entrance Monument Signs. Residential Entrance Monument signs are subject to the following requirements.

1. Residential entrance monument signs shall require a permit.

2. Only one (1) permanent residential entrance monument sign shall be allowed per each entrance to a residential subdivision or other residential development including townhome, condominium, and apartment, but in no case shall there be more than two (2) such signs for any one (1) project.

3. Residential entrance monument signs shall not exceed fifty (50) square feet in area and not exceed six (6) feet in height.

M. Awning and Canopy Signs.
1. **Awning Signs - General Requirements.**
   a. **Sign Area.** The sign area shall not exceed forty percent (40%) of the total face area of the awning upon which the sign is affixed or included. The total face area of an awning is defined as the portion of the awning which is parallel, or within fifteen (15) degrees of parallel, to the building façade upon which it is attached.
   b. **Sign Location.** An awning sign shall be located only on the front face of the awning. No sign is permitted on the side of the awning or any portion of the awning that is not parallel, or within fifteen (15) degrees of parallel, to the building façade upon which the awning is attached.
   c. **Multiple Activities – sign area and width.** When an awning covers multiple activities, each activity shall be allowed a sign whose width on that awning is no greater than eighty percent (80%) of the width of the activity in order to maintain adequate separation between activity spaces. The total sign area of all signs on any given awning shall not exceed forty percent (40%) of the total face area of that awning as computed in the Sign Computations section of this ordinance.

2. **Canopy Signs - General Requirements.**
   a. **Permit Required.** All canopy signs shall require a building permit.
   b. **Sign Area.** The sign area of a canopy shall be no more than twenty (20) square feet. Sign area shall be computed according to the method outlined in the Sign Area Computations section of this ordinance.
   c. **Numerical Requirements.** One (1) canopy sign is allowed for each service area canopy located on a lot or parcel.

3. **Conflict.** In the event terms conflict with terms in Subdivision 10.7, C: Signs Allowed Without a Permit, Subdivision 10.7, C shall control.

N. **Maximum Number of Signs.** In all districts other than the B3 district, the maximum number of signs allowed shall be as follows:

1. **Wall Signs.** Where wall signs are allowed, there shall not be more than one (1) wall sign for each distinct activity located in a building, except when more than one building facade has street frontage. In this instance, an activity may have one (1) wall sign for each facade with street frontage.

2. **Ground Signs.**
   a. Where ground signs are allowed, there shall not be more than one (1) ground sign for each lot or parcel. If two (2) or more signs are supported by one structure built into the ground, then they shall count as only one (1) ground sign. Business Center signs and residential entrance monuments are exempt from this requirement; instead being regulated below.
   b. **Business Center Sign.** Where a business center sign is allowed, it may be placed on the same lot as a second ground sign provided that no single activity is mentioned on both signs. However, there shall not be more than one (1) Business Center sign per each entrance or street frontage to a business center or industrial park. If two (2) or more signs are supported by one (1) structure built into the ground, then they shall count as only one (1) Business Center sign.
c. **Residential Entrance Monument Signs.** Where residential entrance monuments are allowed, there shall not be more than one (1) residential entrance monument allowed per each entrance to a residential development.

The maximum number of signs allowed in the B3 District is subject to the requirements set forth in **Subdivision 11.13, I (5): Maximum Number of Total Allowable Area of Signs.**

**O. Prohibited Signs.** The following signs are prohibited in all Zoning Districts.

1. **Abandoned Signs.**
2. **Advertising Signs.** No advertising signs are permitted in any zoning district in the City.
3. **Combination Signs.**
4. **Flashing Signs.** This includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels.
5. **Motion Signs.** No signs are allowed which contain moving or rotating sections.
6. **Off-site Signs.** The following signs are exempt from this prohibition:
   a. Temporary Off-site Directional Signs.
   b. Temporary Special Event Signs.
   c. Governmental Signs.
   d. Church and School Directional Signs.
7. **Painted Wall Signs.** Painted wall signs actually painted on the permanent exterior wall surface, except as provided in **Subdivision 11.13, I (2) (f): Painted wall signs.**
8. **Permanent Pennants.**
9. **Pole Signs.**
10. **Posted Bills or Signs.** Posted bills or signs placed on public right – of – way or any improvement within the public right – of – way.
11. **Projecting Signs.** Projecting signs on public right – of – way or sidewalks; except as provided in **Subdivision 11.13, I (2) (c): Projecting sign.**
12. **Roof Signs.** Roof signs; except as provided in **Subdivision 11.13, I (2) (g): Roof sign.**
13. **Signs Containing Audio Speakers or Any Form of Pyrotechnics.**
14. **Signs Which Obstruct Traffic Visibility.** No sign shall be erected or maintained in such place and manner as obstructs driver vision, or is noxious, annoying or hazardous because of method or lighting, illumination, reflection or location.
15. **Signs on Parked Vehicles.** Signs affixed to vehicles and / or trailers which are parked on a public right – of – way, public property, private property so as to be visible from a public right – of – way where the apparent purpose is to advertise a product or direct people to an activity located on the same or a nearby property shall be prohibited. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited.
16. **Signs within the Public Right – of – Way.** Signs shall not be permitted within the public right – of – way or easements reserved by the City except for Governmental signs installed by the City of Mahtomedi and other signs as outlined in **Subdivision 10.7, C: Signs Allowed Without a Permit.**
17. **Temporary Business Signs.** Temporary business signs except for temporary business signs allowed in the B3 District and which signs are subject to the requirements set forth in *Subdivision 11.13, I (4): Temporary Sign.*

18. **Temporary Pennants.** Temporary pennants except those used in conjunction with a Temporary Special Event sign as allowed under *Subdivision 10.7, C (13): Temporary Special Event Sign.*

19. **Video Display Signs.**

P. **General Sign Standards.**

1. **Abandoned and Irrelevant Signs.** Any sign which is abandoned or no longer relates to the activity located on the premises shall be removed by the property owner within thirty (30) days.

2. **Design.** A sign shall be designed as an integral architectural element of the building and site to which it principally relates. Materials and colors which are compatible with the character of the building and the surrounding environment shall be used on all signage.

3. **Design Similarity.** All signs on a building shall be similar in design to each other.

4. **Hazardous Signs.** No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, which interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.

5. **Location to Property Line.** No portion of any sign or post or canopy shall be located closer than ten (10) feet from any property, right–of–way or dividing line except as follows:

   a. Temporary real estate signs which are regulated in *Subdivision 10.7, C (12) (d): Temporary real estate signs.*

   b. Within the B3 District, a sign located on any portion of a building that is closer than ten (10) feet from the property, right–of–way, or dividing line, may be permitted in accordance to the requirements set forth in *Subdivision 11.13, I (2): Allowable Signs.*

   c. Within the B3 District, portable menu boards may be located as provided in the requirements of *Subdivision 11.13, I (2) (d): Portable menu board sign.*

6. **Location to Street or Highway.** No sign shall be located closer than ten (10) feet from any street or highway right of way except as follows:

   a. Residential name signs which are attached to mail boxes, lampposts, or the like.

   b. Within the B3 District, a sign located on any portion of a building that is closer than ten (10) feet from a street or highway right–of–way, may be permitted in accordance with the requirements of *Subdivision 11.13, I (2): Allowable Signs.*

   c. Within the B3 District, portable menu boards may be located as per the requirements of *Subdivision 11.13, I (2) (d): Portable menu board sign.*

7. **Proximity.** Free standing signs shall not be located closer than thirty (30) feet to any other sign on the same side of a street or highway.

8. **Safety Obstructions.** No sign shall obstruct access to fire escapes or required windows, doors, exists, or standpipes.
9. **Source of Lighting.** Lights shall be used to illuminate signs and shall be directed only upon the sign which they are meant to illuminate. No lights are permitted for which the source of the light is directly visible to passing pedestrians or vehicle traffic, except as otherwise allowed in this Subdivision.

Q. **Sign Computations.**

1. **Allowable Sign Area Computation.** When computing allowable sign area as a percent of the area of the building façade upon which the sign is located, the area of the façade shall be computed by multiplying the height of the façade as measured from the base of the building to the eave line or top of the uppermost inhabitable level by the width of the façade. When there is more than one space in a building, width shall be defined as the width the space occupies as it relates to the façade.

2. **Sign Area Computation.** Except for awning and canopy signs, the area of a sign shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building façade against which it is placed, but not including any supporting framework, pole, or bracing. When computing sign area, the rectangle shall be drawn over the sign such that its base is parallel with the ground.

3. **Multi-faced Sign Area Computation.** The sign area of a sign with more than one face shall be computed by adding together the area of all the sign faces visible from any one point, utilizing the method discussed in Provision 2 above. When two identical signs are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure and are not more than forty – two (42) inches apart, the sign area shall be computed by measurement of only one of the faces.

4. **Computation of Sign Area when Multiple Signs are Placed on One Pole.** When two (2) or more signs are mounted on one pole, pylon, or set of uprights affixed to the ground, then the total sign area shall be computed as the sum of all of the sign areas of the individual signs mounted on the pole, as computed in Provision 2 above.

5. **Supports, Uprights, or Structures.** The supports, uprights or structures on which any sign is supported shall not be part of the sign area unless such supports, uprights or structures are an integral part of the display or sign.

6. **Awning and Canopy Sign Area Computation.** When a sign is placed on an awning or canopy, the sign area shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, but not including any other part of the awning or canopy. For purposes of this computation, the total face area is defined as the portion of the awning or canopy which is parallel, or within fifteen (15) degrees of parallel, to the building façade upon which it is attached.

7. **Backlit Canopy Sign Area Computation.** The illuminated portion of a backlit canopy sign shall not exceed twenty – five (25) percent of the area of the façade upon which it is placed. The area of the façade is computed using the allowable wall sign area computation from the applicable zoning district.

R. **Nonconforming Signs.**
1. The Building Official / Code Enforcement Officer shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of adoption of this section.

2. Any nonconforming portable sign existing at the time of adoption of this section shall be made to comply with the requirements set forth herein or shall be removed within sixty (60) days after the adoption of this Ordinance.

3. No sign shall be enlarged or altered in a way which increases its nonconformity. Advertising sign extensions are not permitted.

S. Nonconforming Advertising Signs; Conversion to Advertising Signs with Electronic Graphic Displays.

1. Intent and Purpose. Studies show that there is a correlation between driver distraction and accidents. Signs with dynamic display can be a cause of driver distraction. Along highways, signs with electronic graphic displays tend to distract drivers if they are waiting to see the next change, especially if it is a continuation of the message or if the transition uses special effects. Signs with lettering that is too small to read at a glance also cause driver distraction; whereas, typical time and temperature signs, which can be read at a glance, are not a significant distraction. This section allows for the conversion of illuminated advertising signs to advertising signs with electronic graphic messages through the issuance of a Conditional Use Permit pursuant to Subdivision 8.21: Conditional Use Permit, and subject to standards that maintain highway safety. Electronic graphic message technologies can greatly expand the advertising capacity and graphic flexibility of advertising signs. However, Subpart O: Prohibited Signs, prohibits any new advertising signs in the city in order to protect and improve views, aesthetics, community pride and investment, and the visibility of local businesses. The provisions of the present section seek to offer benefits both to the public and to advertising sign owners. This section allows increased advertising through the addition of electronic graphic technologies on existing advertising signs.

a. A legally nonconforming, illuminated advertising sign in the IB – Industrial Business District may be converted to an advertising sign with an electronic graphic message through the issuance of a Conditional Use Permit pursuant to Subdivision 8.21: Conditional Use Permit, and if the following conditions are met:

   (1) The advertising sign is located at least one thousand five hundred (1,500) feet measured lineally along the same side of the freeway from any other advertising sign with an electronic graphic message designed to be read by drivers heading in the same direction on the highway.

   (2) Upon approval of a Conditional Use Permit, the owner of the advertising sign shall apply for and receive a sign permit for the conversion from the city.

   (3) Meets the criteria as specified in Subdivision U: Electronic Graphic Display Signs.

T. Structural Regulations and Maintenance.

1. Material. All permanent signs shall be constructed of permanent materials versus temporary materials. Examples of permanent materials are brick, concrete, steel, aluminum, treated lumber, etc. Temporary materials are considered to be plywood, untreated wood products, etc.

2. Area Around Sign. The owners or lessee of any sign, or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from
refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

3. **Condition.** All signs must be maintained in a neat and clean condition, having no chipping or peeling paint, faded letters, or deteriorating backboards.

4. **Construction and Erection of Signs.** All signs shall be constructed and erected in a quality manner of sound and sufficient materials so as to ensure the safety of the public and in accordance with all reasonable standards employed by professional sign makers.

5. **Electrical Under Grounding.** All free-standing signs shall have underground electrical wiring in compliance with the building and electrical codes.

6. **Unsafe and Unlawful Signs.** If the City Building Official finds that any sign regulated herein is unsafe or loose, or has been constructed or erected in violation of the safety or structural provisions of this section, the official shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within thirty (30) days after such notice, such sign may be removed or altered to comply by the building inspector at the expense of the permittee or owner of the property upon which it is located or the inspector may cite the owner or permittee for violations of this code. No permit shall be issued to any applicant for a sign which is an immediate peril to person or property. Such signs shall be subject to removal without notice.

**U. Electronic Graphic Display Signs.**

1. **Regulations.** Electronic graphic displays on signs are allowed subject to the following conditions:

   a. Electronic graphic displays are allowed only on pylon signs within the IB – Industrial Business District.

   b. An electronic graphic display may not change for more often than once every ten (10) seconds, except one for which changes are necessary to correct hour and minute, date, or temperature information. Time, date, or temperature information is considered one electronic graphic display and may not be included as a component of any other electronic graphic display. A display of time, date, or temperature must remain for at least ten (10) seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds;

   c. Electronic graphic display signs shall have messages that change instantaneously, and do not fade, dissolve, blink, or appear to simulate motion in any way.

   d. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

   e. Electronic graphic displays must be designed and equipped to freeze the display in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance.

   f. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per
square meter) between dusk to dawn as measured from the sign’s face at maximum brightness;
g. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
h. Audio speakers or any form of pyrotechnics as defined in this Subdivision are prohibited in association with an advertising sign.
i. No portion of any advertising sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner that creates the illusion of movement.

APPENDIX A

A

Abandoned sign. A sign that is left for more than thirty (30) day after a business or corporation departs from a building where such sign is located or to which the sign is attached.

Advertising sign. A sign which directs attention to a business, profession, commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached. Billboards are a form of advertising sign.

Architectural detail. Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

Awning. A structure made of cloth, plastic, metal, or other material affixed to a building in such a manner that the structure serves as a protective cover over a door, entrance, or window.

Awning sign. A sign which is part of or attached to an awning. For the purposes of these sign regulations, an awning sign shall not be considered a projecting sign.

B

Backlit Canopy. A frame structure with a translucent vinyl covering designed in canopy form, but whose principal purpose and use is signage. Such signs are internally lit. For the purpose of these sign regulations, a backlit canopy sign shall not be considered a projecting sign.

Banner. A sign made of fabric or any non-rigid material with no enclosing framework.

Billboard. See ‘Advertising Sign’.

Building Sign. A sign which identifies the name of a building rather than a business within that building.

Business Center. A group of offices and / or businesses that total four (4) or more in number within the Industrial / Business Park District.

Business Center Sign. A sign which is utilized to identify a business center and / or the activities operating within the business center.

Business Identification Sign. A sign that directs attention to a business or profession or to the commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
Canopy. A free – standing or nearly freestanding structure, other than an awning, made of cloth, metal, or other material that is often built to serve the same purposes as an awning but cannot be raised or retracted against a building, and which derives its primary support from poles, pylons, or uprights affixed directly to the ground, and which is designed principally to shelter an outdoor service area. Examples of canopies include, but are not limited to, those over gasoline pump and bank and fast – food drive-through.

Canopy Sign. A permanent sign affixed to a canopy.

Construction Sign. A temporary sign identifying the project under construction and / or the individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where the project is under construction. A construction sign must include a phone number and proposed completion date.

Copy Area. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Directional Sign. An on – premise sign providing information for the convenience of the public, such as the location of entrances, exits, warning signs in alleys, parking lots or in hazardous situations and other instances when signage is necessary for the orderly movement of traffic.

Double-Faced Sign. A sign with copy on two (2) faces that is back to back, v – shaped, stacked, or side – by – side.

Dynamic Display Sign. Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes and rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, ‘digital ink’ or any other method or technology that allows the sign face to present a series of images or displays.

Electronic Changeable Copy Sign. A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

Electronic Graphic Display Sign. A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

Façade. Any side of a building facing a public way or space and finished accordingly.
**Flashing Sign.** An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use.

**Freestanding Sign.** A sign supported permanently upon the ground and not attached to any building.

**Frontage, Building.** The frontage of a building shall be, for purposes of complying with this code, the side of the building with the legal street address, abutting a public right – of – way, or parking lot. On corner lots, the frontage shall include both sides abutting a public right – of – way.

**Government Sign.** A public sign designed for the control of traffic and other regulated purposes including street signs, warning signs, signs of public service companies. For the purposes of these regulations, a governmental sign also includes any sign which is located on or off – premise and is specifically designed to provide directions or to identify a public or semi – public facility such as City Hall, libraries, schools and parks.

**Ground Level.** Point of reference for measurement purposes being the tip of the curb of the street closet to the location of the sign.

**Ground Sign.** A freestanding sign supported by one (1) or more uprights, posts, or bases which are anchored to the ground and not attached to any part of a building. Included under ‘Ground Signs’ are pole and monument signs.

**Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Industrial Park.** A group of buildings that are four (4) or more in number within the Industrial / Business District.

**Industrial Park Sign.** A ground sign in the Industrial Business zoning district which states the name of the Industrial Park and / or the names of the activities or tenants located within the Park.

**Inside Sign.** A sign painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.

**Maintenance of a Sign.** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

**Menu board Sign.** A drive – up sign that lists items in conjunction with a business serving customers in a car.

**Monument Sign.** A ground sign which does not utilize pylons, posts, poles, or uprights for support, but instead is anchored directly to the ground or is attached to a base which is anchored to the ground.

**Motion Sign.** A sign that has revolving parts.

**Neon Sign.** A sign that uses a discharge lamp to discharge electricity between electrodes causing luminosity of the enclosed vapor or gas or in which the luminosity of the enclosed gas is enhanced by phosphors.

**Nonconforming Sign.** A sign that does not meet the provisions of this Ordinance.
**Off-Premise Sign.** A billboard, poster panel, painted bulletin board, or other communicative device that is used to advertise products, goods, services, ideas, or noncommercial speech that is not exclusively related to the premises or the owner of the property on which the sign is located.

**On Premise Sign.** Any sign identifying or advertising a business, person, activity, goods, products, or services located on a premise where the sign is installed and maintained.

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**Painted Wall Sign.** A sign painted directly on an exterior wall of a building or structure.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string (usually in a series) designed to move in the wind. For the purposes of these regulations, a flag, except when used as a symbol for a governmental unit, shall be included under this definition.

**Personal Sign.** A sign which identifies the inhabitant of the dwelling, not to exceed two (2) square feet in size.

**Pole Sign.** A ground sign erected upon pylons, posts, poles, or uprights which are anchored to the ground.

**Political Sign.** A sign urging voters to vote for or support specific issues or candidates.

**Portable Sign.** A freestanding sign on wheels, trailers or that are otherwise capable of being transported from place to place; not permanently affixed to the ground.

**Private Informational Sign.** An on–premise sign that provides for general information such as ‘No Trespassing’, ‘No Dumping’, ‘No Parking’, ‘Tow-away Zone’, and other similar signs.

**Projecting Sign.** A sign other than a wall sign which projects from and is supported by a wall of a building or structure that projects no more than eighteen (18) inches from said wall or structure.

**Pylon Sign.** A sign erected on free–standing shafts, post or walls which are solidly affixed to the ground, and which projects more than seven (7) feet above ground level.

**Pyrotechnics.** Fireworks or similar devices used to ignite a combustible substance or produce an explosion.

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**Real Estate Sign.** A temporary sign advertising the real estate (land and / or building) upon which the sign is located as being for rent, lease, or sale.

**Real Estate Development Sign.** A sign promoting a new residential development.

**Removable Letter Sign.** A sign on which different messages can be displayed, by use of removable letters.

**Residential Entrance Monument.** A monument ground sign which is utilized to identify a residential subdivision or other residential development including townhome, condominium, apartment, and manufactured home developments consisting of three (3) or more dwellings.

**Roof Sign.** A sign erected upon, against, or above a roof or parapet of a building.

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**Sandwich Sign.** A hinged or unhinged A–frame portable sign that is generally temporary in nature.

**Sidewalk Sign.** A non–illuminated sign, not permanently affixed to the ground or a building, and is designed to be displayed during the daytime hours for business identification and to advertise the onsite sale of products and services. Sidewalk signs may be of an A–frame design (for example, a sandwich sign) or of
another portable sign type that is displayed on the sidewalk or near the business’s entrance and complies with
the provisions of this Ordinance relating to sidewalk signs.

**Sign.** Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or
device, illuminated or non – illuminated, to advertise, identify, convey information or direct attention to a
product, service, place, activity, person, institution, business or solicitation, including any permanently
installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

**Sign Area.** The gross area, exclusive of supportive frame, which contains copy or identifying features such as
a logo, character or identifying figure.

**Sign Contractor.** Any person, partnership, or corporation engaged in whole or in part of the erection or
maintenance of signs, excluding the business that the sign advertises.

**Sign Height.** The distance from the average elevation of the public street abutting upon the lot or tract on
which such sign is located to the highest point on the sign.

**Sign Structure.** Any device or material that supports, has supported, or is capable of supporting a sign in a
stationary position, including decorative covers.

**Special Event Sign.** A temporary sign which is used to advertise or promote an event of special significance.

**Swinging Sign.** A sign installed on an arm, mast, or spar that is not, in addition, permanently fastened to an
adjacent wall or upright pole.

**Temporary Business Sign.** A temporary sign located on – premise and meant to identify a special, unique or
limited event, service, product, or sale of limited duration. Included under this definition are banners
containing a message and erected for any of the above purposes.

**Temporary Sign.** A non-permanent sign erected, affixed, or maintained on a premises for a limited period of
time.

**Video Display Sign.** A sign that changes its message or background in a manner or method of display
characterized by motion or pictorial imagery, which may or may not include text, and depicts action or a
special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of
frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving
patterns or bands of light, or expanding or contracting shapes. Video display signs do not include electronic
changeable copy signs

**Wall Sign.** A sign attached to a wall or building with the face in parallel plane to the plane of the building
wall.

**Window Sign.** A sign installed on a window for purposes of viewing from outside the premises.

*All terms pertaining to lots, frontage, subdivision, yards, and streets shall be defined by definitions in
Subdivision 7.0 of this Ordinance or by the City of Mahtomedi’s Subdivision Code.*
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>TOTAL AGGREGATE SIGNAGE</th>
<th>MAXIMUM SIGN AREA WALL</th>
<th>MAXIMUM SIGN AREA POLE</th>
<th>MAXIMUM SIGN AREA MONUMENT</th>
<th>MAXIMUM SIGN HEIGHT POLE</th>
<th>MAXIMUM SIGN HEIGHT MONUMENT</th>
<th>ELECTRONIC CHANGEABLE COPY SIGN</th>
<th>ELECTRONIC GRAPHIC SIGN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>32 sq ft</td>
<td>32 sq ft or 10% of wall on which sign is located, whichever is less</td>
<td>not permitted</td>
<td>32 sq ft</td>
<td>not permitted</td>
<td>5 ft</td>
<td>not permitted</td>
<td>not permitted</td>
</tr>
<tr>
<td>B1</td>
<td>2 sq ft per linear foot of lot frontage</td>
<td>15% of building wall upon which sign is located</td>
<td>not permitted</td>
<td>32 sq ft</td>
<td>not permitted</td>
<td>6 ft</td>
<td>not permitted</td>
<td>not permitted</td>
</tr>
<tr>
<td>B2</td>
<td>2 sq ft per linear foot of lot frontage</td>
<td>15% of building wall upon which sign is located</td>
<td>not permitted</td>
<td>50 sq ft</td>
<td>not permitted</td>
<td>8 ft</td>
<td>not permitted</td>
<td>not permitted</td>
</tr>
<tr>
<td>B3</td>
<td>Refer to Subdivision 11.13, I: Signs of this Ordinance for signage requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B4</td>
<td>2 sq ft per linear foot of lot frontage</td>
<td>20% of building wall upon which the sign is located</td>
<td>not permitted</td>
<td>75 sq ft</td>
<td>not permitted</td>
<td>10 ft</td>
<td>See Section 10.7, E (6)</td>
<td>not permitted</td>
</tr>
<tr>
<td>B5</td>
<td>2 sq ft per linear foot of lot frontage</td>
<td>20% of building wall upon which the sign is located</td>
<td>not permitted</td>
<td>75 sq ft</td>
<td>not permitted</td>
<td>10 ft</td>
<td>See Section 10.7, E (6)</td>
<td>not permitted</td>
</tr>
<tr>
<td>Industrial</td>
<td>2 sq ft per linear foot of lot frontage</td>
<td>15% of building wall upon which sign is located</td>
<td>not permitted</td>
<td>75 sq ft</td>
<td>not permitted</td>
<td>8 ft</td>
<td>See Section 10.7, S</td>
<td>See Section 10.7, S</td>
</tr>
<tr>
<td>Conservation</td>
<td>32 sq ft</td>
<td>32 sq ft or 10% of wall on which sign is located, whichever is less</td>
<td>not permitted</td>
<td>32 sq ft</td>
<td>not permitted</td>
<td>5 ft</td>
<td>not permitted</td>
<td>not permitted</td>
</tr>
<tr>
<td>Parkland / Public</td>
<td>32 sq ft</td>
<td>32 sq ft or 10% of wall on which sign is located, whichever is less</td>
<td>not permitted</td>
<td>32 sq ft</td>
<td>not permitted</td>
<td>5 ft</td>
<td>not permitted</td>
<td>not permitted</td>
</tr>
<tr>
<td>Public Buildings</td>
<td>Refer to Subdivision 10.7. J: Signs Allowed in Public Building (PB) District</td>
<td></td>
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<tr>
<td>MU-PUD</td>
<td>See Section 10.7, H</td>
<td>See Section 10.7, H</td>
<td>not permitted</td>
<td>See Section 10.7, H</td>
<td>not permitted</td>
<td>See Section 10.7, H</td>
<td>not permitted</td>
<td>not permitted</td>
</tr>
</tbody>
</table>
10.8 Exterior Lighting

A. Intent. This Subdivision is intended to specify practical and effective standards by which the obtrusive aspects of excessive and / or careless exterior light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These standards are intended to curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy – efficient sources, and decreasing the wastage of light, sky glow, and glare resulting from over – lighting and poorly shielded or inappropriately directed lighting fixtures.

B. Compliance and Applicability

1. Compliance. All exterior illuminating devices shall be installed in compliance with the provisions of this Ordinance and all applicable building and electrical codes.

2. General Applicability. All proposed new land uses, developments, buildings, structures, and / or additions and site modifications that require a zoning permit (building permit), shall comply with the provisions of this Subdivision for all new exterior lighting. Where practical (as determined by the applicable approval authority), existing lighting associated with such development shall comply with the provisions of this Subdivision is encouraged.

3. Exemptions. The following shall be exempt from the provisions of this Subdivision. However, to the extent practical, compliance with the intent of this Subdivision is encouraged.

a. Existing Lighting. All exterior lighting fixtures installed prior to the effective date of this Ordinance shall be exempt from this Subdivision except that if any modification, construction, or change to an existing outdoor lighting fixture system is proposed to fifty percent (50%) or more of the total number of fixtures, then all fixtures shall comply with the provisions of this Subdivision.

b. Street and Highway Lighting. Street and highway lighting shall comply with the standards set forth by applicable jurisdiction relating to required street and highway lighting.

c. State and Federal Facilities. Compliance with the intent of this Subdivision at all state and federal facilities in the City of Mahtomedi is encouraged, but not mandatory.

d. Emergency Lighting. Emergency lighting, used by police, firefighters, medical personnel, public works, and others is exempt from this Subdivision as it pertains to the emergency situation.

e. Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of this Subdivision.

f. Residential Fixtures. Exterior lighting fixtures attached to a residential building, located below the eave, and less than two thousand (2,000) lumens area exempt from the provisions of this Subdivision. Light fixtures two thousand (2,000) lumens and over are not exempt. Exterior light fixtures above the eaves or attached to building poles separate from the residence are not exempt. Examples of light types of less than two thousand (2,000) lumens include a 100 watt standard incandescent, a 15 watt cool fluorescent, a 15 watt compact fluorescent, or an 18 watt low pressure sodium lamp.
Section 11.01: Zoning Ordinance

Subdivision 10.8: Exterior Lighting

11.01: Zoning Ordinance

10.8: Exterior Lighting

\[\text{g. Lighted Flags. United States flags and State of Minnesota flags are exempt from the provisions of this Subdivision. All other outdoor lighted flags, including, but not limited to, decorative and commercial flags shall comply with this Subdivision.}\]

\[\text{h. Holiday Lighting. Temporary outdoor holiday lighting is exempt from the provisions of this Subdivision.}\]

\[\text{i. Search and Spot Lights. Search and spot lights shall be exempt from the lamp type and shielding provisions of this Subdivision.}\]

\[\text{j. Towers. Legally required safety lighting for towers shall be exempted from the provisions of this Subdivision.}\]

C. General Requirements.

1. General. All exterior lighting fixtures (except those specifically exempted in this Subdivision) installed and thereafter maintained shall comply with the following:

   a. Glare. In all Districts, any artificial lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property of public right – of – way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reader) as measured from said property.

2. Maintenance. All exterior lighting fixtures shall be maintained according to approved plans.

3. Trees and Shrubs. Trees and shrubs shall not be located where they significantly reduce or block the lighting of parking facilities or streets.

4. Allowable Uses. Exterior lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and courts; parking lots; parking structures, garages, or ramps; landscape areas; outdoor merchandise sales; building overheads and open canopies. Exterior lighting fixtures may be installed to provide building and parking lot security.

D. Submission of Plans. The application for any permit requiring outdoor lighting must submit evidence that the proposed outdoor lighting will comply with this Subdivision. The submission shall contain the following in addition to other required data for specific permit:

   1. Plans. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

   2. Description. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices which may include, but are not limited to, catalog cuts by manufactures and drawings (including sections where required);

   3. Photometric Data. Photometric data such as furnished by manufacturers or similar data showing the angle of the cutoff or light emissions.
10.9 Outdoor Storage.

A. Outdoor Storage Residential Zoning Districts.

1. Personal Property. All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:

   a. Stacked Firewood. Stacked firewood for the burning supply of the property shall be stored in the following fashion:

      (1) In neat and secure stacks;

      (2) In a manner and location to minimize possible problems of rodent or other pest infestation;

      (3) No wood shall be stored in a front yard or yard that is commonly considered the front yard. On corner lots, the front yard is that yard which corresponds to the street address of the property;

      (4) Exceptions. Wood storage under the following circumstances shall be exempt from the conditions outlined above:

         (a) Wood stored or kept in covered structure impervious to the elements;

         (b) Temporary storage of logs for up to thirty (30) days outside of the required areas of setback from property lines and street rights – of – way is allowed for the purpose of cutting and splitting logs to a size useable in the residence’s wood burning device;

         (c) Temporary storage of lumber and other wood products used in construction is allowed outside of the required areas of setback from property lines and street rights – of – ways.

      (5) Non-conforming wood piles. Any wood pile existing at the time of enactment of these regulations and not in conformance with these minimum standards must be removed or placed in compliance with these provisions within six (6) months of said enactment. Wood piles established after the date of enactment of these regulations shall be done so in conformance with these minimum standards.

   b. Construction and Landscaping Materials and Equipment. Construction and landscaping materials and equipment, if these are used or intended for use on the premises within a period of six (6) months, unless there is an active building permit issued for improvements on the property, or as otherwise approved by the Zoning Administrator or other Authorized Agent.

   c. Off–Street Parking. Off-street parking of licensed passenger automobiles and personal vehicles pursuant to Subdivision 10.3, I: Types of Vehicles Permitted to be Parked on Residential Lots.

   d. Recreational Vehicles and Recreational Camping Vehicles. Recreational vehicles and recreational camping vehicles, provided they are located in a side or rear yard, or in a designated driveway or parking area that is surfaced in compliance with this Ordinance.

   e. Non-Vehicular Ice – Fishing House. One non-vehicular ice-fishing house may be located in a rear or equivalent rear yard, provided it is set back at least six (6) feet from any lot line. A non-vehicular ice-fishing house shall not count toward the allowable accessory building total.
f. **Laundry Drying.**

**B. Outdoor Storage - Commercial, Public / Institutional and Industrial Zoning Districts.**

1. **Outside Storage / Display.** Exterior storage and display shall be governed by the respecting zoning districts in which such use is located.

2. **Additional Standards.** All exterior storage shall be located in the rear or side yard, shall be screened with materials of ninety percent (90%) or more opacity, and shall screen views from adjoining properties and public street except for the following:
   a. Merchandise being displayed for sale in accordance with zoning district requirements.
   b. Materials and equipment currently being used for construction on the premises.

**C. Temporary Portable Outdoor Storage Containers.** Temporary portable outdoor storage containers are a purpose – built, fully enclosed, box – like container with signage on one or more of its outer surfaces. It is uniquely designed to permit ease of loading to and from a transport vehicle. A temporary portable outdoor storage container is not a storage shed, roll – off container, dumpster, cargo / shipping container or the trailer portion of a tractor – trailer. Temporary portable outdoor storage containers shall be allowed in any yard on lots containing a dwelling, subject to all of the following:

1. **Time Limit.** Temporary portable outdoor storage containers shall be permitted on a lot for a period not to exceed sixty (60) consecutive days within a six (6) month period. However, in cases where a dwelling unit has been damaged by casualty, a temporary portable outdoor storage container may be allowed for longer time periods as determined administratively by the Zoning Administrator or other Authorized Agent of the City.

2. **Size.** Temporary portable outdoor storage containers shall not exceed a cumulative gross floor area of one hundred thirty (130) square feet.

3. **Height.** Temporary portable outdoor storage containers shall not exceed eight and one – half (8½) feet in height. The height of such structure is measured from the lowest ground level adjacent to the structure to the top of the structure; therefore stacking of conventional six (8' tall) containers would not be permitted.

4. **Location.** Temporary portable outdoor storage containers shall not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any locations that blocks or interferes with any vehicular and / or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut – off valves, and for fire protection.

5. **Signs.** A sign displaying the container provider contact information is required. There are no limitations on the amount of signage that can be displayed on the container. However, signs on the container must not include advertisements for any other product or service.

**D. Temporary Containers Associated with Construction Sites.** Construction locations shall be maintained clean and free of debris during non – work periods and the spread of debris shall be prevented at all times. All debris shall be deposited and concealed in a containment device such as a roll – off container, dumpster or other enclosure, in compliance with the Uniform Fire Code. Debris shall be removed from containers and legally disposed periodically as necessary. Containers must be removed within thirty (30) days after construction completion. Hazardous waste shall be contained and removed separately in accord with applicable laws.
11.0 Zoning Districts

11.1 Zoning District Regulations.

A. Intent. The intent of this Subdivision is to establish zoning districts within the City of Mahtomedi that correspond with the Land Use Plan and the City’s vision, goals, objectives, and policies for sustainable growth and development as described in the City’s Comprehensive Plan.

B. Relationship of Zoning Districts to the Comprehensive Plan. The zoning district requirements and the delineation of zoning district boundaries on the Zoning Map shall be consistent with the goals, objectives, and policies of the City of Mahtomedi Comprehensive Plan. The zoning district boundaries and rezoning requests shall also relate to the Land Use Plan Map of the Comprehensive Plan. The official Comprehensive Plan is on file with the Zoning Administrator.

C. Establishment of Zoning Districts. The City of Mahtomedi is divided into the following base (underlying) zoning districts as regulated in this Ordinance and as shown on the Zoning Map.

1. A – Agricultural District
2. RR – Rural Residential
3. R1-A – Low Density Residential District
4. R1-B – Low Density Residential District
5. R1-C – Low Density Residential District
6. R1-D – Low Density Residential District
7. R1-E – Historic Mahtomedi District
8. R2–Medium Density Residential District
10. R4 – High Density Multiple-Family Residential District
Table 11.0 A: Land Use Table
Residential Districts

13. B3 – Downtown Business District
14. B4 – General Business District
15. B5 – Interstate and General Business District
16. MU-PUD – Mixed Use – Planned Unit Development District
17. IB – Industrial / Business Park District
18. P – Park Land / Public District
19. PB – Public Buildings District
20. C – Conservation District

The City of Mahtomedi is divided into the following overlay zoning districts as regulated by this Ordinance and as may be shown on the Zoning Map or illustrated or described within this Ordinance.

21. PUD – Planned Unit Development (PUD) Overlay District
22. S – Shoreland Overlay District
23. Antenna and Tower Overlay District

D. Zoning Map

1. **Location and Boundaries of Zoning Districts.** The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map, which is hereby incorporated as part of this Ordinance, or are set forth in the pertinent Subdivisions of this Ordinance.

2. **Official Zoning Map and Copies.** An official Zoning Map shall be created and kept on file in the office of the Zoning Administrator. Paper or electronic copies of the official Zoning Map may be created for ease of access. Copies shall not be considered the official Zoning Map and shall contain a disclaimer stating that the information may not be current and directing the user to the Zoning Administrator for the official Zoning Map.

3. **Map Format.** The Zoning Map may be in hard copy or electronic format or both.

4. **Changes to District Boundaries.** Changes to zoning district boundaries must be approved by the City Council pursuant to Subdivision 8.17: Zoning Map Amendments (Rezoning). The Zoning Administrator shall record any approved change on the official Zoning Map after approval by the City Council.

5. **Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning Map, the following rules shall apply:
   a. **Parcel Lines.** Boundaries indicated as approximately following parcel lines shall be construed as following such parcel lines.
   b. **Street Centerlines.** Boundaries indicated as approximately following centerlines of streets or highways, street lines, or highway right-of-way lines shall be construed as following such lines.
   c. **Centerlines Extended.** Boundaries indicated as approximately parallel to or extensions of the centerlines or right-of-way lines of streets, or the centerlines or right-of-way lines of highways, shall be construed as being parallel to or extensions of and at such distance there from as indicated on the Zoning Map. If no distance is given, the distance shall be determined using the Zoning Map scale.
   d. **Water Bodies.** Boundaries shown following a water body shall be deemed to be located midway between the shores of the water body unless designated otherwise in this Ordinance.
e. **Railroad Right-of-Way.** Boundaries shown following a railroad line shall be deemed to be located midway between the main tracks of the railroad line.

f. **Lot or Parcel Divisions.** Where a district boundary divides a single lot or parcel, the use and requirements applying to the most restricted portion of the parcel shall apply to the entire parcel except when the Zoning Administrator defines the district boundary by dimension in writing upon request by the owner.

g. **Vacation or Discontinuances.** If a street, alley, or other public way is vacated or discontinued by official action, then the zoning district adjoining such public way shall be extended automatically to include all land attached by reversion to the centerline of such public way. Such vacated or discontinues land shall be subject to all regulations of the extended district.

h. **Administrative Interpretations.** Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or where due to scale, lack of detail, or illegibility there is uncertainty, contradiction, or conflict as to the intended location of any district boundaries, or in other circumstances not covered above, the Zoning Administrator shall interpret the district boundaries.

E. **Zoning for Newly Annexed Land.** All land annexed to the City shall automatically be designated RR – Rural Residential unless otherwise directed by the City Council as part of the annexation process. Such designation shall remain until definite boundaries and regulations for such land are adopted by the City Council.

F. **Zoning as it Relates to Utilities.** In all Zoning Districts except A- Agricultural and RR - Rural Residential, public sanitary sewer shall be available prior to the issuance of any zoning permit (building permit). In areas without public sanitary sewer, new single –family homes shall have a minimum lot area of one acre per unit. All private sanitary sewer systems shall comply with the requirements established by Washington County for such systems.

G. **Land Use Table.** 11.0 – A: Land Use Table, at the end of this Subdivision, presents a land use table that is intended to help aid the reader in comparing allowable land uses across the various base or (underlying) districts. This table is intended for general reference only. If a conflict exists between the information presented in the land use table and the information specified in the text of the districts described in this Subdivision of this Ordinance, the text of the districts shall take precedence over the table.

H. **Zoning District Standards Table.** 11.0 – B: Zoning District Standards table, at the end of this Section/Subdivision presents a table that is intended to show the various zoning requirements across all districts. This table is intended for general reference only. If a conflict exists between the information presented in the zoning district standards table and the information specified in the text of the districts described in this Subdivision of this Ordinance, the text of the districts shall take precedence over the table.
### TABLE 11.0 A: Land Use Table

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>A</th>
<th>R1-A</th>
<th>R1-B</th>
<th>R1-C</th>
<th>R1-D</th>
<th>R1-E</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>Supplemental Regulations</th>
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<tr>
<td><strong>Household Living</strong></td>
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<tr>
<td>Dwelling: single-family detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Dwelling: single-family attached dwellings (3-6 units per structure) including quad homes and townhouses not exceeding six (6) units per structure</td>
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<tr>
<td>Dwelling: single-family attached dwellings exceeding six (6) units per structure</td>
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<tr>
<td>Dwelling: two-family, duplex or double bungalows</td>
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<tr>
<td>Dwelling: three or four unit multiple-family dwellings</td>
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<tr>
<td>Dwelling: multiple-family dwellings of five (5) or more units, not to exceed three (3) stories or thirty-five (35) feet in height</td>
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<tr>
<td>Multiple-family dwellings of five (5) or more units, between four (4) and six (6) stories in height</td>
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<tr>
<td>Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children</td>
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<tr>
<td>Group family day care facility serving more than fourteen (14) children</td>
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<td>Licensed day care facility serving twelve (12) or fewer persons licensed under Minnesota Rules, parts 9502.0315 to 9502.0445</td>
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<tr>
<td>State licensed day care facility serving thirteen (13) or more persons</td>
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<tr>
<td>Accessory Dwelling Units</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>Model home, pursuant to Subdivision 9.5, A : Model Home</td>
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<td>Mobile home park, pursuant to Section 11.04 Mobile Home Code</td>
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<td><strong>Group Living</strong></td>
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<td>State licensed residential facility serving six (6) or fewer persons licensed under Minnesota Rules, parts 9502.0315 to 9502.0445</td>
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<td>State licensed residential facility serving seven (7) or more persons licensed under Minnesota Rules, parts 9502.0315 to 9502.0445</td>
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<td>Nursing home, retirement home or other similar congregate care facility serving the elderly or informal but not including hospitals or clinics provided that the lot area is of sufficient size to accommodate the structure and required parking and loading areas, setbacks, landscaping and screening</td>
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### TABLE 11.0 A: Land Use Table

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<th>R1-B</th>
<th>R1-C</th>
<th>R1-D</th>
<th>R1-E</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
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<td>School: primary or secondary</td>
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<td><strong>AGRICULTURE, FORESTRY AND OPEN SPACE USES</strong></td>
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<td>Agriculture, excluding the keeping of domestic farm animals</td>
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<td>Temporary construction building, pursuant to Subdivision 9.5. B: Temporary Construction Building</td>
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<td>Temporary real estate office, pursuant to Section 9.5. CL Temporary Real Estate Office</td>
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<td>Day care facilities consistent with the provisions described in Subpart E of Subdivision 11.5: R1-E Historic Mahtomedi District</td>
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<td>Essential services</td>
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<td>Essential services facilities</td>
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<td><strong>OTHER USES</strong></td>
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<td>Accessory buildings, if the building exceeds the pertinent standards specified in Subdivision 9.6. A: Accessory Buildings</td>
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<td>Temporary structures</td>
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<td>TABLE 11.0 A: Land Use Table</td>
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<td>B2</td>
<td>B3</td>
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<td>B5</td>
<td>VMU</td>
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<td><strong>RESIDENTIAL</strong></td>
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<td>Apartments as an accessory use</td>
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<tr>
<td>Apartments, if located above the street level in non-residential structures</td>
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<tr>
<td>Dwellings: multiple-family dwellings of five (5) or more units as a standalone use or as a mixed-use with other commercial uses</td>
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<td>Model homes associated with allowable apartment</td>
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<tr>
<td>Senior housing with services. The City Council may impose conditions limiting the number of residents in a facility used to provide senior housing with services to the extent necessary to ensure that the use does not have an unreasonably adverse impact on surrounding uses</td>
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<td><strong>COMMERCIAL</strong></td>
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<td>Bank or financial institution</td>
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<td>Tattoo, body piercing or body art establishment</td>
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<td>Animal shelter</td>
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<tr>
<td>Small animal (i.e. dogs, cats, etc.) grooming service</td>
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<td>Small animal veterinary clinic</td>
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<td>Pet shop, small domestic animals (i.e. dogs and cats, etc.)</td>
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<td>Outdoor merchandise sales</td>
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<td>Shopping centers</td>
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<td>Pawnshops</td>
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<td>Repair services such as jewelry, radio, and television repair shops, but not auto repair</td>
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<td><strong>Restaurant and Liquor Uses</strong></td>
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<td>Bakeries</td>
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<td>Restaurants: fast food or carry out</td>
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<tr>
<td>Restaurants: sit down</td>
<td>P</td>
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<tr>
<td>Restaurant drive-thru</td>
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<tr>
<td>Liquor store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Tavern</td>
<td>C</td>
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<td><strong>Art, Entertainment and Recreation Uses</strong></td>
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<tr>
<td>Assembly hall</td>
<td>C</td>
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<td></td>
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</tbody>
</table>
### Artist's studios, ceramic shops, pottery works, sculpturing and similar artistic / crafts activities provided at least ten percent (10%) of the total floor space on the street level is used for sales and display purposes

<table>
<thead>
<tr>
<th>Use</th>
<th>C</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health club</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation Facility, Commercial Indoor</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Recreation Facility, Commercial Outdoor</td>
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### Lodging

<table>
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<tr>
<th>Use</th>
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</thead>
<tbody>
<tr>
<td>Hotels</td>
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<td>P</td>
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### Motor Vehicle Uses

<table>
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<th>Use</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Car wash</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Minor auto repair and service</td>
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<td>C</td>
</tr>
<tr>
<td>Gas stations</td>
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<tr>
<td>Motor fuel station existing prior to September 28, 1992, including a maximum of three (3) service bays</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Major auto repair and service</td>
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### INDUSTRIAL

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<thead>
<tr>
<th>Use</th>
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<tr>
<td>Limited manufacturing</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Research and development</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Storage and warehousing when incidental to a permitted principal use</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Wholesaling, all commodities except live animals</td>
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### AGRICULTURE, FORESTRY AND OPEN SPACE USES

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and horticulture except for the keeping of animals</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Wildlife management area</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Public park</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Passive park</td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

### PUBLIC USES

<table>
<thead>
<tr>
<th>Use</th>
<th>C</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>School - Primary or Secondary</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>School - Specialty or Personal Instruction</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>College</td>
<td></td>
<td>P</td>
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</tr>
<tr>
<td>Public Use</td>
<td>C</td>
<td>P</td>
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</table>

### UTILITY USES

<table>
<thead>
<tr>
<th>Use</th>
<th>C</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential services</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Essential services facilities - city facilities</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Solar energy devices not an integral part of the principal structure, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights</td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Wind energy conversion systems (WECS) pursuant to Subdivision 9.4, A: Wind Energy Conversion Systems (WECS)</td>
<td></td>
<td>C</td>
<td>X</td>
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### OTHER

<table>
<thead>
<tr>
<th>Use</th>
<th>C</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking lot as a principal use</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Temporary construction building, pursuant to Subdivision 9.5, B: Temporary Construction Building</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Temporary real estate offices associated with allowed apartments</td>
<td></td>
<td>C</td>
<td>X</td>
<td></td>
<td></td>
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176 Chapter 11: Planning and Development
### Table 11.0 B: Zoning District Standards Table

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Lot Area (SF)</th>
<th>Lot Width (FT)</th>
<th>Lot Depth (FT)</th>
<th>Lot Area Per Unit</th>
<th>Building Height (FT)</th>
<th>Front</th>
<th>Garag eSide</th>
<th>Yard Setback</th>
<th>House Side</th>
<th>Corner Side</th>
<th>Rear</th>
<th>Access Drives</th>
<th>Side</th>
<th>Floor Area Per Unit</th>
<th>Max. Bldg Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A – Agricultural</td>
<td>5 ac</td>
<td>300</td>
<td>300</td>
<td>5 ac</td>
<td>30</td>
<td>30</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>45</td>
<td>5</td>
<td></td>
<td>864</td>
<td>25%</td>
</tr>
<tr>
<td>RR – Rural Residential</td>
<td>1 ac</td>
<td>160</td>
<td>200</td>
<td>1 ac</td>
<td>30</td>
<td>30</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>45</td>
<td>5</td>
<td></td>
<td>864</td>
<td>25%</td>
</tr>
<tr>
<td>R1-A Low Density SF Residential</td>
<td>21,780</td>
<td>100</td>
<td>140</td>
<td>21,780</td>
<td>30</td>
<td>30</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>45</td>
<td>5</td>
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<td>864</td>
<td>25%</td>
</tr>
<tr>
<td>R1-B Low Density SF Residential</td>
<td>15,000</td>
<td>100</td>
<td>135</td>
<td>15,000</td>
<td>30</td>
<td>30</td>
<td>10</td>
<td>15</td>
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<td>15</td>
<td>45</td>
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<td>25%</td>
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<td>R1-C Low Density SF Residential</td>
<td>11,900</td>
<td>85</td>
<td>125</td>
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<td>30</td>
<td>8</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>40</td>
<td>5</td>
<td></td>
<td>864</td>
<td>25%</td>
</tr>
<tr>
<td>R1-D Low Density SF Residential</td>
<td>10,400</td>
<td>80</td>
<td>120</td>
<td>10,400</td>
<td>30</td>
<td>30</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>40</td>
<td>5</td>
<td></td>
<td>864</td>
<td>25%</td>
</tr>
<tr>
<td>R1-E Historic Mahtomedi</td>
<td>Existing</td>
<td>6,240</td>
<td>48</td>
<td>6,240</td>
<td>30</td>
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<tr>
<td></td>
<td>After 3/3/1999</td>
<td>10,400</td>
<td>80</td>
<td>10,400</td>
<td>10,400</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>R-2 Medium Density Residential</td>
<td>Sf Detached</td>
<td>8,400</td>
<td>70</td>
<td>8,400</td>
<td>8,400</td>
<td>30</td>
<td>8</td>
<td>8</td>
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<td>8</td>
<td>30</td>
<td>5</td>
<td></td>
<td>864</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>Two-Family</td>
<td>15,000</td>
<td>90</td>
<td>120</td>
<td>7,500</td>
<td>30</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>30</td>
<td>5</td>
<td></td>
<td>864</td>
<td>25%</td>
</tr>
<tr>
<td>R-3 Medium Density SF Attached (Townhouse)</td>
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<td>N/A</td>
<td>N/A</td>
<td>6,000</td>
<td>35</td>
<td>25</td>
<td>8</td>
<td>15</td>
<td>30</td>
<td>30</td>
<td>5</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two Family</td>
<td>12,000</td>
<td>N/A</td>
<td>N/A</td>
<td>6,000</td>
<td>35</td>
<td>25</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>30</td>
<td>5</td>
<td></td>
<td>N/A</td>
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<tr>
<td></td>
<td>Multiple Family (3 &amp; 4 Units)</td>
<td>18,000</td>
<td>N/A</td>
<td>N/A</td>
<td>6,000</td>
<td>35</td>
<td>25</td>
<td>8</td>
<td>15</td>
<td>15</td>
<td>30</td>
<td>5</td>
<td></td>
<td>N/A</td>
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<tr>
<td>R-4 High Density</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>1,742 (25 units/acre)</td>
<td>35</td>
<td>50</td>
<td>N/A</td>
<td>25</td>
<td>30</td>
<td>30</td>
<td>10</td>
<td>N/A</td>
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<td>N/A</td>
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<tr>
<td>MU - Mixed Use</td>
<td>As established by the PUD Agreement</td>
<td>1,742 (25 units/acre)</td>
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<td></td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>VMU (Multiple Family 5 or more Units)</td>
<td>1 acre</td>
<td>1,742 - 3,630 (12-25 units/acre)</td>
<td>25</td>
<td>10 max.</td>
<td>N/A</td>
<td>N/A</td>
<td>10 max.</td>
<td>20</td>
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</table>
Table 11.0 B – Zoning District Standards Table

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>LOT AREA (SF)</th>
<th>LOT WIDTH (FT)</th>
<th>LOT DEPTH (FT)</th>
<th>BLDG HEIGHT (FT)</th>
<th>FRONT SIDE</th>
<th>REAR PARKING / LOADING DRIVING (FT)</th>
<th>ACCESS DRIVE (FT)</th>
<th>MAXIMUM FLOOR AREA RATION</th>
<th>MAXIMUM BLDG COVERAGE</th>
<th>MAXIMUM BLDG AREA (GFS)</th>
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<tbody>
<tr>
<td>B1 – Office Business</td>
<td>10,400</td>
<td>80</td>
<td>--</td>
<td>35</td>
<td>30</td>
<td>15</td>
<td>20</td>
<td>--</td>
<td>5</td>
<td>0.5</td>
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<tr>
<td>B2 – Limited Business</td>
<td>10,400</td>
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<td>--</td>
<td>35</td>
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<td>15</td>
<td>20</td>
<td>--</td>
<td>5</td>
<td>--</td>
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<tr>
<td>B3 – Downtown</td>
<td>6,400</td>
<td>80</td>
<td>--</td>
<td>25</td>
<td>See below</td>
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<td>3.0</td>
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<td>B4 – General Business</td>
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<td>--</td>
<td>35</td>
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<td>15</td>
<td>30</td>
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<tr>
<td>B5 – Interstate Business</td>
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<td>--</td>
<td>35</td>
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<td>15</td>
<td>30</td>
<td>5</td>
<td>5</td>
<td>--</td>
</tr>
<tr>
<td>IB – Industrial / Business Park</td>
<td>2 ACRES</td>
<td>200</td>
<td>250</td>
<td>50</td>
<td>50</td>
<td>20</td>
<td>30</td>
<td>See below</td>
<td>10</td>
<td>1.0</td>
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</table>

FOOTNOTE EXPLANATION
1. Except lots within the Shoreland Overlay District, in which case the building height shall be 25 ft.
2. Corner lots shall provide the required front yard along each street.
3. A 10% deviation in lot width and / or area may be permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 SF and the average lot width not less than 100 ft.
4. Corner: 100 ft.
5. Minimum building setback from public property 100 ft.
6. A maximum of 30% where a side driveway exists.
7. Interior side yard shall be 30 ft where a side driveway exists.
8. From street right – of – way: collector 20 ft; local street: 15 ft; Side yard: 15 ft; Rear yard 10 ft.
9. See Section 11.7 and 11.8 for additional requirements and potential modifications of these standards.
10. 50 ft or two times the building height (whichever is greater) where the yard abuts property guided for residential use.
11. 30 ft where parking, loading, driving, or access drives abuts property guided for residential use.
12. Building area may be increased under PUD procedures.
13. Building height between 25 ft and 35 ft may be permitted through CUP procedures.
14. There is no minimum front yard. The maximum front yard shall be 10 feet.
15. 15 ft where side yard abuts property guided for residential use. No side yard is required if buildings on separate lots are attached at the common lot line in a manner consistent with the building code.
16. A CUP is required for a rear yard of less than 20 ft.
17. Refer to Section 11.13, F for additional requirements and potential modifications of these standards.
18. In cemeteries, graves and flush grave markers may be located within 20 ft of front, rear, and side lot lines. Upright markers and other structures must meet the standard yard requirements for the P – Parkland / Public District. If a cemetery abuts another cemetery, the graves and upright grave markers may be located within 10 ft of the common lot line.
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</table>
11.2 A – Agricultural District

A. Intent. The intent of the A - Agricultural District is to recognize areas within the City where agriculture remains as a current use and / or where urbanization has not yet occurred. This district is intended to preserve said land in agricultural usage and in large parcels until such time that the land is required for urban expansion, and the capital funds for the extension of urban facilities and services become available. The raising of domestic farm animals is restricted due to close proximity to urban areas.

B. Uses.

1. Permitted Uses. Permitted uses in the A – Agricultural District, can be found in table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the A – Agricultural District can be found in Table 11.0 A: Land Use Table, found in Subdivision 11.1 and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.
   a. Residential Uses.
      (1) (Group family day care facility serving more than fourteen (14) children.
      (2) State licensed day care facility serving thirteen (13) or more persons.
      (3) Accessory Dwelling Units
   b. Other Uses.
      (1) Accessory buildings, if the building exceeds the pertinent standards specified in Subdivision 9.6, A: Accessory Buildings.
      (2) Temporary structures.
      (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or other Authorized Agent of the City has determined that the use is consistent with the intent for conditional uses in this district.
      (4) Essential services facilities.

3. Interim Uses. There are no interim uses associated with this District.

4. Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the A – Agricultural District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Animals: Keeping of domestic animals pursuant to Chapter 3 of the City Code
   c. Fence, pursuant to Subdivision 10.6: Fences
   d. Home occupation, pursuant to Subdivision 9.1, B: Home Occupation
Section 11.01: Zoning Ordinance
Subdivision 11.2: A – Agricultural District

C. Dimensional Requirements.

1. **Lot Requirements.** The minimum lot requirements in the A – Agricultural District shall be as follows, except as may be modified pursuant to Subdivision 10.2, G: Nonconforming Lots or Subdivision 8.20: Variance.
   a. **Minimum Lot Area (net land).** Five (5) acres.
   b. **Minimum Lot Width.** Three hundred (300) feet.
   c. **Minimum Lot Depth.** Three hundred (300) feet.

2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.
   a. **Minimum Principal Building Setback from Front Lot Line.** Thirty (30) feet.
   b. **Minimum Principal Building Setback from Corner Street side lot line.** Thirty (30) feet.
   c. **Minimum Principal Building Setback from Interior Side Lot Line.** Ten (10) feet house side and fifteen (15) feet garage side (attached garage). Corner lots must provide the required front yard along each street.
   d. **Minimum Principal Building Setback from Rear Lot Line.** Forty-five (45) feet.

3. **Maximum Height of Principal Building.** Thirty (30) feet, unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. **Maximum Building Coverage of the Parcel.** Twenty-five percent (25%).

6. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.
D. **Additional Requirements.** An on-site sanitary sewer system shall be provided for dwellings and other buildings in conformance with City Code regulations. Except for single-family dwellings, other buildings for human habitation and use such as schools and churches shall be served by municipal sanitary sewer and water facilities.

11.3 **RR – Rural Residential District**

A. **Intent.** The intent of the RR – Rural Residential District is to recognize and provide for relatively large lot single-family residential areas (and other compatible uses), which have been or will be developed without municipal sanitary sewer and water services. Typically, the RR – Rural Residential District is intended for use in heavily wooded areas which are more successfully preserved with relatively large lots.

B. **Uses.**

1. **Permitted Uses.** Permitted uses in the RR – Rural Residential District can be found in *Table 11.0 A: Land Use Table*, found in Subdivision 11.1.

2. **Conditional Uses.** Conditional uses in the RR – Rural Residential District can be found in *Table 11.0 A: Land Use Table*, found in Subdivision 11.1., and are subject to the issuance of a conditional use permit as specified in *Subdivision 8.21: Conditional Use Permit* and pursuant to all applicable specific use standards.

3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the RR – Rural Residential District, pursuant to all applicable specific use standards.

   a. Accessory buildings, pursuant to *Subdivision 9.6, A: Accessory Buildings*
   
   b. Animals: Keeping of domestic animals pursuant to *Chapter 3 of the City Code*
   
   c. Fence, pursuant to *Subdivision 10.6: Fences*
   
   d. Home occupation, pursuant to *Subdivision 9.1, B: Home Occupation*
   
   e. Off-street parking, loading, and access drives, pursuant to *Subdivision 10.3: Parking and Loading*
   
   f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to *Subdivision 10.4: Landscaping, Buffers, and Screening*, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   
   g. Patio, deck, terrace, and similar uses, pursuant to *Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses*
   
   h. Signs, pursuant to *Subdivision 10.7: Signs*
   
   i. Solar equipment, pursuant to *Subdivision 9.4, B: Solar Equipment and Solar Rights*
   
   j. Sport court or play equipment for private recreational use, pursuant to *Subdivision 9.6, F: Sport Court, Play Equipment, and Similar Uses*
   
   k. Swimming pool, pursuant to *Subdivision 9.6, G: Swimming Pool*
Section 11.01: Zoning Ordinance
Subdivision 11.3: RR – Rural Residential District

1. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. **Lot Requirements.** The minimum lot requirements in the RR – Rural Residential District shall be as follows, except as may be modified pursuant to Subdivision 10.2, G: Nonconforming Lots or Subdivision 8.20: Variance.

   a. **Minimum lot area (net land).** One (1) acre.
   
   b. **Minimum lot width.** One hundred – sixty (160) feet.
   
   c. **Minimum lot depth.** Two hundred (200) feet.

2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

   a. **Minimum principal building setback from front lot line.** Thirty (30) feet.
   
   b. **Minimum principal building setback from corner street side lot line.** Thirty (30) feet.
   
   c. **Minimum principal building setback from interior side lot line.** Fifteen (15) feet house side and ten (10) feet garage side (attached garage). Corner lots must provide the required front yard along each street.
   
   d. **Minimum principal building setback from rear lot line.** Forty-five (45) feet.

3. **Maximum Height of Principal Building.** Thirty (30) feet, unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

6. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.

E. **Additional Requirements.** An on – site sanitary sewer system shall be provided for dwellings and other buildings in conformance with City Code regulations. Except for single – family dwellings, other buildings for human habitation and use such as schools and churches shall be served by municipal sanitary sewer and water facilities.
11.4 **R1-A, R1-B, R1-C, and R1-D – Low Density Residential District**

A. **Intent.** The intent of the Low Density Residential Districts is to recognize fully or partially developed low density residential areas including supporting public and semi-public facilities, to provide for future development of similar nature, and to protect the desired low intensity living environment from encroachment by potential conflicting uses. Permitted and conditional uses in the four districts are the same, but the density, lot size and setback requirements become progressively more restrictive as the letter designations increase. The R1-B District is particularly applicable to environmentally sensitive areas (wooded, rolling, etc.) because of its larger lot size.

B. **Uses.**

1. **Permitted Uses.** Permitted uses in the R1-A, R1-B, R1-C and R1-D Districts can be found in *Table 11.0 A: Land Use Table*, located in *Subdivision 11.1*.

2. **Conditional Uses.** Conditional uses in the R1-A, R1-B, R1-C, and R1-D Low Density Residential Districts can be found in *Table 11.0 A: Land Use Table*, located in *Subdivision 11.1* and are subject to the issuance of a conditional use permit as specified in *Subdivision 8.21: Conditional Use Permit* and pursuant to all applicable specific use standards.

   (1) State licensed day care facility. A state licensed day care facility, not within a residential dwelling, serving thirteen (13) or more persons, as a principal or accessory use, provided that the day care facility meets the following provisions:

   (a) Lot Requirements and Setbacks. The proposed site for a day care facility as a principal use shall have a minimum lot area as set forth in the respective zoning district. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety, and general welfare. The day care facility shall meet the setback requirements of the respective zoning district.

   (b) Buffering. Unless exempted by the Zoning Administrator, where an outdoor play area of a day care facility abuts any commercial or industrial use or zone, or public right-of-way, the day care facility shall provide screening along the shared boundary of such uses, zones or public right-of-way. All required fencing and screening shall comply with fencing and screening requirements of *Subdivision 10.6: Fences and Subdivision 10.4: Landscaping, Buffers, and Screening* of this Ordinance.

   (c) Parking. There shall be adequate off-street parking, which shall be located separately from any outdoor play area and shall be in compliance with *Subdivision 10.3: Parking and Loading* of this Ordinance. When a day care facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off-street parking space required. An exception to this requirement may be granted by the Zoning Administrator in instances where no increase in off-street parking demand will result.

   (d) Compliance with State Requirements. The structure and operation shall be in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly.
3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the R1-A, R1-B, R1-C, and R1-D - Low Density Residential Districts, pursuant to all applicable specific use standards.
   
a. Accessory buildings, pursuant to *Subdivision 9.6, A: Accessory Buildings*
   
b. Animals: Keeping of domestic animals pursuant to Chapter 3 of the City Code
   
c. Fence, pursuant to *Subdivision 10.6: Fences*
   
d. Home occupation, pursuant to *Subdivision 9.1, B: Home Occupation*
   
e. Off-street parking, loading, and access drives, pursuant to *Subdivision 10.3: Parking and Loading*
   
f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to *Subdivision 10.4: Landscaping, Buffers, and Screening*, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   
g. Patio, deck, terrace, and similar uses, pursuant to *Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses*
   
h. Signs, pursuant to *Subdivision 10.7: Signs*
   
i. Solar equipment, pursuant to *Subdivision 9.4, B: Solar Equipment and Solar Rights*
   
j. Sport court or play equipment for private recreational use, pursuant to *Subdivision 9.6, F: Sport Court, Play Equipment, and Similar Uses*
   
k. Swimming pool, pursuant to *Subdivision 9.6, G: Swimming Pool*
   
l. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

**C. Dimensional Requirements.**

1. **R1-A Low Density Residential District**
   
a. **Lot requirements in the R1-A District.** The minimum lot requirements in the R1-A Low Density Residential District shall be as follows, except as may be modified pursuant to *Subdivision 10.2, G: Nonconforming Lots or Subdivision 8.20: Variance.*
      
      (1) Minimum Lot Area (Net Land). Twenty-one thousand, seven hundred eighty (21,780) square feet.
      
      (2) Minimum Lot Width. One hundred (100) feet.
      
      (3) Minimum Lot Depth. One hundred and forty (140) feet.
   
   b. **Setback Requirements for Principal Building in the R1-A District.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to *Subdivision 8.20: Variance.*
      
      (1) Minimum Principal Building Setback from Front Lot Line. Thirty (30) feet.
      
      (2) Minimum Principal Building Setback from Corner Street Side Lot Line. Thirty (30) feet.
      
      (3) Minimum Principal Building Setback from Interior Side Lot Line. Fifteen (15) feet house side and ten (10) feet garage side (attached garage). Corner lots must provide the required front yard along each street.
      
      (4) Minimum Principal Building Setback from Rear Lot Line. Forty-five (45) feet.
c. **Maximum Height of Principal Building in the R1-A District.** Thirty (30) feet unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

d. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in **Subdivision 9.6, A: Accessory Building.**

e. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

f. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.

2. **R1-B Low Density Residential District**

a. **Lot Requirements in the R1-B District.** The minimum lot requirements in the R1-B Low Density Residential District shall be as follows, except as may be modified pursuant to **Subdivision 10.2, G: Nonconforming Lots or Subdivision 8.20: Variance.**

1. Minimum Lot Area (Net Land). Fifteen thousand (15,000) square feet. A ten percent (10%) deviation in lot area may be permitted provided the average lot area for each plat or subdivision shall not be less than fifteen thousand (15,000) square feet and the average lot width not less than one hundred (100) feet.

2. Minimum Lot Width. One hundred (100) feet. A ten percent (10%) deviation in lot width may be permitted provided the average lot area for each plat or subdivision shall not be less than fifteen thousand (15,000) square feet and the average lot width not less than one hundred (100) feet.

3. Minimum Lot Depth. One hundred thirty-five (135) feet.

b. **Setback Requirements for Principal Building in the R1-B District.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to **Subdivision 8.20: Variance.**

1. Minimum Principal Building Setback from Front Lot Line. Thirty (30) feet.

2. Minimum principal building setback from corner street side lot line. Thirty (30) feet.

3. Minimum Principal Building Setback from Interior Side Lot Line. Fifteen (15) feet house side and ten (10) feet garage side (attached garage). Corner lots must provide the required front yard along each street.

4. Minimum Principal Building Setback from Rear Lot Line. Forty-five (45) feet.

c. **Maximum Height of Principal Building in the R1-B District.** Thirty (30) feet, unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

d. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in **Subdivision 9.6, A: Accessory Building.**

e. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

f. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.

3. **R1-C Low Density Residential District**

a. **Lot Requirements in the R1-C District.** The minimum lot requirements in the R1-C Low Density Residential District shall be as follows, except as may be modified pursuant to **Subdivision 10.2, G: Nonconforming Lots or Subdivision 8.20: Variance.**
Section 11.01: Zoning Ordinance

Subdivision 11.04: R1-A, R1-B, R1-C, and R1-D – Low Density Residential District

(1) Minimum Lot Area (Net Land). Eleven thousand, nine hundred (11,900) square feet.
(2) Minimum Lot Width. Eighty-five (85) feet. Lots on the corner must be one hundred (100) feet.
(3) Minimum Lot Depth. One hundred twenty-five (125) feet.

b. Setback Requirements for Principal Building in the R1-C District. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

(1) Minimum Principal Building Setback from Front Lot Line. Thirty (30) feet.
(2) Minimum Principal Building Setback from Corner Street Side Lot Line. Thirty (30) feet.
(3) Minimum Principal Building Setback from Interior Side Lot Line. Twelve (12) feet house side and eight (8) feet garage side (attached garage). Corner lots must provide the required front yard along each street.
(4) Minimum Principal Building Setback from Rear Lot Line. Forty (40) feet.

c. Maximum Height of Principal Building in the R1-C District. Thirty (30) feet, unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

d. Setback and Height Requirements for Accessory Buildings. The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

e. Maximum Building Coverage of the Lot. Twenty-five percent (25%).

f. Minimum Floor Area per Unit. Eight hundred sixty – four (864) square feet.

4. R1-D Low Density Residential District

a. Lot Requirements in the R1-D District. The minimum lot requirements in the R1-D Low Density Residential District shall be as follows, except as may be modified pursuant to Subdivision 10.2, G: Nonconforming Lots or Subdivision 8.20: Variance.

(1) Minimum Lot Area (Net Land). Ten thousand, four hundred (10,400) square feet.
(2) Minimum Lot Width. Eight (80) feet.
(3) Minimum Lot Depth. One hundred twenty (120) feet.

b. Setback Requirements for Principal Building in the R1-D District. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

(1) Minimum Principal Building Setback from Front Lot Line. Thirty (30) feet.
(2) Minimum Principal Building Setback from Corner Street Side Lot Line. Thirty (30) feet.
(3) Minimum Principal Building Setback from Interior Side Lot Line. Eight (8) feet house side and eight (8) feet garage side (attached garage). Corner lots must provide the required front yard along each street.
(4) Minimum Principal Building Setback from Rear Lot Line. Forty (40) feet.

c. Maximum Height of Principal Building in the R1-D District. Thirty (30) feet, unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.
Section 11.01: Zoning Ordinance
Subdivision 11.4: R1-A, R1-B, R1-C, and R1-D - Low Density Residential District

d. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in *Subdivision 9.6, A: Accessory Building.*

e. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

f. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.
11.5 R1-E – Historic Mahtomedi District

A. Intent.

1. District Characteristics. Historic Mahtomedi was largely developed in the 1920’s and ‘30’s, as a summer home community with no apparent building or development regulations. This lack of regulation resulted in a neighborhood with a number of characteristics that contribute to its charm and attractiveness:

   a. Narrow, meandering streets with few cars and many pedestrians;
   b. Irregular, unpredictable pattern of streets, blocks, lots and open spaces;
   c. Tightly-spaced housing reflecting the summer cottage era on White Bear Lake;
   d. Unusual building placement on small lots, creating interesting open spaces, gardens and private spaces;
   e. Diverse housing style, size, quality, and value;
   f. Diverse socio-economic appeal.

2. Adaption of Certain Standard Zoning Provisions. The City values this unique neighborhood and recognizes that in order to retain its character with all the pressures for improvements and redevelopment, extraordinary zoning procedures must be put in place. Therefore, several standard zoning principles applicable to other parts of the community will be adapted for purposes of this District as follows:

   a. Nonconforming Provision.

      (1) It is not the intent of this District to standardize development into a uniform, conforming pattern by gradually eliminating all of those features that are different. Some unique features make the neighborhood attractive and give it character. Nor is it the intent of this District to make development standards so low that all existing features will conform, as this would allow all new development to develop at low standards and would not contribute to the overall quality of the neighborhood. It is the intent to allow future development that would appear similar to present development.

      (2) The nonconforming provision in Subdivision 10.2: Nonconformities of this Ordinance will be applied differently for purposes of carrying out the intent of this District. This will mean that:

         (a) Nonconforming structures could be replaced or reconstructed with the same non-conformities as presently exist by following the standard application procedures for building permits pursuant to Subdivision 8.3: Building Permit.

         (b) Existing uses in the district would be conforming both as to use and site development and could be replaced with a similar use through the conditional use permit procedure pursuant to Subdivision 8.21: Conditional Use Permit.

      (3) If an existing nonconforming structure or use is made conforming or less nonconforming, it shall not thereafter revert back to its previous nonconforming status or condition.

   b. Sliding Scale of Regulations.

      (1) Although a basic zoning premise is to apply uniform regulations throughout a district, uniform regulations will not reflect the diversity of lot sizes and random building placement existing and desired in this district.
Section 11.01: Zoning Ordinance
Subdivision 11.5: R1-E – Historic Mahtomedi District

(2) Using the sliding scale approach, a large lot would require proportionately higher development standards for some regulations than a smaller lot.

c. **Prevailing Conditions.**

(1) An important principle of this district is that additions, redevelopment or new development should fit into the context of existing conditions. Regulations tailored to existing conditions on a case-by-case basis will allow the most compatible development to occur, will preserve the existing development pattern, and will require applicants for new development or redevelopment to look critically at surroundings.

(2) All other adjustments to standards shall be made pursuant to Subdivision 8.20 Variance.

d. **Adjustments to Standards.**

(1) In cases where extraordinary limitations are imposed on a site due to topography or unusual site shape or configuration, adjustments in the standard regulations over and above the procedures discussed above, may be made by issuance of a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit. A conditional use permit may be used for adjustments to standards for a project that comprises up to thirty percent (30%) building footprint expansion and/or up to fifty percent (50%) increase in the assessed value of the structure as determined by the Washington County Assessor.

(2) All other adjustments to standards shall be made pursuant to Subdivision 8.20 Variance.

e. **Definition of Front Lot Line.**

(1) Standard regulations require front yards along any lot lines abutting a street. Garages must meet the front yard requirements of residences but have a considerably reduced rear yard. A majority of the lots in this District are through-lots, often having a mixture of homes and garages facing either of the frontages. Garages often are placed near the narrower of the two streets, which were very likely considered alleys when the area was developed.

(2) For purposes of this District and to recognize the nature of existing development, front yards will be required on only one street frontage for through lots and corner lots.

(3) The Zoning Administrator will establish the front, side and rear yards on through lots and corner lots.

B. **Uses.**

1. **Permitted Uses.** Permitted uses in the R1-E Historic Mahtomedi District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. **Conditional Uses.** Conditional uses in the R1-E Historic Mahtomedi Zoning District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards. In addition to the uses found in Table 11.0 A: Land Use Table, the following are also conditional uses in the R-1 District:

   (1) Any nonconforming residential structure that is enlarged, expanded, relocated or changed in use in such a way that the enlargement, expansion, or relocation does not
Section 11.01: Zoning Ordinance
Subdivision 11.5: R1-E – Historic Mahtomedi District

meet the minimum front yard, side yard, rear yard, or coverage regulations of this District.

(2) Any existing nonconforming use that is not identified as a permitted use in this District for which the owner or operator of such use has submitted documentation of the nature, extent and size of the use, buildings and site, and for which a conditional use permit has been issued within one (1) year of the effective date of this Subdivision and in accordance with Subdivision 8.21: Conditional Use Permit.

3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the R1-E Historic Mahtomedi Zoning District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Animals: Keeping of domestic animals pursuant to Chapter 3 of the City Code
   c. Fence, pursuant to Subdivision 10.6: Fences
   d. Home occupation, pursuant to Subdivision 9.1, B: Home Occupation
   e. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening; or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   g. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses
   h. Signs, pursuant to Subdivision 10.7: Signs
   i. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   j. Sport court or play equipment for private recreational use, pursuant to Subdivision 9.6, F: Sport Court, Play Equipment, and Similar Uses
   k. Swimming pool, pursuant to Subdivision 9.6, G: Swimming Pool
   l. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. **Nonconforming Provision.** The nonconforming provision as established in Subdivision 10.2: Nonconformities of this Ordinance is hereby modified in the manner prescribed below for the purpose of carrying out the intent of this District.

1. Existing nonconforming structures in this district may be reconstructed or replaced if the use, size and location of the former structure are not changed.

2. A conditional use permit as established in Subdivision 8.21: Conditional Use Permit of this Ordinance shall be required for any nonconforming structure that is enlarged, expanded, or relocated in such a way that the enlargement, expansion, or relocation does not meet the minimum front yard, side yard, rear yard, or lot coverage regulations of this District.
3. If an existing nonconforming structure or use is made conforming or less nonconforming, it shall not thereafter revert to its previous nonconforming status or altered.

4. Regulations regarding the following nonconforming conditions are not hereby altered:
   (1) Private water or private sanitary sewer systems.
   (2) More than two (2) accessory structures on a lot.
   (3) Signs.
   (4) Adult oriented uses.
   (5) Non-residential uses.

D. Dimensional Requirements.

1. Definition of a Front Yard. For the purposes of the R1-E Historic Mahtomedi District, the term ‘Front Lot Line’ will have the following meaning:
   a. Non-Riparian lots:
      (1) Front Lot Line. A boundary of a lot abutting a public street. On a corner lot or through-lot only one (1) of the lot lines abutting a street shall be the front lot line. The Zoning Administrator shall determine the front lot line based on an evaluation of: size, dimensions and proportion of the lot; orientation, placement and street address of existing structures on the lot and on other lots in the block; accessibility and owner’s wishes.
   b. Riparian lots
      (1) Front Lot Line. The boundary of a lot abutting the public water.
   c. Appeals. Appeals of such determinations may be made to the City Council acting as the Board of Adjustment and Appeals upon recommendation from the Planning Commission as specified in Subdivision 8.24: Appeal of an Administrative Decision.

2. Lot Requirements. The minimum lot requirements in the R1-E Historic Mahtomedi District shall be as follows:
   a. Minimum Lot Area (Net Land).
      (1) Existing Platted Lots. Six thousand, two hundred forty (6,240) square feet.
      (2) Lots Created After March 3, 1999. Ten thousand, four hundred (10,400) square feet.
   b. Minimum Lot Width.
      (1) Existing Platted Lots. Forty-eight (48) feet.
      (2) Lots Created After March 3, 1999. Eighty (80) feet.
   c. Minimum Lot Depth.
      (1) Existing Platted Lots. One hundred (100) feet.
      (2) Lots Created After March 3, 1999. One hundred twenty (120) feet.

3. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.21: Conditional Use Permit.
a. **Minimum Principal Building Setback from Front Lot Line.** The required front yard shall be the prevailing front yard as described in the following sub-paragraphs.

1. If a lot on which a new home or a remodel of an existing home is proposed, and abuts a lot on which an existing home is located and the other side of the lot of the proposed home abuts either a street or a vacant lot, the front yard of the new home/remodeled home shall be within five (5) feet of the front yard of the existing home, but in no case shall the front yard of the new home/remodel of an existing home be less than twenty (20) feet from the front property line.

![Diagram showing setback for new home and existing homes](image1)

2. If a lot on which a new home or a remodel of an existing home is proposed, and abuts lots on both side lot lines on which homes exist, the front yard of the new home/remodeled home shall be within five (5) feet of the average front yard of the two existing homes, but in no case shall the front yard of the new home/remodel of an existing home be less than twenty (20) feet from the front property line.

![Diagram showing setback for new home and existing homes](image2)

3. If a new home or remodel of an existing home is proposed on a lot where the front yard setback on adjoining lots is not clearly evident due to steep
topography, a curved street, other vacant lots or other unusually conditions, the
Zoning Administrator shall determine the required front yard.

(4) If three (3) or more new homes are proposed on contiguous lots the minimum
front yard shall be twenty-five (25) feet.

(5) For a non-riparian lot, in no case shall the front yard greater than forty-five (45)
feet be required.

(6) For a riparian lot, the front yard setback shall be either the minimum setback
from the Ordinary High Water Level as prescribed by the Shoreland Overlay
District, or the prevailing front setback as described in (1) and (2) above,
whichever is greater.

b. Minimum Principal Building Setback from Corner Street Side Lot Line. Twenty (20)
feet (house and garage side).

c. Minimum Principal Building Setback from Interior Side Lot Line. Ten percent (10%)
of the lot width, with a minimum side yard setback of six (6) feet.

d. Minimum Principal Building Setback from Rear Lot Line.
   (1) Interior lot with or without an alley. Twenty-five (25) feet.
   (2) Interior lot with street. Twenty-five (25) feet.
   (3) Corner lot without rear yard street. Twenty (20) feet.
   (4) Corner lot with rear yard street. Twenty (20) feet.

4. Maximum Height of Principal Building. Thirty (30) feet unless the property is within
the Shoreland Overlay District, in which case the maximum height of the principal
building shall be twenty – five (25) feet.

5. Setback and Height Requirements for Accessory Buildings. The provisions of
Subdivision 9.6, A: Accessory Buildings shall be modified for the R1-E District as
follows:

a. Minimum Accessory Building Setback from Front Lot Line. Thirty (30) feet.

b. Minimum Accessory Building Setback from Side Lot Line.
   (1) Interior lot. Five (5) feet.
   (2) Corner lot. Twenty (20) feet.

c. Minimum Accessory Building Setback from Rear Lot Line.
   (1) Interior lot with or without an alley. Three (3) feet.
   (2) Interior lot with a street. Eight (8) feet.
   (3) Corner lot without a rear yard street. Three (3) feet.
   (4) Corner lot with a rear yard street. Twenty (20) feet.

d. Maximum Height of Accessory Building. The height of accessory buildings in the
R1-E District shall conform to the provisions of Subdivision 9.6, A: Accessory
Buildings.

Historic Mahtomedi Zoning District shall be determined by the area of the lot that is
occupied by the principal and all accessory buildings and shall be calculated as follows:
Section 11.01: Zoning Ordinance
Subdivision 11.5: R1-E – Historic Mahtomedi District

a. **Lots of Six Thousand (6,000) Square Feet and Less.** Lots of six thousand (6,000) square feet and less shall have a maximum lot coverage of thirty percent (30%).

b. **Lots of Ten Thousand, Four Hundred (10,400) Square Feet and Over.** Lots of ten thousand, four hundred (10,400) square feet and over shall have a maximum lot coverage of twenty-five percent (25%).

c. **Lots Between Six Thousand (6,000) Square Feet and Ten Thousand, Four Hundred (10,400) Square Feet.** Lots between six thousand (6,000) and ten thousand, four hundred (10,400) square feet shall have a maximum lot coverage determined by the following formula:

\[
25\% + (10,400 - \text{lot area of subject property} \times 0.00114)\%
\]

**Example:**
Lot size: 8,200 square feet

\[
25\% + (10,400 - 8,200 \times 0.00114)\% = 27.5\% \text{ lot coverage allowed}
\]

**E. Standards for Religious Institutions and Non-Residential Day Care Facilities.**

1. The following applies to religious institutions and non-residential day care facilities in the R1-E District:

   a. The site shall be located on a collector or arterial roadway as identified in the Comprehensive Plan.

   b. The principal structure must be setback a minimum of thirty (30) feet from all property lines.

   c. Parking must be set back a minimum of twenty (20) feet from all property lines.

   d. No more than seventy percent (70%) of the site is to be covered with impervious surface and the remainder is to be suitably landscaped pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening. (updated 3/21)
11.6 R2 – Medium Density Residential District

A. **Intent.** The intent of the R2 – Medium Density Residential District is to provide areas, as guided by the Comprehensive Plan, for medium density single-family detached dwellings in recognition of the need to provide alternatives to large lot single-family living.

B. **Uses.**

1. **Permitted Uses.** Permitted uses in the R2 – Medium Density Residential District cab be found in Table 11.0 A: Land Use Table, found in Subdivision 11.1.

2. **Conditional Uses.** Conditional uses in the R2 – Medium Density Residential District can be found in Table 11.0 A: Land Use Table, found in Subdivision 11.1, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the R2 – Medium Density Residential District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Animals: Keeping of domestic animals pursuant to Chapter 3 of the City Code
   c. Fence, pursuant to Subdivision 10.6: Fences
   d. Home occupation, pursuant to Subdivision 9.1, B: Home Occupation
   e. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   g. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses
   h. Signs, pursuant to Subdivision 10.7: Signs
   i. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   j. Sport court or play equipment for private recreational use, pursuant to Subdivision 10.6, F: Sport Court, Play Equipment, and Similar Uses
   k. Swimming pool, pursuant to Subdivision 10.6, G: Swimming Pool
   l. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. **Dimensional Requirements.**

1. **Single-Family Dwellings**
   a. **Lot Requirements.** The minimum lot requirements in the R2 – Medium Density Residential District for single-family dwellings shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance:
Section 11.01: Zoning Ordinance

Subdivision 11.6: R2 – Medium Density Residential District

(1) Minimum lot area (net land). Eight thousand, four hundred (8,400) square feet. Upon approval of a conditional use permit, the lot area may be reduced to seven thousand, five hundred (7,500) square feet.

(2) Minimum lot width. Seventy (70) feet.

(3) Minimum lot depth. One hundred twenty (120) feet.

b. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

(1) Minimum principal building setback from front lot line. Thirty (30) feet.

(2) Minimum principal building setback from corner street side lot line. Thirty (30) feet.

(3) Minimum principal building setback from interior side lot line. Eight (8) feet house side and eight (8) feet garage side. Corner lots must provide the required front yard along each street.

(4) Minimum principal building setback from rear lot line. Thirty (30) feet .

c. **Maximum Height of Principal Building.** Thirty (30) feet unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty –five (25) feet.

d. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

e. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

f. **Maximum Building Density (Units Per Acre).** 5.2 units / acre. Upon approval of a conditional use permit, the maximum density may be increased to 5.8 units / acre.

g. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.

2. **Two-Family Dwellings, Duplexes, and Double Bungalows**

a. **Lot Requirements.** The minimum lot requirements in the R2 – Medium Density Residential District for two-family dwellings, duplexes, and double bungalows shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance:

(1) Minimum lot area (net land). Fifteen thousand (15,000) square feet; seven thousand five hundred (7,500) square feet per unit.

(2) Minimum lot width. Ninety (90) feet.

(3) Minimum lot depth. One hundred twenty (120) feet.

b. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

(1) Minimum principal building setback from front lot line. Thirty (30) feet.

(2) Minimum principal building setback from corner street side lot line. Thirty (30) feet.
(3) Minimum principal building setback from interior side lot line. Eight (8) feet house side and eight (8) feet garage side. Corner lots must provide the required front yard along each street.

(4) Minimum principal building setback from rear lot line. Thirty (30) feet.

c. **Maximum Height of Principal Building.** Thirty (30) feet unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

d. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: *Accessory Building.*

e. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

f. **Maximum Building Density (Units Per Acre).** 5.8 units / acre.

g. **Minimum Floor Area Per Unit.** Eight hundred sixty – four (864) square feet.
11.7 R3 – Medium Density Single – Family Attached Residential District

A. Intent. The intent of the R3 – Medium Density Single – Family Attached Residential District is to provide areas for medium density single-family attached residential dwellings (townhouses, quad homes, etc.) in response to the recognized demand for alternatives to traditional single-family detached housing during different stages of the human life-cycle, and directly related complementary uses.

B. Uses.

1. Permitted Uses. Permitted uses in the R3 – Medium Density Single-Family Attached Residential District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the R3 – Medium Density Single-Family Attached Residential District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. Interim Uses. There are no interim uses associated with this District.

4. Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the R3 – Medium Density Single - Family Residential District, pursuant to all applicable specific use standards.

   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Animals: Keeping of domestic animals pursuant to Chapter 3 of the City Code
   c. Fence, pursuant to Subdivision 10.6: Fences
   d. Home occupation, pursuant to Subdivision 9.1, B: Home Occupation
   e. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   g. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses
   h. Signs, pursuant to Subdivision 10.7: Signs
   i. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   j. Sport court or play equipment for private recreational use, pursuant to Subdivision 9.6, F: Sport Court, Play Equipment, and Similar Uses
   k. Swimming pool, pursuant to Subdivision 9.6, G: Swimming Pool
   l. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. Single-Family Attached Dwellings (Townhouse)
Chapter 11.01: Zoning

Section 11.7: R3 – Medium Density Single – Family Attached Residential District

a. **Lot requirements.** The minimum lot requirements in the R3 – Medium Density Residential District for single-family attached dwellings (townhouse) shall be as follows, except as may be modified pursuant to Subdivision 8.20: **Variance:**

   1. Minimum lot area (net land). Six thousand (6,000) square feet per unit.
   2. Minimum lot width. N / A.
   3. Minimum lot depth. N / A.

b. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: **Variance.**

   1. Minimum principal building setback from front lot line. Twenty-five (25) feet.
   2. Minimum principal building setback from corner street side lot line. Twenty-five (25) feet.
   3. Minimum principal building setback from interior side lot line. Fifteen (15) feet house side and eight (8) feet garage side. Corner lots must provide the required front yard along each street. There shall be thirty (30) feet between structures on the same lot.
   4. Minimum principal building setback from rear lot line. Thirty (30) feet.

c. **Maximum Height of Principal Building.** Thirty-five (35) feet unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty – five (25) feet.

d. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: **Accessory Building.**

e. **Maximum Building Coverage of the Lot.** N / A.

f. **Maximum Building Density (Units Per Acre).** 7.3 units / acre.

g. **Minimum Floor Area Per Unit.** N / A.

2. **Two Family**

a. **Lot Requirements.** The minimum lot requirements in the R3 – Medium Density Single-Family Attached Residential District for two-family dwellings, shall be as follows, except as may be modified pursuant to Subdivision 8.20: **Variance:**

   1. Minimum lot area (net land). Twelve thousand (12,000) square feet with six thousand (6,000) square feet per unit.
   2. Minimum lot width. N / A.
   3. Minimum lot depth. N / A.

b. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: **Variance.**

   1. Minimum principal building setback from front lot line. Twenty-five (25) feet.
   2. Minimum principal building setback from corner street side lot line. Twenty-five (25) feet.
(3) Minimum principal building setback from interior side lot line. Eight (8) feet house side and eight (8) feet garage side. Corner lots must provide the required front yard along each street. There shall be thirty (30) feet between structures on the same lot.

(4) Minimum principal building setback from rear lot line. Thirty (30) feet.

c. Maximum Height of Principal Building. Thirty (30) feet unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty –five (25) feet.

d. Setback and Height Requirements for Accessory Buildings. The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

e. Maximum Building Coverage of the Lot. N / A.

f. Maximum Building Density (Units Per Acre). 7.3 units / acre.

g. Minimum Floor Area Per Unit. N / A.

3. Multiple-Family (3 and 4 units)

a. Lot Requirements. The minimum lot requirements in the R3 – Medium Density Single-Family Attached Residential District for multiple-family (3 and 4 units), shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

(1) Minimum lot area (net land). Eighteen thousand (18,000) square feet with six thousand (6,000) square feet per unit.

(2) Minimum lot width. N / A.

(3) Minimum lot depth. N / A.

b. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

(1) Minimum principal building setback from front lot line. Twenty-five (25) feet.

(2) Minimum principal building setback from corner street side lot line. Twenty-five (25) feet.

(3) Minimum principal building setback from interior side lot line. Fifteen (15) feet house side and eight (8) feet garage side. Corner lots must provide the required front yard along each street. There shall be thirty (30) feet between structures on the same lot.

(4) Minimum principal building setback from rear lot line. Thirty (30) feet.

c. Maximum Height of Principal Building. Thirty (30) feet unless the property is within the Shoreland Overlay District, in which case the maximum height of the principal building shall be twenty –five (25) feet.

d. Setback and Height Requirements for Accessory Buildings. The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

e. Maximum Building Coverage of the Lot. N / A.

f. Maximum Building Density (Units Per Acre). 7.3 units / acre.
g. **Minimum Floor Area Per Unit. N / A.**

### 11.8 R4 – High Density Multiple – Family Residential District

#### A. Intent.
The intent of the R4 - High Density Multiple – Family Residential District is to provide areas for high density multiple – family dwellings and directly related complementary uses.

#### B. Uses.

1. **Permitted Uses.** Permitted uses in the R4 – High Density Multiple – Family Residential District can be found in *Table 11.0 A: Land Use Table*, located in *Subdivision 11.1*.

2. **Conditional Uses.** Conditional uses in the R4 – High Density Multiple – Family Residential District can be found in *Table 11.0 A: Land Use Table*, and are subject to the issuance of a conditional use permit as specified in *Subdivision 8.21: Conditional Use Permit* and pursuant to all applicable specific use standards.

3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the R4 - High Density Multiple Family Residential District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to *Subdivision 9.6, A: Accessory Buildings*
   b. Animals: Keeping of domestic animals pursuant to *Chapter 3 of the City Code*
   c. Fence, pursuant to *Subdivision 10.6: Fences*
   d. Home occupation, pursuant to *Subdivision 9.1, B: Home Occupation*
   e. Off-street parking, loading, and access drives, pursuant to *Subdivision 10.3: Parking and Loading*
   f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to *Subdivision 10.4: Landscaping, Buffers, and Screening*, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   g. Patio, deck, terrace, and similar uses, pursuant to *Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses*
   h. Signs, pursuant to *Subdivision 10.7: Signs*
   i. Solar equipment, pursuant to *Subdivision 9.4, B: Solar Equipment and Solar Rights*
   j. Sport court or play equipment for private recreational use, pursuant to *Subdivision 9.6, F: Sport Court, Play Equipment, and Similar Uses*
   k. Swimming pool, pursuant to *Subdivision 9.6, G: Swimming Pool*
   l. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

#### C. Dimensional Requirements.
1. **Lot Requirements.** The minimum lot requirements in the R4 – High Density Multiple - Family Residential District shall be as follows, except as may be modified pursuant to **Subdivision 8.20: Variance.**
   a. **Minimum Lot Area (Net Land).** One thousand, seven hundred, forty-two (1,742) square feet per unit. A density bonus for underground parking shall be awarded at a rate of three hundred (300) square feet per underground parking space provided.
   b. **Minimum Lot Width.** N/A.
   c. **Minimum Lot Depth.** N/A.

2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to **Subdivision 8.20: Variance.**
   a. **Minimum Principal Building Setback from Front Lot Line.** Fifty (50) feet. Garages shall not be located any closer to the front lot line than the principal structure(s).
   b. **Minimum Principal Building Setback from Corner Street Side Lot Line.** Fifty (50) feet.
   c. **Minimum Principal Building Setback from Interior Side Lot Line.** Twenty-five (25) feet or fifty (50) feet if adjacent to any residential district other than R4. Garages shall be setback a minimum of eight (8) feet from the side property line. Corner lots must provide the required front yard along each street.
   d. **Minimum Principal Building Setback from Rear Lot Line.** Thirty (30) feet or fifty (50) feet if adjacent to any residential district other than R4. Garages shall be setback a minimum of eight (8) feet from the rear lot line.

3. **Maximum Height of Principal Building.** Three (3) stories or thirty-five (35) feet. Upon approval of a conditional use permit pursuant to **Subdivision 8.21: Conditional Use Permit,** the height may be increased to six (6) stories with an additional two (2) foot setback for every additional one (1) foot in height. If the property is located within the Shoreland Overlay District, then the maximum height of the principal building shall be twenty-five (25) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in **Subdivision 9.6, A: Accessory Building.**

5. **Maximum Building Coverage of the Lot.** N/A.

6. **Maximum Building Density (Units Per Acre).** Twenty-five (25) units/net developable acre.

7. **Other Requirements.**
   a. Parking areas and drives shall be separated from any public right-of-way by a twenty (20) foot landscaped area.
   b. Access drives and parking areas shall be setback a minimum of ten (10) feet from any interior lot line. This distance shall be increased to twenty (20) feet, and landscaped, if the lot line abuts property zoned A, RR, R1-A, R1-B, R1-C, R1-D, R1-E, R2, R3, P, or PB.

11.9-11.10 (Reserved for potential additional residential districts)
### PREDOMINANTLY COMMERCIAL DISTRICTS

Subdivisions 11.11 through 11.20 describe the zoning districts in the City of Mahtomedi that are predominantly commercial. However, these districts may also allow for a mixture of other uses including residential and public institutional uses.

#### 11.11 B1 – Office Business District

A. **Intent.** The intent of the B1 – Office Business District is to provide areas for professional offices and limited commercial services establishments, primarily serving Mahtomedi area residents. Retail sales of goods and merchandise is excluded except as ancillary to primary permitted uses. Uses are restricted so as to be compatible with adjacent residential areas.

B. **Uses.**

1. **Permitted Uses.** Permitted uses in the B1 – Office Business District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. **Conditional Uses.** Conditional uses in the B1 – Office Business District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the B1- Office Business Zoning District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Fence, pursuant to Subdivision 10.6: Fences
   c. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   e. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses
   f. Retail sales ancillary to a permitted commercial service and occupying no more than ten percent (10%) of the gross floor area of the principal structure
   g. Signs, pursuant to Subdivision 10.7: Signs
   i. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   j. Sport court or play equipment for private recreational use, pursuant to Subdivision 9.6, F: Sport Court, Play Equipment, and Similar Uses
   k. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.
C. Dimensional Requirements.

1. **Lot Requirements.** The minimum lot requirements in the B1 – Office Business District shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance:
   a. **Minimum Lot Area (Net Land).** Ten thousand four hundred (10,400) square feet.
   b. **Minimum Lot Width.** Eighty (80) feet.
   c. **Minimum Lot Depth.** N / A.

2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.
   a. **Minimum Principal Building Setback from Front Lot Line.** Thirty (30) feet.
   b. **Minimum Principal Building Setback from Corner Street Side Lot Line.** Thirty (30) feet.
   c. **Minimum Principal Building Setback from Interior Side Lot Line.** Fifteen (15) feet. Corner lots must provide the required front yard along each street.
   d. **Minimum Principal Building Setback from Rear Lot Line.** Twenty (20) feet.

3. **Maximum Height of Principal Building.** Thirty-five (35) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. **Maximum Building Coverage of the Lot.** Twenty-five percent (25%).

6. **Maximum Floor Area Ratio.** 0.5
11.12 B2 – Limited Business District

A. Intent. The intent of the B2 – Limited Business District is to provide areas for retail trade and service establishments serving the day-to-day convenience needs of Mahtomedi area residents.

The uses within the B2 District are intended to primarily serve a trade area within a one-half (½) to one (1) mile radius. The type and size of permitted uses are limited and controlled so as to minimize potential negative impact upon surrounding residential areas. Highway / auto-oriented uses and establishments requiring large sites for outdoor display and sales are excluded because of their tendency to disrupt neighborhood stability.

B. Uses.

1. Permitted Uses. Permitted uses in the B2 – Limited Business District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the B2 – Limited Business District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. Interim Uses. There are no interim uses associated with this District.

4. Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the B2 – Limited Business District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Fence, pursuant to Subdivision 10.6: Fences
   c. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   e. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses
   g. Signs, pursuant to Subdivision 10.7: Signs
   h. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   i. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. Lot Requirements. The minimum lot requirements in the B2 - Limited Business District shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.
   a. Minimum lot area (net land). Ten thousand four hundred (10,400) square feet.
   b. Minimum lot width. Eighty (80) feet.
   c. Minimum lot depth. N / A.
2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.
   a. **Minimum Principal Building Setback from Front Lot Line.** Thirty (30) feet.
   b. **Minimum Principal Building Setback from Corner Street Side Lot Line.** Thirty (30) feet.
   c. **Minimum Principal Building Setback from Interior Side Lot Line.** Fifteen (15) feet. Corner lots must provide the required front yard along each street.
   d. **Minimum Principal Building Setback from Rear Lot Line.** Twenty (20) feet.

3. **Maximum Height of Principal Building.** Thirty-five (35) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. **Maximum Building Coverage of the Lot.** Thirty percent (30%).

6. **Maximum Floor Area Ratio.** N / A.
11.13 B3 – Downtown Business District

A. Intent. The intent of the B3 – Downtown Business District is to recognize and enhance the character of the existing downtown area located near the intersection of Mahtomedi Avenue and Stillwater Road. Part of this downtown area is within the City of Mahtomedi and part is within the City of Willernie. Both communities seek to promote a unified downtown area that is consistent with the spirit of the traditional village. Primary goals of Mahtomedi’s B3 District and the corresponding District in Willernie are to encourage compact, pedestrian – oriented development, and to respect existing land uses and development patterns. Each city is responsible for enforcing the provisions of the corresponding Districts within its borders. The provisions of this District shall apply to any development activity requiring City approval as follows:

1. New buildings and / or site construction, modifications of a building’s footprint, or modification to a site.

2. Re – use of buildings and / or sites that require more parking than the previous use.

3. Reorganization of parking, driveways, or entrances.

4. Variances.

5. Conditional use permits.

6. Planned unit developments.

7. Substantive changes, as determined by the Zoning Administrator, to approved site plans or existing developed sites, buildings, or signs.

B. Uses

1. Permitted Uses. Permitted uses in the B3 – Downtown Business District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the B3 – Downtown Business District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

   a. The City Council may approve a conditional use permit for any of the following uses.

      (1) Commercial Uses.

         a. Conditions to be Considered. The conditions to be considered for the B3 District in addition to standards as defined in Subdivision 8.21: Conditional Use Permit shall be as follows:

            (1) The use is not detrimental to public health and welfare.

            (2) The use does not impair the integrity of the district and the pedestrian – oriented character of the district.

            (3) The use is sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds adjacent to buildings and properties.

            (4) The use provides organized vehicular access and parking to minimize traffic congestion in the District.

            (5) The use conforms to the District and conditional use provisions and all general regulations of this Ordinance.
3. **Interim Uses.** The following are interim uses in the B3 – Downtown Business District subject to the issuance of an interim use permit as specified in *Subdivision 8.22: Interim Use Permit* and pursuant to all applicable specific use standards.
   a. Seasonal market, pursuant to *Subdivision 9.5, D: Seasonal Market*.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the B3 – Downtown Business District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to *Subdivision 9.6, A: Accessory Buildings*
   b. Fence, pursuant to *Subdivision 10.6: Fences*
   c. Off-street parking, loading, and access drives, pursuant to *Subdivision 10.2: Parking and Loading*
   d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to *Subdivision 10.4: Landscaping, Buffers, and Screening*, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   e. Patio, deck, terrace, and similar uses, pursuant to *Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses*
   f. Signs, pursuant to *Subdivision 10.7: Signs*
   g. Solar equipment, pursuant to *Subdivision 9.4, B: Solar Equipment and Solar Rights*
   h. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. **Dimensional Requirements.**

1. **Lot Requirements.** The minimum lot requirements in the B3 – Downtown Business District shall be as follows, except as may be modified pursuant to *Subdivision 8.20: Variance*.
   a. **Minimum Lot Area (Net Land).** Six thousand four hundred (6,400) square feet.
   b. **Minimum Lot Width.** Eighty (80) feet.
   c. **Minimum Lot Depth.** N / A.

2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to this *Section*.
   a. **Minimum Principal Building Setback from Front Lot Line.** There is no minimum front yard setback in the B3 District. The maximum front yard shall be ten (10) feet. A conditional use permit is required for a front yard of between ten (10) feet and twenty (20) feet pursuant to *Subdivision 8.21: Conditional Use Permit*.
   b. **Minimum Principal Building Setback from Corner Street Side Lot Line.** There is no minimum side yard setback from corner street side parcel line in the B3 District. The maximum side yard shall be ten (10) feet. A conditional use permit is required for a side yard setback from corner street side parcel line for a front yard of between ten (10) feet and twenty (20) feet pursuant to *Subdivision 8.21: Conditional Use Permit*. 
c. **Minimum Principal Building Setback from Interior Side Lot Line.** Five (5) feet. Where the side yard abuts property guided for residential use, the setback shall be fifteen (15) feet. No side yard is required if buildings on separate lots are attached at the common lot line in a manner consistent with the building code.

d. **Minimum Principal Building Setback from Rear Lot Line.** Twenty (20) feet. A conditional use permit is required for a rear yard of less than twenty (20) feet pursuant to **Subdivision 8.21: Conditional Use Permit**.

3. **Maximum Height of Principal Building.** Twenty-five (25) feet. Building height between twenty-five (25) feet and thirty-five (35) may be permitted through conditional use procedures pursuant to **Subdivision 8.21: Conditional Use Permit**.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory building shall be as specified in **Subdivision 9.6, A: Accessory Building**.

5. **Maximum Building Coverage of the Lot.** Eight percent (80%).

6. **Maximum Floor Area Ratio.** 3.0.

7. **Site Visibility Triangle.** No building, structure, wall fence, vegetation, or other obstruction shall be permitted in any yard or setback which poses a danger to vehicular traffic or pedestrians by obscuring the view from any street. Visibility from any street shall be unobstructed above the height of 2.5 feet within the triangle described as beginning from a point at the paved edge (or face of curb) of the intersection, two sides of which extend a distance of twenty-five (25) feet along the edge of each street and the third side being a line connecting the other sides.

D. **Nonconforming Lots.** The nonconforming provisions of this Ordinance are modified as follows to carry out the intent of this district:

1. A lot in the B3 District created before January 1, 2002 shall be deemed a buildable lot provided it:
   a. Has a minimum of twenty-five (25) feet of frontage on a public right-of-way;
   b. Is served by public sanitary sewer and water; and
   c. Has a total lot area greater than or equal to two thousand five hundred (2,500) square feet.

E. **Parking.** The parking provisions of this Ordinance are modified as follows to carry out the intent of the B3 District.

1. **Location of Parking on the Lot.** Off-street parking shall not be located between the building façade and the front lot line or street right-of-way. Nor shall off-street parking be located less than five (5) feet from any property line except as provided through access drives or by shared or joint parking agreements as permitted in this Ordinance.

2. **Required Screening.** Any off-street parking space or parking lot that abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than five (5) feet wide in which is located a continuous row of shrubs no less than 3.5 feet high, or by a wall no less than four (4) feet and no more than six (6) feet high, in addition to any required shade trees.

3. **Exceptions and Alternative to Off-Street Parking Requirements.** The City Council may allow exceptions and alternatives to the off-street parking requirements as follows:
Section 11.01: Zoning Ordinance

Subdivision 11.13: B3 – Downtown Business District

Chapter 11: Planning and Development

a. Parking Reduction. The City Council may allow a reduction in the number of required parking stalls provided the property owner enters into a development contract and the following criteria are met:

(1) Evidence is provided that demonstrates the proposed use will have a peak parking demand less than the required parking of this Ordinance. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to the following:
   (a) Size of building
   (b) Type of use
   (c) Number of employees
   (d) Projected volume of delivery or service vehicles
   (e) Projected frequency and volume of delivery or service vehicles
   (f) Number of company owned vehicles
   (g) Storage of vehicles on site

(2) The amount of reduced parking shall not exceed fifty percent (50%) of the amount of parking required by the Ordinance. However, parking spaces can be provided off-site pursuant to the joint and off-site parking provisions of this Ordinance as described below.

(3) The property owner can demonstrate that the site has sufficient area to accommodate the parking required by the Ordinance if the parking demand exceeds on-site supply. The property owner shall enter into a development contract with the City guaranteeing that additional parking shall be constructed in accordance with this Ordinance if the actual site parking demand exceeds on-site supply.

b. Joint Parking Facilities. The City Council may approve a conditional use permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. Conditions to be considered when reviewing the proposed joint parking facilities shall include, but not be limited to the following:

(1) The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.

(2) The application shall show that there is no substantial conflict in the principal operating hours of the various buildings or uses for which the joint parking is proposed.

(3) A properly drawn legal instrument, executed by the parties involved in joint use of parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Washington County Recorder.

c. Off-Site Parking. The City Council may approve a conditional use permit for off-site parking. Conditions for approving off-site parking shall include, but are not limited to, the following:
(1) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.

(2) Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main public entrance of the principal use being served.

(3) Any use which depends on off-site parking to meet the requirements of the Ordinance shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site located closer to the principal use is acquired and developed for parking.

(4) Compliance with off-street parking requirements provided through leased off-street parking may be approved by the City Council, subject to the following conditions:

   (a) The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking provided, must be equal to the total number of parking spaces required.

   (b) The lease requirement shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City.

F. Landscaping. The landscaping provisions of this Ordinance are modified as follows to carry out the intent of the B3 District.

1. It is the intent of the B3 District to provide an attractive downtown area that includes landscaping. However, it is recognized that due to the compact nature of the downtown area, many of the standard provisions for landscaping described elsewhere in this Ordinance cannot be reasonably applied to this District. Therefore, the landscaping provisions of this Ordinance are modified as follows to carry out the intent of this district.

2. The applicant shall submit to the City a landscape plan for all site work requiring a building permit. The plan shall identify the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials and phasing of landscape installation, and planting methods. There shall be no minimum amount of green, landscaped area required. Nor shall there be a minimum amount of trees required. However, the Zoning Administrator or other Authorized Agent shall approve the landscape plan before a building permit can be issued.

3. Parking lots larger than nineteen (19) spaces and / or six thousand (6,000) square feet in size shall be provided with at least one (1) shade tree for every eight parking spaces or fraction thereof, located in internal planting islands and perimeter buffer strip(s) along the street edge(s) of the lot.

G. Materials. The materials provisions of this Ordinance are modified as follows to carry out the intent of the B3 District.

1. Intent. It is the intent of the B3 District to provide an attractive downtown area that includes exterior building materials that are consistent with the historic character of the downtown area.

2. Allowable Materials. At least seventy-five percent (75%) of the exterior of a new or redeveloped building shall consist of materials comparable in grade, quality, and character to the following:

   a. Brick
Section 11.01: Zoning Ordinance
Subdivision 11.13: B3 – Downtown Business District

b. Natural stone
c. Decorative concrete block
d. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used such as cedar or redwood
e. Stucco
f. Glass windows
g. Materials not specifically approved in this Subdivision may be allowed by a conditional use permit or planned unit development only after it has been demonstrated that the proposed material is equal to or better than approved materials and the proposed material is consistent with the character of the existing materials in the downtown area. The long-range maintenance of the proposed material shall be incorporated as a condition of the approval.

3. Accent Materials. Up to twenty-five percent (25%) of the exterior face of a new or renovated building can consist of materials comparable in grade, quality, and character to the following provided that the use of these materials be limited to an accent material and not as a principal wall finish:
   a. Steel
   b. Fiberglass
   c. Vinyl
   d. Aluminum siding provided such siding is factory fabricated and finished with a durable non-fade surface with fasteners of a corrosion resistant design.

4. Prohibited Materials. The following materials are prohibited in the B3 District:
   a. Glass curtain walls
   b. Concrete block that is not decorative
   c. Plywood or oriented strand board
   d. Unfinished metal, sheet metal, or corrugated metal including that typically used in pole barn construction.

H. Signs. The signs provisions of this Ordinance are modified as follows to carry out the intent of the B3 District:

1. Intent. It is the intent of the B3 District to allow signs that are consistent with the historic and pedestrian-oriented character of the downtown area. It is recognized that many of the existing signs do not meet the standard provisions for signs described elsewhere in this Ordinance. Yet, some of these existing signs contribute to the character of the downtown area. Therefore, the sign provisions of this Ordinance are modified as follows to carry out the intent of this district.

2. Allowable Signs. The following are the only types of signs allowed in the B3 District:
   a. Wall Sign. The sign area shall have a maximum allowable area of fifteen percent (15%) of the building wall upon which the sign is located.
   b. Ground Sign. The City Council can grant a conditional use permit pursuant to the conditions described in Provision 4 below to allow for the use of a ground sign. The
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sign shall have a maximum allowable area of fifty (50) square feet and not extend more than fifteen (15) feet above the ground.

c. Projecting Sign. The sign shall provide adequate clear space between the sign and pedestrian traffic and street activity. No projecting sign shall extend more than five feet into the public right-of-way, nor be lower than eight (8) feet above the public sidewalk. The sign shall be no greater than eight (8) square feet in area. The City Council can grant a conditional use permit pursuant to the conditions described in Provision 4 below to allow a maximum sign area of fifteen percent (15%) of the building wall upon which the sign is projected from.

d. Portable Menu Board Sign. The sign is allowed without a permit provided it meets the following conditions:

(1) A portable menu board sign is permitted to occupy the public or private sidewalk area within five (5) feet of the entryway to the subject business, provided that such sign allows for a minimum clearance of four (4) feet along the sidewalk to facilitate pedestrian circulation.

(2) The size and content of the display message shall relate to pedestrians and not be designed to convey information to vehicular traffic.

(3) No electrical connections can be used with the portable menus board sign.

(4) Sign display is only permitted during the business hours of the subject business.

(5) The sign may be no greater than five (5) feet in height and no greater than six (6) square feet in area.

e. Awning and Canopy Sign. Awning and canopy signs as described in the standard provisions of the Subdivision 10.7: Signs.

f. Painted wall sign. The City Council can grant a conditional use permit pursuant to the conditions described in Provision 6 below to allow for the use of a painted wall sign. The sign shall have a maximum allowable area of fifteen percent (15%) of the building wall upon which the sign is located. A painted wall sign must be maintained in a neat and clean condition, having no chipping or peeling paint.

g. Roof Sign. The City Council can grant a conditional use permit pursuant to the conditions described in Provision 6 below to allow for the use of a roof sign. The sign shall have a maximum allowable area of fifty (50) square feet and a maximum height of eight (8) feet above the roof. The top of a sign cannot extend higher than thirty-five (35) feet above the average grade measured at the front of the building.

h. Electronic Display Sign. The City Council can grant a conditional use permit pursuant to the conditions described in Provision 6 below to allow for the use of an electronic display sign. The electronic display portion of the sign shall be no greater than eight (8) square feet in area. The sign cannot contain moving sections or flashing lights.

i. Other signs. All other signs allowed without a permit as described in Subdivision 10.7: Signs except as modified by the provisions of the B3 District.

3. Prohibited Signs. The prohibited signs described in Subdivision 10.7: Signs are modified for the B3 District to allow projecting signs, electronic display signs, and painted wall signs as described in Subdivision 11.13, I (2).
4. **Temporary Sign.** Each business in the B3 District shall be allowed to display one (1) temporary sign. However, the City Council must first approve a sign plan that shows the general design of the temporary sign, indicates the proposed placement of the temporary sign, and states the allowable period that the temporary sign can be displayed. The temporary sign must be removed once the allowable period has expired. Another temporary sign may be erected after the sign has been removed as per the City Council approved sign plan. If the replacement temporary sign is consistent with the City Council approved sign plan, no additional City Council action or sign permit is required to display the replacement temporary sign. A temporary sign cannot exceed thirty-two (32) square feet in area. The City Council may permit a business to display two (2) temporary signs at one time under conditional use permit procedures. Refer to Provision 6 below for conditions to be considered when reviewing a sign plan for temporary signs or when considering a conditional use permit to display two (2) temporary signs at one time.

5. **Maximum Number of Total Allowable Area of Signs.** No more than two (2) permanent signs identifying any one business should be displayed. However, no more than one (1) permanent sign per business may be displayed on a building façade. The total aggregate area of all signs per lot shall be limited to two (2) square feet per linear foot of lot frontage.

6. **Conditions.** Conditions to be considered when reviewing a conditional use permit for signs in the B3 District beyond those described in Subdivision 8.21: Conditional Use Permit include, but are not limited to, the following:
   a. The sign does not impair the integrity of the district and the pedestrian – oriented character of the district.
   b. The sign does not obstruct driver vision, or is noxious, annoying, or hazardous because of method of lighting, illumination, reflection, or location.
   c. The sign is harmonious with the building and site for which it is associated.
   d. The sign is harmonious with the buildings and grounds adjacent to it.
   e. The use conforms to the District and conditional use provisions and all general regulations of this Ordinance.

I. **Conditional Use Permit for Adjustment to Standards.** In cases where extraordinary limitations are imposed on a lot due to topography, unusually lot shape, placement of existing structures, and similar conditions, adjustments in the standard regulations will be made by issuance of a conditional use permit.

11.14 **B4 – General Business District**

A. **Intent.** The intent of the B4 – General Business District is to provide areas for the development of limited retail, office, service uses, public and semi – public uses primarily serving Mahtomedi area residents. Development in the B4 District should be compatible with adjacent residential neighborhoods, and it should encourage pedestrian traffic from adjacent residential neighborhoods. This District is served by arterial roads and may feature larger lots for accommodating uses that would be out of character within neighborhood or downtown locations.

B. **Uses**

1. **Permitted Uses.** Permitted uses in the B4 – General Business District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.
2. **Conditional Uses.** Conditional uses in the B4 – General Business District can be found in *Table 11.0 A: Land Use Table*, and are subject to the issuance of a conditional use permit as specified in *Subdivision 8.21: Conditional Use Permit* and pursuant to all applicable specific use standards.

3. **Interim Uses.** The following are interim uses in the B4 – General Business District subject to the issuance of an interim use permit as specified in *Subdivision 8.22: Interim Use Permit* and pursuant to all the applicable specific use standards.

   a. Seasonal market, pursuant to *Subdivision 9.5, D: Seasonal Market*.

4. **Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the B4 – General Business District, pursuant to all applicable specific use standards.

   a. Accessory buildings, pursuant to *Subdivision 9.6, A: Accessory Buildings*

   b. Fence, pursuant to *Subdivision 10.6: Fences*

   c. Off-street parking, loading, and access drives, pursuant to *Subdivision 10.3: Parking and Loading*

   d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to *Subdivision 10.4: Landscaping, Buffers, and Screening*, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.

   e. Patio, deck, terrace, and similar uses, pursuant to *Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses*

   g. Signs, pursuant to *Subdivision 10.7: Signs*

   h. Solar equipment, pursuant to *Subdivision 9.4, B: Solar Equipment and Solar Rights*

   i. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. **Dimensional Requirements.**

1. **Lot Requirements.** The minimum parcel requirements in the B4 – General Business District shall be as follows, except as may be modified pursuant to *Subdivision 8.20: Variance*.

   a. **Minimum Lot Area (Net Land).** Ten thousand four hundred (10,400) square feet.

   b. **Minimum Lot Width.** Eighty (80) feet.

   c. **Minimum Lot Depth.** N/A.

2. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to *Subdivision 8.20: Variance*.

   a. **Minimum Principal Building Setback from Front Lot Line.** Thirty (30) feet.

   b. **Minimum Principal Building Setback from Corner Street Side Lot Line.** Thirty (30) feet.
Section 11.01: Zoning Ordinance
Subdivision 11.14: B4 – General Business District

3. **Maximum Height of Principal Building.** Thirty-five (35) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in *Subdivision 9.6, A: Accessory Building*.

5. **Maximum Building Coverage of the Lot.** Thirty percent (30%).

6. **Maximum Building Area (GSF).** 30,000 square feet. The building area may be increased under planned unit development procedures.

D. **Hours of Operation.** Hours of operation in the B4 District, including deliveries and loading, shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
11.15 B5 – Interstate and General Business District

A. Intent. The intent of the B5 – Interstate and General Business District is to provide areas for the advancement of limited retail, office, service uses, public, and semi – public uses serving both Mahtomedi area residents as well as the traveling public. This district is located adjacent to the interstate highway and may feature larger lots for accommodating uses that would be disruptive to residential or downtown locations due to the higher traffic volume they generate.

B. Uses

1. Permitted Uses. Permitted uses in the B5 – Interstate and General Business District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. Interim Uses. The following are interim uses in the B5 – Interstate and General Business District subject to the issuance of an interim use permit as specified in Subdivision 8.22: Interim Use Permit and pursuant to all applicable specific use standards.
   a. Seasonal market, pursuant to Subdivision 9.5, D: Seasonal Market.

4. Accessory Uses. The following are allowed as an accessory use to a permitted or conditional use in the B5 – Interstate and General Business District, pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Fence, pursuant to Subdivision 10.6: Fences
   c. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   e. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses
   g. Signs, pursuant to Subdivision 10.7: Signs
   h. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   i. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. Lot Requirements. The minimum parcel requirements in the B5 – Interstate and General Business District shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.
   a. Minimum Lot Area (Net Land). Ten thousand four hundred (10,400) square feet.
   b. Minimum Lot Width. Eighty (80) feet.
Section 11.01: Zoning Ordinance

Subdivision 11.15: B5 – Interstate and General Business District

c. Minimum Lot Depth. N / A.

2. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

a. Minimum Principal Building Setback from Front Lot Line. Thirty (30) feet.

b. Minimum Principal Building Setback from Corner Street Side Lot Line. Thirty (30) feet.

c. Minimum Principal Building Setback from Interior Side Lot Line. Fifteen (15) feet, except the side yard setback shall be fifty (50) feet or two (2) times the building height (whichever is greater) where the yard abuts property.

d. Minimum Principal Building Setback from Rear Parcel Line. Thirty (30) feet, except the rear yard setback shall be fifty (50) feet or two (2) times the building height (whichever is greater) where the yard abuts property.

3. Maximum Height of Principal Building. Thirty – five (35) feet.

4. Setback and Height Requirements for Accessory Buildings. The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. Maximum Building Coverage of the Lot. Thirty percent (30%).

6. Maximum Building Area (GSF). 30,000 square feet. The building area may be increased under planned unit development procedures.
11.16 Village Mixed-Use District

A. Intent: The intent of the VMU – Village-Mixed Use District is to provide areas that recognize and enhance the character of the existing downtown area located near the intersection of Mahtomedi Avenue and Stillwater Road. Primary goals of the VMU - Village Mixed Use District are to encourage compact, pedestrian-oriented development, and to respect existing land uses and development patterns. The VMU – Village Mixed Use District is also intended to provide greater flexibility in design and relaxation of strict application of the zoning ordinance in exchange for greater creativity and neighborhood sensitivity. The VMU-Village Mixed Use District is intended to recognize the economic and cultural advantages that will accrue to the residents and businesses within the planned development, while encouraging a more creative and efficient approach to the use of land.

B. Uses

1. Permitted Uses. The following are permitted uses in the VMU – Village Mixed-Use District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the VMU – Village Mixed-Use District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. Conditional Uses. Conditional uses in the VMU – Village Mixed-Use District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1 and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

4. Interim Uses. The following are interim uses in the VMU – Village Mixed-Use District subject to the issuance of an interim use permit as specified in Subdivision 8.22: Interim Use Permit and pursuant to all applicable specific use standards.

a. Seasonal market, pursuant to Subdivision 9.5, D: Seasonal Market.

5. Accessory Uses. The following are accessory uses in the VMU – Village Mixed-Use District pursuant to all applicable specific use standards.

a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings or as modified by the Planned Unit Development

b. Fence, pursuant to Subdivision 10.6: Fences or as modified by the Planned Unit Development

c. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading or as modified by the Planned Unit Development

d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.

e. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar Uses or as modified by the Planned Unit Development

f. Signs, pursuant to Provision 10 below or as modified by the Planned Unit Development

g. Solar equipment, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights or as modified by the Planned Unit Development

h. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.
C. General Requirements and Standards

1. Development. All development with the Village Mixed-Use District shall be done as a Planned Unit Development (PUD) in accordance with Subdivision 11.35: Planned Unit Development (PUD) Overlay District. Village Mixed-Use developments may be excluded from certain requirements of the zoning code when specifically approved as part of the Planned Unit Development. Such exclusions shall only be granted for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the developer. All provisions of the zoning code not specifically excluded in the preliminary and/or final plan shall apply to the VMU-Village Mixed-Use District.

2. Relation of Village Mixed-Use District Sites to Adjacent Areas. The design of a Village Mixed-Use development shall take into account the relationship of the site to the surrounding areas. The perimeter of the VMU-Village Mixed Use development shall be so designed to minimize undesirable impact of the development on adjacent properties and conversely, to minimize undesirable impact of adjacent land use and development characteristics on the VMU-Village Mixed Use development.

3. Materials. The materials provisions of this Ordinance are modified as follows to carry out the intent of the VMU-Village Mixed Use District.

   a. Allowable Materials. At least seventy-five percent (75%) of the exterior of a new or redeveloped building shall consist of materials comparable in grade, quality, and character to the following:

      (1) Brick
      (2) Natural stone
      (3) Decorative concrete block
      (4) Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used such as cedar or redwood
      (5) Stucco
      (6) Glass windows
      (7) Materials not specifically approved in this Subdivision may be allowed as part of the Planned Unit Development only after it has been demonstrated that the proposed material is equal to or better than approved materials and the proposed material is consistent with the character of the existing materials in the downtown area. The long-range maintenance of the proposed material shall be incorporated as a condition of the approval.

   b. Prohibited Materials. The following materials are prohibited in the VMU-Village Mixed Use District:

      (1) Glass curtain walls
      (2) Concrete block that is not decorative
      (3) Plywood or oriented strand board
      (4) Unfinished metal, sheet metal, or corrugated metal including that typically used in pole barn construction.

4. Minimum Area for a Village Mixed-Use Development. The minimum total area required for a VMU-Village Mixed Use development shall be one (1) acre of contiguous land. Tracts less than one (1) acre may qualify only if the applicant can show that the minimum lot area requirement should be waived because a VMU-Village Mixed Use development is in the public interest and that one or both of the following conditions exist:
a. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard zoning would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

b. The property is adjacent to or across the street from property that has been developed under the provisions of this section that will contribute to the amenities of the neighborhood.

5. **Density.** While commercial development is permitted, a development within the VMU – Village Mixed-Use for higher density residential units is also allowed. The total number of dwelling units allowed in a VMU – Village Mixed-Use development shall be twelve to twenty-five (12-25) dwelling units per acre, as outlined in the City’s Comprehensive Plan.

6. **Setback Requirements for Principal Buildings.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified as part of the Planned Unit Development approvals.

   a. **Front Yard Setback.** There is no minimum front yard setback in the VMU-Village Mixed Use District. The maximum front yard shall be ten (10) feet, unless otherwise permitted through the PUD process. The front yard setback may be modified only if the applicant can show that the development is in the public interest and that one or both of the conditions listed in **Provision 4 a and b** above exist.

   b. **Corner Side Yard Setback.** There is no minimum side yard setback from corner street side parcel lines in the VMU-Village Mixed Use District. The maximum side yard shall be ten (10) feet, unless otherwise permitted through the PUD process. The corner side yard setback may be modified only if the applicant can show that the development is in the public interest and that one or both of the conditions listed in **Provision 4 a and b** above exist.

   c. **Interior Side Yard Setback.** Five (5) feet, unless otherwise permitted through the PUD process. Where the side yard abuts property guided for residential use, the setback shall be fifteen (15) feet, unless otherwise permitted through the PUD process. No side yard is required if buildings on separate lots are attached at the common lot line in a manner consistent with the building code. The interior side yard setback may be modified only if the applicant can show that the development is in the public interest and that one or both of the conditions listed in **Provision 4 a and b** above exist.

   d. **Rear Yard Setback.** Twenty (20) feet, unless otherwise permitted through the PUD process. The rear yard setback may be modified only if the applicant can show that the development is in the public interest and that one or both of the conditions listed in **Provision 4 a and b** above exist.

7. **Maximum Height of Principal Building.** Twenty-five (25) feet. Building height between twenty-five (25) feet and thirty-five (35) feet may be permitted as part of the Planned Unit Development.

8. **Parking.** The parking provisions of this Ordinance are modified as follows to carry out the intent of the VMU-Village Mixed Use District.

   a. **Location of Parking on the Lot.** Off-street parking shall not be located between the building façade and the front lot line or street right-of-way. Nor shall off-street parking be located less than five (5) feet from any property line except as provided through access driveways or by shared or joint parking agreements as permitted in this Ordinance.

   b. **Required Screening.** Any off-street parking space or parking lot that abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than five (5)
feet wide and containing a contiguous row of shrubs no less than 3.5 feet high in addition to any required shade trees or other landscaping requirements of this Ordinance.

c. **Exceptions and Alternatives to Off-Street Parking Requirements.** The City Council may allow exceptions and alternative to the off-street parking requirements as follows:

   (1) **Parking Reduction.** The City Council may allow a reduction in the number of required parking stalls provided the following criteria are met and addressed in the development agreement as outlined as part of the PUD:

      (a) Evidence is provided that demonstrates the proposed use will have a peak parking demand less than the required parking of this Ordinance. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to the following: size of building, type of use, number of employees, projected volume of delivery or service vehicles, projected frequency and volume of delivery or service vehicles, number of company owned vehicles, and storage of vehicles on site.

      (b) The amount of reduced parking shall not exceed fifty (50%) of the amount of parking required by the Ordinance. However, parking spaces can be provided off-site pursuant to the joint and off-site parking provisions of this Section as described below.

      (c) The property owner can demonstrate that the site has sufficient area to accommodate the parking required by the Ordinance if the parking demand exceeds on-site supply. The property owner shall enter into a development contract with the City guaranteeing that additional parking shall be constructed in accordance with this Ordinance if the actual site parking demand exceeds on-site supply.

   (2) **Joint Parking Facilities.** The City Council may approve a Conditional Use Permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. Conditions to be considered when reviewing the proposed joint parking facilities shall include, but not be limited to:

      (a) The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities;

      (b) The application shall show that there is no substantial conflict in the principal operating hours of the various buildings or uses for which the joint parking is proposed; and

      (c) A properly drawn legal instrument, executed by the parties involved in joint use of parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed within the City Clerk and recorded with the Washington County Recorder.

   (3) **Off-Site Parking.** The City Council may approve a Conditional Use Permit for off-site parking. Conditions for approving off-site parking shall include, but are not limited to:

      (a) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance;

      (b) Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main public entrance of the principal use being served;

      (c) Any use which depends on off-site parking to meet the requirements of the Ordinance shall maintain ownership and parking utilization of the off-site location until such time as
on-site parking is provided or the site located closer to the principal use is acquired and developed for parking.

(d) Compliance with off-street parking requirements provided through leased off-street parking may be approved by the City Council, subject to the following conditions:

i. The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking provided, must be equal to the total number of parking spaces required.

ii. The lease requirement shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City.

5. **Landscaping.** The landscaping provisions of this Ordinance are modified as follows to carry out the intent of the VMU–Village Mixed Use District.

a. It is the intent of the VMU–Village Mixed Use District to provide an attractive downtown area that includes landscaping. However, it is recognized that due to the compact nature of the downtown area, many of the standard provisions for landscaping described elsewhere in this Ordinance cannot be reasonably applied to this District. Therefore, the landscaping provisions of this Ordinance are modified as follows to carry out the intent of this district.

b. The applicant shall submit to the City a landscape plan for all work requiring a building permit. The plan shall generally follow the requirements for landscaping as outlined in **Subdivision 10.4: Landscaping, Buffers, and Screening** by identify the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials and phasing of landscape installation, and planting methods. There shall be no minimum amount of green, landscaped area required, nor shall there be a minimum amount of trees required. However, the Zoning Administrator or other Authorized Agent shall approve the landscape plan before a building permit can be issued.

6. **Signs.** The sign provisions of this Ordinance are modified to carry out the intent of the VMU–Village Mixed Use District and shall comply with the sign provisions as outlined in **Subdivision 11.13: B3 – Downtown Business District** except that where a Conditional Use Permit is required for signage within the B3 District; it is not required within the VMU–Village Mixed Use District. Rather, all signs shall be reviewed and approved as part of the Planned Unit Development.

**11.17 – 11.20** (Reserved for potential additional commercial districts)
11.21 **IB – Industrial / Business Park District**

**A. Intent.** The intent of the IB – Industrial / Business Park District is to provide areas within the City of Mahtomedi within which industrial / business and related uses of a generally ‘clean and quiet’ nature can be developed and operated in a high quality physical environment, one which will be complementary and compatible with the predominantly low density residential character of the City, and one which will ensure to the owners and occupants of permitted uses the full use, benefit and prestige of a planned Industrial / Business Park District of exemplary standards. It is intended that industrial and related activities be the predominant use in the IB – Industrial / Business Park District but that complementary uses such as certain kinds of commercial activity may also be appropriate if properly designed and developed.

It is also intended that development with the IB – Industrial / Business Park District be characterized by relatively high employment levels and building to land ratios, both of which support the objectives of increasing employment opportunities within the City and of strengthening the City’s non – residential tax base.

**B. Uses**

1. **Permitted Uses.** Permitted uses in the IB – Industrial / Business Park District can be found in *Table 11.0 A: Land Use Table*, located in Subdivision 11.1.

2. **Conditional Uses.** Conditional uses in the IB – Industrial / Business Park District can be found in *Table 11.0 A: Land Use Table*, and are subject to the issuance of a conditional use permit as specified in *Subdivision 8.21: Conditional Use Permit* and pursuant to all applicable specific use standards.

3. **Interim Uses.** There are no interim uses associated with this District.

4. **Accessory Uses.** The following uses are allowed as an accessory use to a permitted or conditional use in the IB – Industrial / Business District pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to *Subdivision 9.6, A: Accessory Buildings*
   b. Cafeterias, educational facilities, vending services and recreational establishments for employees of on – site businesses.
   c. Dwelling necessary for security and safety reasons in relation to a principal use.
   d. Fence, pursuant to *Subdivision 10.6: Fences*
   e. Off-street parking, loading, and access drives, pursuant to *Subdivision 10.3: Parking and Loading*
   f. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to *Subdivision 10.4: Landscaping, Buffers, and Screening*, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
g. Overnight outside storage of vehicles associated with on – site business provided they are screened from residential properties or public views pursuant to Subdivision 10.4: Screening.

i. Patio, deck, terrace, and similar uses, pursuant to Subdivision 9.6, E: Patio, Deck, Terrace, and Similar uses.

j. Retail sales or service uses occupying no more than ten percent (10%) of the gross floor area of the principal structure.

k. Satellite microwave dish antennas provided they are not located within a front yard or on rooftops, and that they comply with building setback requirements.

l. Signs, pursuant to Subdivision 10.7: Signs

m. Solar equipment as an integral part of the principal structure, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights

n. Solar equipment not an integral part of the principal structure that is not more than 1,250 square feet in area, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights.

o. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. Lot Requirements. The minimum parcel requirements in the IB – Industrial / Business District shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

   a. Minimum Lot Area (Net Land). Two (2) acres. A maximum of thirty percent (30%) of the lots in a given industrial / business development may be 1.5 acres in size.

   b. Minimum Lot Width. Two hundred (200) feet.

   c. Minimum Lot Depth. Two hundred – fifty (250) feet.

2. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

   a. Minimum Principal Building Setback from Front Lot Line. Fifty (50) feet.

   b. Minimum Principal Building Setback from Corner Street Side Lot Line. Fifty (50) feet.

   c. Minimum Principal Building Setback from Interior Side Lot Line. Twenty (20) feet. Interior side yards shall be thirty (30) feet where a side driveway exists.

   d. Minimum Principal Building Setback from Rear Lot Line. Thirty (30) feet.

3. Maximum Height of Principal Building. Fifty (50) feet.

4. Setback and Height Requirements for Accessory Buildings. The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. Maximum Building Coverage of the Lot. Thirty – five percent (35%).

6. Maximum Floor Area Ratio. 1.0
7. **Parking and Loading / Drive Setbacks.** From street right – of – way: collector street: twenty (20) feet; local street: fifteen (15) feet. Fifteen (15) feet from the side yard and ten (10) feet from the rear yard.

D. **Performance Standards.** Levels of noise, odors, smoke, and particulate matter shall not exceed Minnesota Pollution Control Standards. All fabrication, manufacturing, processing, and production shall be undertaken within an enclosed building. Screening from residential districts shall be provided for outdoor storage of parts, materials, and products. Within the IB District, outdoor storage of raw materials, supplies, and finished and semi – finished products and equipment shall be permitted only if the storage area is totally screened from public view by a solid wall constructed of the same material as the principal structure unless otherwise authorized by the appropriate approval authority.

11.22 -11.25 (Reserved for potential additional industrial districts)
11.26 MU– Mixed Use

A. **Intent.** The Mixed Use (MU) District is intended to provide an area for a mixture of medium to high density residential and limited commercial uses that embody a village atmosphere. Mixed income residential uses should comprise the majority of the District. Limited commercial uses and open space should be sensitively integrated with the residential development. This District allows for maximum flexibility in the promotion of difficult redevelopment projects and it allows the arrangement of residential and commercial uses in a manner that is in the best interest of the City.

B. **Planned Unit Development Overlay.** A planned unit development (PUD) overlay district shall apply to the Mixed Use District and shall be regulated consistent with Subdivision 11.35: Planned Unit Development (PUD) Overlay District of this Ordinance. To promote a coordinated and compatible mix of uses, the City encourages that the entire district be developed under one PUD. If that is not possible, the City encourages coordinated planning and development efforts between property owners to ensure that all development is consistent with the intent of this District.

C. **Required Dwelling Units.** When fully developed, this District shall have at least eighty (80) mixed income dwelling units. A minimum of twenty – five percent (25%) of the total units (rental, owner occupied, or both) must be affordable to households at or below eighty percent (80%) of the area’s median income. If the entire District is not developed under one planned unit development, the City may require that each development in the District provide a proportionate share of the required residential dwelling units.

D. **Residential Uses.** Residential uses permitted in the Mixed Use District shall include the permitted, conditional, and accessory residential uses (and uses that are substantially similar to those uses) described in the R2, R3, and R4 Districts.

E. **Commercial Uses.** Commercial uses permitted in the Mixed Use District shall include the permitted, conditional, and accessory commercial uses (and uses that are substantially similar to those uses) described in the B2 District. The City may also allow uses substantially similar to the permitted, conditional, and accessory uses described in the B4 and IB Districts. The City Council will determine the appropriateness of a proposed use based on the degree that the proposed use is sensitively integrated into the District and that it does not significantly increase traffic in the area.

F. **Ratio of Commercial vs. Residential Uses.** The Mixed Use District is intended for a horizontal or vertical mix of uses that include both residential and non-residential uses. While no specific allocation is required, the City expects that the percentage and arrangement of uses embodies a village atmosphere and does not significantly increase traffic in the area. The PUD process allows flexibility if when fully developed the District has at least the minimum requirement of dwelling units as described in Subpart C: Required Dwelling Units of this Subdivision.

G. **Development Standards.** Lot requirements, setbacks (including those at the periphery of the development) height, density, parking, landscaping, and similar standards shall be established under PUD procedures and shall generally relate to the standards of the residential and commercial districts typically associated with the proposed uses. The proposed development
shall promote a village atmosphere and demonstrate a high degree of aesthetic detail in building and site design.

H. **Hours of Operation for Commercial Uses.** Hours of operation for commercial uses, including deliveries and loading, shall be prohibited between 11:00 p.m. and 6:00 a.m., or as otherwise determined by the approval authority.
11.27 P – Park Land / Public

A. Intent. The intent of the P – Park Land / Public District is to accommodate a variety of public parks and public open spaces in Mahtomedi. Although public parks and public open spaces are permitted uses in many other districts in the city, the P – Park Land / Public District is intended for the exclusive use of public parks, significant public open spaces, semi – public uses, and park related accessory uses.

B. Uses.

1. Permitted Uses. Permitted uses in the P – Park Land / Public District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the P – Park Land / Public District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. Interim Uses. The following are conditional uses in the P – Park Land / Public District subject to the issuance of an interim use permit as specified in Subdivision 8.22: Interim Use Permit and pursuant to all applicable specific use standards.

a. Seasonal market, pursuant to Subdivision 9.5, D: Seasonal Market.

4. Accessory Uses. The following uses are allowed as an accessory use to a permitted or conditional use in the P – Park Land / Public District pursuant to all applicable specific use standards.

a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
b. Fence, pursuant to Subdivision 10.6: Fences
c. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
e. Signs, pursuant to Subdivision 10.7: Signs
f. Solar equipment as an integral part of the principal structure, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
g. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. Lot Requirements. The minimum parcel requirements in the P – Park Land / Public District shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

a. Minimum Lot Area (Net Land). Twenty thousand (20,000) square feet.
b. Minimum Lot Width. One hundred (100) feet.
c. Minimum Lot Depth. N / A.

2. Setback Requirements for Principal Building. The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.
a. **Minimum Principal Building Setback from Front Lot Line.** Thirty (30) feet. In cemeteries, graves and flush grave markers may be located within twenty (20) feet of front lot lines. Upright markers and other structures must meet the standard front yard requirements for the P – Park Land / Public District. If a cemetery abuts another cemetery, the graves and upright grave markers may be located within ten (10) feet of the common lot line.

b. **Minimum Principal Building Setback from Corner Street Side Parcel Line.** Thirty (30) feet. In cemeteries, graves and flush grave markers may be located within twenty (20) feet of front lot lines. Upright markers and other structures must meet the standard front yard requirements for the P – Park Land / Public District. If a cemetery abuts another cemetery, the graves and upright grave markers may be located within ten (10) feet of the common lot line.

c. **Minimum Principal Building Setback from Interior Side Lot Line.** Twenty (20) feet. In cemeteries, graves and flush grave markers may be located within twenty (20) feet of side lot lines. Upright markers and other structures must meet the standard yard requirements for the P – Park Land / Public District. If a cemetery abuts another cemetery, the graves and upright grave markers may be located within ten (10) feet of the common lot line.

d. **Minimum Principal Building Setback from Rear Lot Line.** Thirty (30) feet. In cemeteries, graves and flush grave markers may be located within twenty (20) feet of rear lot lines. Upright markers and other structures must meet the standard yard requirements for the P – Park Land / Public District. If a cemetery abuts another cemetery, the graves and upright grave markers may be located within ten (10) feet of the common lot line.

3. **Maximum Height of Principal Building.** Fifty (50) feet.

4. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

5. **Maximum Building Coverage of the Lot.** Twenty – five percent (25%).

6. **Maximum Floor Area Ratio.** 0.75

7. **Parking and Loading / Drive Setbacks.** From street right – of – way: collector street: twenty (20) feet; local street: fifteen (15) feet. Fifteen (15) feet from the side yard and ten (10) feet from the rear yard.
11.28 PB – Public Buildings

A. Intent. The intent of the PB – Public Buildings District is to provide for major public institutions that require special location and design consideration to accommodate their size and level of activity. In general, such districts should be located with direct access to arterial roadways and of adequate size to provide sufficient area to permit buffering from any nearby residential areas. These districts may provide for public institutions developed as a complex of individual, but related, buildings arranged in a campus like setting.

B. Uses.

1. Permitted Uses. Permitted uses in the PB – Public Buildings District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the PB – Public Buildings District can be found in Table 11.0 A: Land Use Table, and are subject to a conditional use permit as specified in Subdivision 8.21 Conditional Use Permit and pursuant to all applicable specific use standards.

3. Interim Uses. The following are interim uses in the PB – Public Building District subject to the issuance of an interim use permit as specified in Subdivision 8.22: Interim Use Permit and pursuant to all applicable specific use standards.
   a. Seasonal market, pursuant to Subdivision 9.5: Seasonal Market.

4. Accessory Uses. The following uses are allowed as an accessory use to a permitted or conditional use in the PB – Public Buildings District pursuant to all applicable specific use standards.
   a. Accessory buildings, pursuant to Subdivision 9.6, A: Accessory Buildings
   b. Fence, pursuant to Subdivision 10.6: Fences
   c. Off-street parking, loading, and access drives, pursuant to Subdivision 10.3: Parking and Loading
   d. One (1) antenna or tower that projects less than ten (10) feet above ground level, if ground mounted and screened pursuant to Subdivision 10.4: Landscaping, Buffers, and Screening, or one (1) antenna or tower that projects less than ten (10) feet above the elevation at which it is affixed to a structure, if mounted on another structure.
   e. Signs, pursuant to Subdivision 10.7: Signs
   f. Solar equipment as an integral part of the principal structure, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   g. Solar equipment not an integral part of the principal structure that is not more than 1,250 square feet in area, pursuant to Subdivision 9.4, B: Solar Equipment and Solar Rights
   h. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements

1. Lot Requirements. The minimum parcel requirements in the PB – Public Buildings District shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variances.
Section 11.01: Zoning Ordinance

Subdivision 11.28: PB – Public Building District

1. **Minimum Lot Area (Net Land).** Ten (10) acres. The minimum lot area may be reduced upon determination by the City Council that the site, although smaller, still meets the general intent of this District and will be compatible with surrounding area.

2. **Minimum Lot Width.** Three hundred (300) feet. The minimum parcel width may be reduced upon determination by the City Council that the site, although smaller, still meets the general intent of this District and will be compatible with surrounding area.

3. **Minimum Lot Depth.** N / A.

4. **Setback Requirements for Principal Building.** The minimum setback requirements for principal buildings from lot lines shall be as follows, except as may be modified pursuant to Subdivision 8.20: Variance.

   a. **Minimum Principal Building Setback from Front Lot Line.** Fifty (50) feet.

   b. **Minimum Principal Building Setback from Corner Street Side Lot Line.** Fifty (50) feet.

   c. **Minimum Principal Building Setback from Interior Side Lot Line.** Fifty (50) feet.

   d. **Minimum Principal Building Setback from Rear Lot Line.** Fifty (50) feet.

5. **Maximum Height of Principal Building.** Fifty (50) feet.

6. **Setback and Height Requirements for Accessory Buildings.** The setback and height requirements for accessory buildings shall be as specified in Subdivision 9.6, A: Accessory Building.

7. **Maximum Building Coverage of the Lot.** Twenty – five percent (25%).

8. **Maximum Floor Area Ratio.** N / A.

9. **Parking and Loading / Drive Setbacks.** From street right – of – way: collector street: twenty (20) feet; local street: fifteen (15) feet. Fifteen (15) feet from the side yard and ten (10) feet from the rear yard.
11.29 C – Conservation District

A. Intent. The intent of the C – Conservation District is to preserve significant natural features and amenities such as lakes, wetlands, steep hills and extensive woodlands in their natural state in order to assure continuation of the existing natural drainage system, to prevent harmful soil erosion, to maintain ecological balance, and to assure their permanent use for their primary natural function as well as for enjoyment by the general public.

B. Uses.

1. Permitted Uses. Permitted uses in the C – Conservation District can be found in Table 11.0 A: Land Use Table, located in Subdivision 11.1.

2. Conditional Uses. Conditional uses in the C – Conservation District can be found in Table 11.0 A: Land Use Table, and are subject to the issuance of a conditional use permit as specified in Subdivision 8.21: Conditional Use Permit and pursuant to all applicable specific use standards.

3. Interim Uses. There are no interim uses associated with this District.

4. Accessory Uses. The following uses are allowed as an accessory use to a permitted or conditional use in the C - Conservation District pursuant to all applicable specific use standards.
   a. Fence, pursuant to Subdivision 10.6: Fences
   b. Signs, pursuant to Subdivision 10.7: Signs
   c. Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or other Authorized Agent of the City.

C. Dimensional Requirements.

1. Lot Requirements. The minimum parcel requirements in the C- Conservation District shall be as follows:
   a. Minimum Lot Area (Net Land), N / A.
   b. Minimum Lot Width, N / A.
   c. Minimum Lot Depth, N / A.

2. Setback Requirements for Principal Building. No buildings are allowed in the C – Conservation District.

11.30 – 11.34 (Reserved for potential additional industrial districts)
Section 11.01: Zoning Ordinance
Subdivision 11.35: Planned Unit Development (PUD) District

11.35 Planned Unit Development (PUD) Overlay District

A. Intent. It is recognized that Planned Unit Developments (PUD) are typically multiple uses within a single use district and, therefore, at variance with area zoning requirements. This Subdivision is intended to permit flexibility of site design, architecture for the conservation of land and open space through clustering of buildings and activities and as an incentive to developers to plan creatively by providing density bonuses. This flexibility can be achieved by waiving provisions of this Ordinance including uses, setbacks, heights, and similar regulations. Planned Unit Developments are characterized by central management, integrated planning and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses. Within the R1-E Historic Mahtomedi Zoning District, Planned Unit Developments are also intended to permit zoning flexibility to preserve existing features, uses and structures that perpetuate the historic nature of the R1-E District.

B. General Requirements and Standards.

1. Ownership. A tract of land proposed to be developed as a planned unit development (PUD) shall be under the control of a single owner, partnership, corporation, or association where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easement, and other provisions within Washington County.

2. Comprehensive Plan / Ordinance Consistency. A proposed PUD shall be consistent with the City’s Comprehensive Plan and the intent and purpose of the City Legislative Code provisions relative to land use, subdivision and development.

3. Common Open Space. Open space and facilities, including but not limited to equipment for recreation and outdoor enjoyment, shall be provided within the area of the PUD. The facilities or equipment should be geared toward the demographic which will be residing on or utilizing the site. Whenever joint common open space or service facilities or equipment for individual owners or users are provided within the area of the PUD, the PUD plan shall provide reasonable assurance of adequate operation and maintenance of such open space and service facilities or equipment. Required open space and facilities will be evaluated by the City Council upon PUD review.

4. Staging Common Open Space. When a PUD provides for common or public open space, the total area of common or public open space or security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD.

5. Development Stage. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty – five percent (125%) of the proposed residential density of the entire PUD.
6. **Urban Development and Availability of Public Service.** All development shall be carefully phased so as to ensure that it will not cause an unreasonable burden upon the City in providing services and utilities or cause a deleterious impact upon the natural environment.

7. **Density.**
   a. **Single Purpose Planned Unit Developments.** The density and intensity of use shall conform to the District in which the land and project are located, subject to Sub provision c.
   b. **Mixed Use / Unique Purpose (District) Planned Unit Developments.** The density and intensity of use shall be determined and regulated by the Planned Unit Development agreement approved by the City Council.
   c. **Calculations.** For purposes of density calculations the lot area shall not include road right – of – way or that area of the lot which is below the normal water level of an adjacent lake. At the discretion of the City, some or all portions of storm water detention basins and wetland areas may be used for density calculations.

8. **Site Improvements.** All improvements and all engineering and design standards required by the City Subdivision Code and all other regulations applicable to the development of land shall be applicable to Planned Unit Developments, unless such standards are waived by the City Council.

9. **Condominium Projects.** Condominium projects with jointly owned common spaces and / or commonly owned structural walls, roofs, or other structural elements must be approved as Planned Unit Development if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.

C. **Permitted Uses.** The permitted uses may include:
   1. Any combination of dwelling units in single – family, two – family, town or row houses and apartments.
   2. Any non – residential use, to the extent such non – residential use is designed and intended to serve the residents of the Planned Unit Development.
   3. Public or private education facilities.
   4. Other uses permitted in the underlying Zoning District in which the Planned Unit Development is located.

D. **Planned Unit Development, Discretion of City Council.** Planned Unit Developments may be permitted at the sole discretion of the City Council in all Districts.

E. **Special Requirements and Standards.**
   1. **Required Frontage and Minimum Project Size.** The tract of land for which a project is proposed and permit requested shall not have less than two hundred (200) feet of frontage on the public right – of – way and be a minimum of two (2) acres. However, the City Council may waive the minimum area requirement if the City Council finds that it is in the best interest of the community to allow a planned unit development with an area of less than two (2) acres as stated in Provision 4 below.
2. **Yards.**
   a. The front and side yard restrictions at the periphery of the Planned Unit Development site at a minimum shall be the same as those required in the underlying zoning district.
   b. No building shall be nearer than its building height to the rear or side property line.
   c. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.
   d. No building within the project shall be nearer to another building than one – half (½) the sum of the building heights of the two (2) buildings.

3. **Landscaping, Screening and Surfacing.**
   a. The entire site other than that taken by structures or landscaping shall be surfaced with a material to control dust and drainage.
   b. Non-residential developments abutting a residential use district shall be screened and landscaped as required by the **Subdivision 10.4: Landscaping, Buffers, and Screening**, and other applicable regulations.

4. **Requirements Waived.** Within any zoning district, the Council, at its discretion, may waive the minimum area and frontage requirements for a PUD overlay zoning district provided the City council finds that the PUD is consistent with the Comprehensive Plan and protects the health, safety, and welfare of the residents, and that all of the following conditions exist:
   a. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
   b. The proposal would benefit the area surrounding the development to a greater degree than development allowed within the underlying zoning district.
   c. The proposal would provide land use or site design flexibilities while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
   d. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.

F. **Administration.** Refer to **Subdivision 8.19: Creation of a Planned Unit Development (PUD) Overlay District** for application and administration of the Planned Unit Development (PUD) Overlay District.
11.36 Shoreland Overlay District

A. Statutory Authorization and Policy

1. Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation of Minnesota Statutes, Chapter 462.

2. Policy. The uncontrolled use of shorelands of the City of Mahtomedi, MN affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Mahtomedi.

B. General Provisions and Definitions

1. Jurisdiction. The provisions of this Subdivision shall apply to the shorelands of the public water bodies as classified in Subpart D (1) of this Subdivision. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempted from this Subdivision of the Ordinance.

2. Abrogation and Greater Restrictions. It is not intended by this Subdivision to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Subdivision imposes greater restrictions, the provisions of this Subdivision shall prevail.

3. Definitions. Unless specifically defined below, words or phrases used in this Subdivision shall be interpreted so as to give the same meaning as they have in common usage and so as to give this Subdivision its most reasonable application.

A

Accessory Structure. Reference Subdivision 9.6, A of this Ordinance.

B

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen percent (18%) over a distance of fifty (50) feet or more shall not be considered part of the bluff):

- Part of all of the feature is located in a shoreland area;
- The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody;
- The grade of the slope from the toe of the bluff to a point twenty – five (25) feet or more above the ordinary high water level averages twenty –five percent (25%) or greater; and
- The slop must drain toward the waterbody.
Bluff Impact Zone. A bluff and land located within twenty (20) feet from the top of a bluff.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Building Line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Clear Cutting. The removal of an entire stand of trees.

Commercial Planned Unit Developments. Uses that provide transient, short – term lodging spaces, rooms, or parcels and their operations are essentially service – oriented. For example, hotel / motel accommodations, resorts, recreational vehicle, and camping parks, and other primarily service oriented activities.

Commercial Use. The principal use of land or building for the sale, lease, rental, or trade of products, goods and services.

Commissioner. The Commissioner of the Department of Natural Resources.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

Height of Building.

Riparian Lot. For the purpose of determining building height for riparian lots, the height shall be measured as the vertical distance between the highest adjoining ground level at the building, or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Non – Riparian Lot. For the purpose of determining building height for lots within the Shoreland Overlay District but not on the lake, the vertical distance shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the road surface in a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Non-riparian. A lot of record that does not abut a public water.
Ordinary High Water Level. The boundary of public waters shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Public Waters. Any waters as defined in Minnesota Statutes, 103G.005, Subdivision 15.

Residential Planned Unit Development. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.

Riparian. A lot of record that abuts a public water that is subject to the City of Mahtomedi’s Shoreland Management regulations.

Sewage Treatment System. A septic tank and soil absorption systems or other individual or cluster type sewage treatment system as described and regulated in Subdivisions 5, G of this Ordinance.

Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conduction of sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

Shoreland. Land located within 1,000 feet from the ordinary high water level of public waters. When approved by the Commissioner, the limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances. For the purposes of this Ordinance, any existing parcel where fifty percent (50%) or more of the parcel by area is contained within the 1,000 foot from ordinary high water level, as determined by the Zoning Administrator or other Authorized Agent, shall be subject to the requirements of this Ordinance.

Steep Slope. Land having average slopes over twelve percent (12%), as measured over horizontal distances of thirty (30) feet or more, that are not bluffs.

Toe of the Bluff. The lower point of a thirty (30) foot segment with an average slope exceeding eighteen percent (18%).

Top of the Bluff. The higher point of a thirty (30) foot segment with an average slope exceeding eighteen percent (18%).
Variance. Variance means the same as that term is defined or described in Minnesota Statutes, Chapter 462 and the Subdivision 8.20: Variance of this Ordinance.

Water Oriented Accessory Structure or Facility. A small, above ground building or other improvements, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

C. Administration

1. Permits Required.
   a. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and / or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subdivision 10.1, H: Grading, Filling, and / or Excavation of this Ordinance. Application for a permit shall be made to the City Administrator on the forms provided. The application shall include the necessary information so that the City Administrator or other Authorized Agent can determine the site’s suitability for the intended use and that a compliant sewage treatment system will be provided.
   b. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Provision 5G, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

2. Notification to the Department of Natural Resources.
   a. Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the Commissioner or the Commissioner’s designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions / plats shall include copies of the subdivision / plat.
   b. A copy of approved amendments and subdivisions / plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the Commissioner or the Commissioner’s designated representative and postmarked within ten (10) days of final action.

3. Variances.
   a. Variances may only be granted in accordance with Minnesota Statutes Chapter 462. No variance may be granted for prohibited uses.
   b. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subpart C below shall also include the City Council’s, acting as the Board of Adjustment and Appeals, summary of the public record / testimony and the findings of facts and conclusions which supported the issuance of the variance.
c. For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.

D. Lake Classification

1. Shoreland Classification System. The public waters of Mahtomedi have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Washington County, Minnesota and designated on the Official Zoning Map for the City of Mahtomedi.

   a. Natural Environment Lakes
      Weber, Township 30, Range 21, Section 31  82-119

   b. Recreational Development Lakes
      Echo, Township 30, Range 21, Section 31  82-135
      South Long, Township 30, Range 21, Section 32  82-118
      North Long, Township 30, Range 21, Section 20  82-130
      Lost, Township 30, Range 21, Section 30/31  82-134

   c. General Development Lakes
      Lake Washington, Township 30, Range 21, Section 82-352
      White Bear, Township 30, Range 21, Section various  82-167


1. Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex, and quad residential lots created after the date of enactment of this Ordinance for the lake and river / stream classification are the following:

<table>
<thead>
<tr>
<th>Riparian Lots</th>
<th>Non-riparian Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td><strong>Width</strong></td>
</tr>
<tr>
<td>Single</td>
<td>80,000</td>
</tr>
<tr>
<td>Duplex (not permitted)</td>
<td>----</td>
</tr>
<tr>
<td>Triplex (not permitted)</td>
<td>----</td>
</tr>
<tr>
<td>Quad (not permitted)</td>
<td>----</td>
</tr>
</tbody>
</table>

Table 11.36 - A: Natural Environment (unsewered)

<table>
<thead>
<tr>
<th>Riparian Lots</th>
<th>Non-riparian Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td><strong>Width</strong></td>
</tr>
<tr>
<td>Single</td>
<td>43,560</td>
</tr>
<tr>
<td>Duplex (not permitted)</td>
<td>----</td>
</tr>
<tr>
<td>Triplex (not permitted)</td>
<td>----</td>
</tr>
<tr>
<td>Quad (not permitted)</td>
<td>----</td>
</tr>
</tbody>
</table>

Table 11.36 - B: Recreational Development (unsewered)
Table 11.36 – C: General Development (unsewered)

<table>
<thead>
<tr>
<th></th>
<th>Riparian Lots</th>
<th>Non-riparian Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Width</td>
</tr>
<tr>
<td>Single</td>
<td>43,560</td>
<td>160</td>
</tr>
<tr>
<td>Duplex (not permitted)</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Triplex (not permitted)</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Quad (not permitted)</td>
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<td>----</td>
</tr>
</tbody>
</table>

Table 11.36 – D: Natural Environment (sewered)

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Width</td>
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<tr>
<td>Single</td>
<td>40,000</td>
<td>125</td>
</tr>
<tr>
<td>Duplex (not permitted)</td>
<td>70,000</td>
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<tr>
<td>Triplex (not permitted)</td>
<td>100,000</td>
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<tr>
<td>Quad (not permitted)</td>
<td>130,000</td>
<td>425</td>
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Table 11.36 – E: Recreational Development (sewered)

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<th>Riparian Lots</th>
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<td></td>
<td>Area</td>
<td>Width</td>
</tr>
<tr>
<td>Single</td>
<td>20,000</td>
<td>80</td>
</tr>
<tr>
<td>Duplex (not permitted)</td>
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<td>135</td>
</tr>
<tr>
<td>Triplex (not permitted)</td>
<td>50,000</td>
<td>195</td>
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<tr>
<td>Quad (not permitted)</td>
<td>65,000</td>
<td>255</td>
</tr>
</tbody>
</table>

Table 11.36 – F: General Development (sewered)

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<thead>
<tr>
<th></th>
<th>Riparian Lots</th>
<th>Non-riparian Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area</td>
<td>Width</td>
</tr>
<tr>
<td>Single</td>
<td>15,000</td>
<td>80</td>
</tr>
<tr>
<td>Duplex (not permitted)</td>
<td>26,000</td>
<td>135</td>
</tr>
<tr>
<td>Triplex (not permitted)</td>
<td>38,000</td>
<td>195</td>
</tr>
<tr>
<td>Quad (not permitted)</td>
<td>49,000</td>
<td>255</td>
</tr>
</tbody>
</table>


(1) Within Shoreland Overlay Districts, minimum lot area requirements may be calculated on an average lot area basis, so long as the overall net density requirements of this Shoreland Ordinance are not exceeded. In no event shall an individual lot area be less than the minimum required by the underlying zoning district.

(2) Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards shall be met at both the ordinary high water level and at the building line. The sewered lot area dimensions in...
Subpart E, I can only be used if publicly owned sewer system service is available to the property.

(3) Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes shall also meet the following standards:

(a) Each building shall be set back at least two hundred (200) feet from the ordinary high water level.

(b) Each building shall have common sewage treatment and water systems in one location and serve all dwelling units in the building;

(c) Watercraft docking facilities for each lot shall be centralized in one location and serve all dwelling units in the building;

(d) No more than twenty-five percent (25%) of a lake’s shoreline can be in duplex, triplex, or quad developments.

(4) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and shall meet or exceed the following standards:

(a) They shall meet the width and size requirements for residential lots as zoned, and be suitable for the intended uses of controlled access lots and contain no habitable structures.

(b) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) shall be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

<table>
<thead>
<tr>
<th>Ratio of lake size to shore length (acres / miles)</th>
<th>Required increase in frontage (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100</td>
<td>25</td>
</tr>
<tr>
<td>100 – 200</td>
<td>20</td>
</tr>
<tr>
<td>201 – 300</td>
<td>15</td>
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<tr>
<td>301 – 400</td>
<td>10</td>
</tr>
<tr>
<td>Greater than 400</td>
<td>5</td>
</tr>
</tbody>
</table>

(c) They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and

(d) Covenants or other equally effective legal instruments shall be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, off season boat storage, beaching, mooring, or docking. They shall also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities including swimming, sunbathing, or
picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf–on conditions.

2. Placement, Design, and Height of Structures.

a. Placement of Structures on Lots. When more than one setback applies to a site structures and facilities shall be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

(1) Structure and on–site sewage system setbacks (in feet) from ordinary high water level.

<table>
<thead>
<tr>
<th>Classes of Public Waters</th>
<th>Structures</th>
<th>Sewage Treatment System</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsewered</td>
<td>Sewered</td>
</tr>
<tr>
<td>Natural Environment</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Recreational Development</td>
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<td>75</td>
</tr>
<tr>
<td>General Development</td>
<td>75</td>
<td>75</td>
</tr>
</tbody>
</table>

(2) Top of Bluff. All structures shall be a minimum of thirty (30) feet from the top of the bluff, regardless of the classification of the waterbody.

(3) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

(4) Commercial Uses Without Water–Oriented Needs. Commercial uses without water–oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall be substantially screened from view from the water by vegetation or topography, assuming summer, leaf–on conditions.

b. Design Criteria for Structures.

(1) High Water Elevations. The elevation of structures located on riparian lots shall be regulated as follows:

(a) The lowest floor including basement shall be placed at least one (1) foot above the 100 year flood level or, if such flood level has not been established, the lowest floor including basement shall be placed three (3) feet above the ordinary high water level; (note: most lakes in Mahtomedi have established 100 year flood levels); and
(b) Water–oriented accessory structures may be the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood–resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind–driven waves and debris.

(2) Water–oriented Accessory Structures. Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in Subpart E, 2 of this ordinance if this water–oriented accessory structure complies with the following provisions:

(a) The structure or facility shall not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred–fifty (250) square feet. Detached decks shall not exceed eight (8) feet above at any point;

(b) The setback of the structure or facility from the ordinary high water level shall be at least ten (10) feet;

(c) The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf–on conditions;

(d) The roof may be used as a deck with safety rails, but shall not be enclosed or have a roof or canopy or used as a storage area;

(e) The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities; and

(f) As an alternative for general development and recreational development waterbodies, water–oriented accessory structures used solely for watercraft storage, and including storage of related boating and water–oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

(3) Stairways, Lifts, Walks, Trails and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access to shore areas. All accesses shall meet the following design requirements:

(a) Stairways, walks, trails, and lifts shall not exceed four (4) feet in width on residential lots. Six (6) foot stairways may be used for commercial properties, public open–space recreational properties, and planned unit development;

(b) Landings on residential lots shall not exceed thirty–two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open–space recreational properties, and planned unit developments;

(c) Canopies or roofs are not allowed on stairways, lifts, or landings;

(d) Stairways, lifts, walks, trails, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf–on conditions, whenever practical; and
Section 11.01: Zoning Ordinance
Subdivision 11.36: Shoreland Overlay District

11.36 Shoreland Overlay District

(e) Facilities such as ramps, lifts, or mobility paths for persons with disabilities are also allowed for achieving access to shore area, provided that the dimensional and performance standards of items (1) to (5) above area complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

(f) Construction of any of the above facilities shall require the issuance of a Zoning Permit.

(4) Steep Slopes. The City Engineer shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

c. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures must not exceed twenty–five (25) feet in height.

3. Shoreland Alterations. Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

a. Vegetation Alterations. Vegetation and tree removal or alteration within shore and bluff impact zones and on steep slopes over eighteen percent (18%) shall be subject to the following standards:

(1) Clear–cutting trees and shrubs is prohibited.

(2) Limited clearing, pruning, and trimming of trees and shrubs to provide a view from principal sites and to accommodate the placement of permitted stairways and landings, access paths, beach and watercraft access areas and water–oriented accessory structures or facilities may be permitted provided that:

(a) Large openings in the overhead forest canopy are not created. The area of post-cutting canopy coverage must be eighty percent (80%) or more of the pre–cutting canopy coverage.

(b) The topping of trees is prohibited unless they are under overhead utility lines.

(c) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf–on conditions, is not substantially reduced.

(3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(4) Any retaining wall to be located within the shore impact zone shall be constructed of natural materials shall be subject to review and approval by the City Engineer.

(5) The entirety of the shore impact zone shall be pervious, with the exception of permitted stairways, lifts, walks, trails, landings or water-oriented accessory structures.
(6) A landscape plan shall be submitted with a Zoning Permit application prior to commencement of any work to demonstrate compliance with the above standards.

b. **Topographic Alterations / Grading and Filling.**

(1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction or building permits for these facilities do not require the issuance of a separate grading and filling permit or a conditional use permit. A grading and filling permit shall be required for the movement of more than ten (10) cubic yards of material.

(2) The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variance, and subdivision approvals:

   (a) Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

   (b) Mulches or similar material shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

   (c) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;

   (d) Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

   (e) Fill or excavated material shall not be placed in a manner that creates an unstable slope;

   (f) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of thirty percent (30%) or greater;

   (g) Fill or excavated material shall not be placed in bluff impact zones;

   (h) Any alterations below the ordinary high water level of public waters shall first be authorized by the commissioner under *Minnesota State Statutes, Section 103G.005*.

   (i) Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

   (j) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

   (k) At the end of excavation or filling operations, the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded within one growing season with native indigenous vegetation.
4. **Placement and Design of Roads, Driveways, and Parking Areas.**
   a. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view and public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public water conservation district, or other applicable technical materials.
   b. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist.
   c. Public and private watercraft access ramps, approach roads, and access–related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this Subpart are met. For private facilities, the grading and filling provisions of Subdivision 10.1, H: Grading, Filling, and/or Excavation of this Ordinance shall be met.

5. **Stormwater Management.**
   a. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. All such systems shall be in conformity to the City drainage plans and all piping shall provide complete removal and permanent solution for the removal of drainage water.
   b. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
   c. 1. Impervious surface coverage. Impervious surface coverage shall not exceed thirty-five percent (35%) of the lot area of lots existing on March 3, 1999.
      2. Impervious surface coverage of lots created after March 3, 1999, shall not exceed twenty-five percent (25%) of the lot area.
         a. Lots limited to twenty-five percent (25%) impervious surface coverage may utilize pervious pavers or other similar materials (not including porous concrete) for coverage of up to an additional ten percent (10%) of the lot area. Use of these materials shall require approval by the City Engineer and issuance of a Zoning Permit, which shall include a requirement for the property owner to enter into a written agreement with the City for an approved maintenance plan for the pervious pavers or other similar material. The agreement requiring the owner of the property and any future owners to adhere to the approved maintenance plan shall be recorded with Washington County. A component of the maintenance plan shall include an annual inspection by city staff or city consultant. Failure to comply with the required maintenance plan shall constitute a violation of the Zoning Permit and of the requirements of this section of the City’s Zoning Ordinance.

6. **Controlled uses.** Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community–wide.
   a. **Evaluation Criteria.** Thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site shall be made to ensure:
(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(2) The visibility of structures and other facilities as viewed from public waters is limited.

(3) The site is adequate for water supply and on-site sewage treatment if applicable; and

(4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

b. Conditions Attached to Conditional Use Permits. The City Council, upon consideration of the criteria listed above and the purposes of this Ordinance, may attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance and said conditions may be more restrictive than this Ordinance.

7. Water Supply and Sewage Treatment.
   a. Water Supply. Any public or private supply of water for domestic purposes shall meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

   b. Sewage Treatment.
      (1) Publicly-owned sewer systems shall be used where available.

      (2) All private sewage treatment systems shall meet or exceed the Minnesota Pollution Control Agency’s standards for individual sewage treatment systems contained in the document titled, ‘Individual Sewage Treatment Systems Standards, Chapter 7080’, a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.

      (3) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub–items a – d below. If the determination of a site’s suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and a percolation test from on-site field investigation.

      Evaluation Criteria:
      (a) Depth to the highest known or calculated ground water table or bedrock;
      (b) Soil conditions, properties, and permeability;
      (c) Slope;
      (d) The existence of lowlands, local surface depressions, and rock outcrops.

F. Nonconformities. All legally established nonconformities as of the date of this Ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland area:

1. Construction on Nonconforming Lot of Record.
a. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subpart E, I of this Ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district and meets the following criteria:

(1) All structure and septic system setback distance requirements can be met;
(2) A Type 1 sewage system consistent with Minnesota Rules, Chapter 7080, can be installed or the lot is connected to a public sewer; and
(3) The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.

b. A variance from setback requirements shall be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the City Council acting as the Board of Adjustments and Appeals shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

c. If, in a group of two or more undeveloped, vacant, and contiguous lots under common ownership, any individual lot does not meet the requirements of Subpart E, I of this Ordinance, the lot shall be considered as a separate parcel of land for the purposes of sale or development if it meets the following requirements:

(1) The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, Chapter 6120;
(2) The lot must be connected to public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080, and the local government controls;
(3) Impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and
(4) Development of the lot must be consistent with an adopted comprehensive plan.

d. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

e. Notwithstanding paragraph (c), contiguous nonconforming lots of record in shoreland areas under common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes Section 115.55 and Minnesota Rules, Chapter 7080, or connected to a public sewer.


a. All additions or expansions to the outside dimensions, including decks, of an existing nonconforming structure shall meet the setback, height, and other requirements of Subpart E of this Ordinance. Any deviation from these requirements shall be authorized by variance pursuant to Subpart C, 3.

b. Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this Ordinance,
may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of more than one (1) year; or

(2) Any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. When a nonconforming structure in the shoreland district with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

3. **Nonconforming Sewage Treatment Systems.**

   a. A sewage treatment system not meeting the requirements of this Ordinance shall be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system’s improper setback from the ordinary high water level.

   b. The governing body of the City of Mahtomedi has by formal resolution notified the Commissioner of its program to identify nonconforming sewage treatment systems. The City of Mahtomedi will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two (2) years. Sewage systems installed according to all applicable local shoreland management standards adopted under *Minnesota Statutes, Section 103F.201*, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, or systems with less oil treatment area separation above groundwater than required by the *Minnesota Pollution Control Agency’s Chapter 7080 for design of on–site sewage treatment systems*, shall be considered nonconforming.

   c. After initial inspection for conformance, all on–site individual sewage treatment systems shall be inspected annually for property operation. A system shall be determined failing if it shows signs of surface discharge or seepage from a soil treatment system to the ground surface, abandoned wells, bodies of surface water, or into any rock or soil formation on the structure of which is not conducive to purification by filtration or into any well or other excavation in the ground.

   d. All properties that are found to have non–conforming on–site individual sewage treatment systems shall be required to have their wells tested.

G. **Planned Unit Developments (PUD’s).**

   1. **Site Suitable Area Evaluation.** Proposed new or expansions to existing planned unit development shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit density evaluation in *Subpart G, 2 below.*
a. The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<table>
<thead>
<tr>
<th>Table 11.36 – J: Shoreland Tier Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Development Lakes First Tier</td>
</tr>
<tr>
<td>Unsewered</td>
</tr>
<tr>
<td>(feet) 200</td>
</tr>
<tr>
<td>Sewered</td>
</tr>
<tr>
<td>(feet) 200</td>
</tr>
<tr>
<td>General Development Lakes Second and</td>
</tr>
<tr>
<td>Additional Tiers</td>
</tr>
<tr>
<td>Unsewered</td>
</tr>
<tr>
<td>(feet) 267</td>
</tr>
<tr>
<td>Sewered</td>
</tr>
<tr>
<td>(feet) 200</td>
</tr>
<tr>
<td>Recreational Development</td>
</tr>
<tr>
<td>Unsewered</td>
</tr>
<tr>
<td>(feet) 267</td>
</tr>
<tr>
<td>Sewered</td>
</tr>
<tr>
<td>(feet) 267</td>
</tr>
<tr>
<td>Natural Environment</td>
</tr>
<tr>
<td>Unsewered</td>
</tr>
<tr>
<td>(feet) 400</td>
</tr>
<tr>
<td>Sewered</td>
</tr>
<tr>
<td>(feet) 320</td>
</tr>
</tbody>
</table>

b. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project area then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units.

2. **Residential and Commercial PUD Density Evaluation.** The procedures for determining the ‘base’ density of a PUD and density increase multipliers are as listed below. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer.

a. **Residential PUD ‘Base’ Density Evaluation.** The suitable area within each tier is divided by the single residential lot size standard, as zoned, for lakes. Proposed locations and numbers of dwelling units for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein.

b. **Commercial PUD ‘Base’ Density Evaluation.**

   1. Determine the average inside living area size of dwelling units within each tier, including both existing and proposed units. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

   2. Select the appropriate floor area ratio from the following table:

<table>
<thead>
<tr>
<th>Table 11.36 – K: Commercial Planned Unit Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Area Rations*</td>
</tr>
<tr>
<td>*Average unit floor area (sq.ft.)</td>
</tr>
<tr>
<td>200</td>
</tr>
<tr>
<td>300</td>
</tr>
<tr>
<td>400</td>
</tr>
<tr>
<td>500</td>
</tr>
<tr>
<td>600</td>
</tr>
<tr>
<td>700</td>
</tr>
<tr>
<td>800</td>
</tr>
</tbody>
</table>

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A = Sewered general development lakes; first tier on unsewered general development lakes
B = Second and additional tiers on unsewered general development lakes; recreational development lakes
C = Natural environment lakes
* For average unit floor area less than shown, use the floor area ratios listed for 200 sq. ft. For areas greater than shown, use the ratios listed for 1,500 sq. ft.

(3) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units.

(4) Divide the total floor area by tier computed in item (3) above by the average inside living area size determined in item (1) above. This yields a base number of dwelling units for each tier.

(5) Proposed locations and numbers of dwelling units for the commercial planned unit development are then compared with the tier, density and suitability analysis herein.

c. Density Increase Multipliers.

(1) Increases to the dwelling unit base densities previously determined are allowable if the dimensional standards in Subpart E of this Subdivision are met or exceeded. The allowable density increases in item (2) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty – five percent (25%) greater than the minimum setback.

(2) Allowable Dwelling Unit Density Increases for Residential or Commercial Planned Unit Developments:

<table>
<thead>
<tr>
<th>Density Evaluation Tiers</th>
<th>Maximum Density Increase within Each Tier (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>50</td>
</tr>
<tr>
<td>Second</td>
<td>100</td>
</tr>
<tr>
<td>Third</td>
<td>200</td>
</tr>
</tbody>
</table>
   a. Maintenance and Administration Requirements.
      (1) Before final approval of a planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
      (2) Uncontrolled beaching of watercraft prohibited.
   b. Open Space Requirements.
      (1) At least fifty percent (50%) of the total project area shall be preserved as open space;
      (2) Dwelling units, road rights – of – way, or land covered by road surfaces, parking areas, or structures, except water – oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
      (3) Open space shall include area with physical characteristics unsuitable for development in their natural state.
      (4) Open space may include outdoor recreational facilities for use by owners of dwelling units by guests staying in commercial dwelling units, and by the general public;
      (5) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
      (6) Open space shall not include commercial facilities or uses, but may contain water – oriented accessory structures or facilities;
      (7) The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements; public dedications and acceptance, or other equally effective permanent means; and
      (8) The shore impact zone, based on normal structure setbacks, shall be included as open space. For residential PUD’s at least fifty percent (50%) of the shore impact zone area of new developments shall be preserved in its natural existing state. For commercial PUD’s, at least fifty percent (50%) of the shore impact zone shall be preserved in its natural state.
   c. Erosion Control and Stormwater Management. Erosion control and stormwater management plans shall be developed and the PUD shall be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier shall not exceed twenty –five percent (25%) of the tier area, except that for commercial PUD’s thirty – five percent (35%) impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subpart E (3) of this Subdivision.
11.37 Antenna and Tower Overlay District

A. Intent. To accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary to:

1. Facilitate the provisions of wireless telecommunication services to the residents and businesses of the City;
2. Restrict the location of antennas and towers to a designated overlay district and impose design standards to minimize adverse visual effects of antennas and towers;
3. Require evidence of structural integrity and impose setback requirements to avoid potential damage to adjacent properties from antenna or tower failure; and
4. Require applicant for antenna or tower permits to maximize the use of existing towers and buildings to accommodate new antennas to reduce the number of towers needed to serve the community.

B. General Provisions.

1. Establishment of the District. Subdivision 11.0: Zoning Districts of the City’s Zoning Code divides the City into various zoning districts. The existing zoning district regulates land use in terms of the residential, business or industrial character of the use and the intensity of the use. The City Council finds that the construction and operation of antennas and towers within the City has the potential to adversely affect the visual environment of the City, and therefore, the construction and operation of antennas and towers within the City is appropriate in some but not all areas of the City. The Council further finds that the existing zoning classifications do not provide a rational basis for determining appropriate locations for the construction and operation of antennas and towers. Therefore, the City Council hereby establishes an Antenna and Tower Overlay District. The Antenna and Tower Overlay District is depicted on the City’s zoning maps which are incorporated into this Ordinance by reference. The City Administrator must keep on file in the City office one (1) copy of the City’s zoning maps for the use and examination by the public.

2. Location of Antennas and Towers and Permit Requirements. Except as set forth in Subdivision 11.37, B (3), antennas and towers may be constructed and operated only in the Antenna and Tower Overlay District. Property within the Antenna and Tower Overlay District may not be used for the construction or operation of antennas or towers until the property owner or a part with a right to possess the property under a valid lease obtains a conditional use permit pursuant to Subdivision 8.21: Conditional Use Permit.

3. Exceptions. The following antennas and towers are not subject to this Section:

   a. Antennas and towers the City constructs and operates for City use;
   b. Antennas and towers identified as accessory uses in Subdivision 11.2 – 11.29 of the City’s Zoning Code;
   c. Amateur service antennas and amateur service towers; and
   d. Towers or antennas that are located entirely within a structure that complies with the height, bulk, density, and area requirements of Subdivisions 11.2 – 11.29 or as shown in 11.0-A: Table of Land Uses, at the end of this Section, and are not visible from the exterior of the structure.
C. **Permit Applications and Application Fees.** Applicants for an Antenna or Tower conditional use permit must file an application permit with the City Administrator and pay an application fee to the City as set forth below:

1. **Application Requirements.** The application must:
   a. Set forth the legal description and property tax identification number of the proposed site;
   b. Be signed by the applicant;
   c. Include an attorney’s title opinion, title insurance commitment or other evidence reasonably acceptable to the City Attorney showing the ownership of the proposed site and the applicant’s interest in the proposed site;
   d. State the name and address of the property owner (if different from the applicant) and include the owner’s written consent to the applicant’s application for a conditional use permit and written acknowledgement that the property owner will be subject to all conditions set forth in the conditional use permit;
   e. Include a description of the proposed antenna or tower including:
      (1) Its purpose;
      (2) Its height and fall radius;
      (3) The materials the applicant will use to construct the antenna or tower;
      (4) The expected useful life of the antenna or tower.
   f. Include a site plan showing the location of the property and the location of the antenna or tower and any accessory structures, guy lines, guy anchors, or other related improvements on the property, and a color elevation of the competed antenna or tower;
   g. Include a report from a qualified and licensed professional engineer that describes:
      (1) The antenna or tower design and includes a cross section and elevation that documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
      (2) For towers, the tower’s capacity, including the number and type of antennas that it can accommodate;
      (3) Documents the steps the applicant will take to avoid interference with established telecommunications; and
      (4) Includes an engineer’s stamp and registration number.
   h. Include a description of the land adjacent to or within the fall radius of the proposed antenna or tower, including the names and addresses of the owners of the all land within the fall radius of the proposed antenna or tower or the reason why the applicant could not obtain the names and addresses of the land owners;
   i. An intermodulation study that provides a technical evaluation of the existing and proposed transmissions and indicates all potential interference problems. The applicant must notify the City at least ten (10) days in advance of any testing conducted in connection with a technical evaluation of the proposed transmission and allow the City to monitor interference levels during the testing process;
j. Include additional information the City Council or the City Administrator or other Authorized Agent may reasonably request.

2. **Application Fee.** Contemporaneously with the submission of an application for an antenna or tower conditional use permit, the applicant must pay the City an application fee pursuant to the City’s fee schedule.

3. **Review Process.**
   a. Pre-application meeting. The property owner or their designated agent is encouraged to request a pre–application meeting pursuant to Subdivision 8.1, D (1): Pre–application Meeting.
   
   b. Initiation. Initiation of a conditional use permit may be made upon application of the property owner or their designated agent.
   
   c. Application submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to Subdivision 8.1, D (2): Application Forms and Fees and Subdivision 8.1, D (3): Application Deadline.

4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
   a. Determine if the application is complete pursuant to Subdivision 8.1, D (4): Application Completeness;
   
   b. Notice a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and
   
   c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
   a. Conduct a public hearing pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements; and
   
   b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council within forty–five (45) days after receipt of the complete application.
   
   c. If no recommendation is transmitted by the Planning Commission within sixty (60) days after referral the City Council shall take action upon the application.

6. **City Council Final Action.**
   a. After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to Subdivision 8.1, G: Public Hearing and Noticing Requirements;
   
   b. Within sixty (60) days of the City’s receipt of a complete application, the City Council shall review the request, the Planning Commission’s recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request.
   
   c. A Conditional Use Permit for an antenna or tower may be approved by an affirmative vote of a simple majority of the City Council.
d. The City may extend the time limit of this Section before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reason for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

e. An applicant may by written notice to the City request an extension of the time limit under this Subdivision.

f. Written acceptance of the approved plan and all attached conditions shall be filed with the City Administrator within thirty (30) days of the City Council approval.

g. All developments, construction, and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and accepted. Any development contrary to the approved use plan is a violation of this Ordinance.

7. Approval Criteria. The Planning Commission and City Council must consider the following criteria in determining whether to approve, approve with conditions, or deny a conditional use permit for an antenna or tower:

a. The proposed antenna or tower’s compliance with the performance standards described in Provision 8 of this Subdivision;

b. The potential for the antenna or tower to cause a condition that may pose an unreasonable threat or cause unreasonable damage to any other property or person’s

c. The proposed antenna or tower’s impact on the environment and on the visual image of the surrounding area;

d. A proposal for a new antenna or tower must not be approved unless the City Council finds that the antenna and other equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one (1) mile radius (one half ( ½ ) mile radius for towers under one hundred twenty (120) feet in height, one quarter ( ¼ ) mile radius for towers under sixty (60) feet in height) of the proposed tower due to one or more of the following reasons:

(1) The antenna and other equipment would exceed the structural capacity of existing towers or available buildings, as documented by a qualified and licensed professional engineer, and the existing tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference impacting the usability of existing equipment at the tower or building as documented by a qualified and licensed professional engineer.

(3) Existing towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

(4) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

8. Performance Standards. If a conditional use permit is granted, the permit holder must at all times comply with the following requirements:

a. Antenna and Tower Design Requirements. Antennas and towers must meet the following design requirements:

(1) Antennas and towers must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment,
except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(2) Towers must be of a mono – pole design unless the City Council determines that an alternative design is necessary for the proposed use or would better blend into the surrounding environment.

b. **Antenna and Tower Setback Requirements.** Antennas and towers must conform with each of the following minimum setback requirements:

(1) Antennas and towers must be set back from structures existing on the property on which the antenna or tower is located or on adjacent properties a distance not less than the height of the antenna or tower.

(2) Antennas and towers must meet the setbacks of the underlying zoning district.

(3) Antennas and towers must be set back from the planned public rights – of – way as shown on the most recently adopted Master Street Plan of the City by a minimum distance equal to one half (½) of the height of the tower.

(4) Antennas and towers shall not be located between a principal structure and a public street, with the following exceptions.

   (a) In industrial zoning districts, antennas and towers may be placed within a side yard abutting an internal industrial street.

   (b) On sites adjacent to public streets on all sides, antennas and towers may be placed within a side yard abutting a local street.

(5) An antenna’s or tower’s setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

c. **Lighting.** An antenna or tower must not be illuminated by artificial means and must not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of a tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to a tower.

d. **Signs and Advertising.** The use of any portion of an antenna or tower for signs other than warning or equipment information signs is prohibited.

e. **Accessory Utility Buildings.** All utility buildings, structures, and equipment accessory to an antenna or tower must be architecturally designed to blend in with the surrounding environment and must meet the minimum requirements of the underlying zoning district.

f. **Screening Requirements.** Ground mounted antennas and utility buildings, structures, and equipment accessory to an antenna or a tower must be screened from view in conformance with the screening requirements in Subdivision 10.4: Landscaping, Buffers, and Screening.

g. **Height.** Towers must not exceed one hundred – fifty (150) feet in height.

h. **Location.** Any proposed tower must be designed, structurally, electrically, and in all respects to accommodate both the applicant’s antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over sixty (60) feet in height.
Towers must be designed to allow for the future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

9. **Conditions.**

   a. **Mandatory Conditions.** Unless modified by the City Council, all conditional use permits for antennas and towers are subject to the following conditions:

      (1) The permittee must obtain all FAA and FCC approvals for the tower and antenna;

      (2) The permit holder must remove any abandoned or unused towers or portions of towers within twelve (12) months of the cessation of operations at the site unless the City Council approves a time extension;

      (3) Antennas and towers must not interfere with public safety telecommunications;

      (4) No change in the use of an antenna or tower may be made without the consent of the City Administrator after the applicant provides the City Administrator with all information the City Administrator may reasonably require to determine that the modification in service or use will not cause the antenna or tower to violate the performance standard set forth in this Ordinance or the conditions of the existing conditional use permit.

   b. **Additional Conditions.** The Council may attach any additional conditions to the permit that the Council deems reasonably necessary to accomplish the purpose of this Ordinance and to protect the public health, safety, and welfare.
<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>LOT AREA (SF)</th>
<th>LOT WIDTH (FT)</th>
<th>LOT DEPTH (FT)</th>
<th>LOT AREA PER UNIT</th>
<th>BLDG HEIGHT (FT)¹</th>
<th>YARD SETBACK</th>
<th>FLOOR AREA PER UNIT</th>
<th>MAX BLDG COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A – Agricultural</td>
<td>5 ACRES</td>
<td>300</td>
<td>300</td>
<td>5 ACRES</td>
<td>30¹</td>
<td>30</td>
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<td>10</td>
</tr>
<tr>
<td>RR – Rural Residential</td>
<td>1 ACRE</td>
<td>160</td>
<td>200</td>
<td>1 ACRE</td>
<td>30¹</td>
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<td>15</td>
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<tr>
<td>R1-A – Low Density SF Residential</td>
<td>21,780</td>
<td>100</td>
<td>140</td>
<td>21,780</td>
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<td>15</td>
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<tr>
<td>R1-B – Low Density SF Residential</td>
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<tr>
<td>R1-D – Low Density SF Residential</td>
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<td>120</td>
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<td>R1-E – Historic Mahtomedi Existing After 3/3/1999</td>
<td>6,240</td>
<td>48</td>
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<td>R-2 – Medium Density SF Detached Residential</td>
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<td>70</td>
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<td>Two Family</td>
<td>15,000</td>
<td>90</td>
<td>120</td>
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<td>R-3 – Medium Density⁹ SF Attached (Townhouse)</td>
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<td>N/A</td>
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<tr>
<td>Two Family</td>
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<td>N/A</td>
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<td>Multiple Family (3 &amp; 4 units)</td>
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<td>R-4 High Density⁹</td>
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<td>N/A</td>
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<td>35¹</td>
<td>50</td>
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See Subdivision 11.5, D: Dimensional Requirements for Setback Details

See the next page for footnote explanations.
<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>LOT AREA (SF)</th>
<th>LOT WIDTH (FT)</th>
<th>LOT DEPTH (FT)</th>
<th>BLDG HEIGHT (FT)</th>
<th>FRONT</th>
<th>SIDE</th>
<th>REAR</th>
<th>PARKING / LOADING DRIVING (FT)</th>
<th>ACCESS DRIVE (FT)</th>
<th>MAXIMUM FLOOR AREA RATION</th>
<th>MAXIMUM BLDG COVERAGE</th>
<th>MAXIMUM BLDG AREA (GSF)</th>
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<tbody>
<tr>
<td>B1 – Office Business</td>
<td>10,400</td>
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<td>35</td>
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<td>15</td>
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<td>--</td>
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<td>B2 – Limited Business</td>
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<td>--</td>
<td>35</td>
<td>30</td>
<td>15</td>
<td>20</td>
<td>5</td>
<td>--</td>
<td>30%</td>
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<tr>
<td>B3 – Downtown</td>
<td>6,400</td>
<td>80</td>
<td>--</td>
<td>25(^{13})</td>
<td>See below(^{14})</td>
<td>5(^{15})</td>
<td>20(^{16})</td>
<td>5(^{17})</td>
<td>5(^{17})</td>
<td>3.0</td>
<td>80%</td>
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<tr>
<td>B4 – General Business</td>
<td>10,400</td>
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<td>--</td>
<td>35</td>
<td>30(^{10})</td>
<td>15(^{10})</td>
<td>30(^{10})</td>
<td>5(^{11})</td>
<td>5(^{11})</td>
<td>--</td>
<td>30%</td>
<td>30,000(^{12})</td>
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<tr>
<td>B5 – General and Interstate Business</td>
<td>10,400</td>
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<td>--</td>
<td>35</td>
<td>30(^{10})</td>
<td>15(^{10})</td>
<td>30(^{10})</td>
<td>5(^{11})</td>
<td>5(^{11})</td>
<td>--</td>
<td>30%</td>
<td>30,000(^{12})</td>
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<tr>
<td>IB – Industrial / Business Park(^{3})</td>
<td>2 ACRES(^{6})</td>
<td>200</td>
<td>250</td>
<td>50</td>
<td>50</td>
<td>20(^{7})</td>
<td>30</td>
<td>See below(^{8})</td>
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<td>1.0</td>
<td>35%</td>
<td>--</td>
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<tr>
<td>P- Parkland / Public</td>
<td>20,000</td>
<td>100</td>
<td>--</td>
<td>50</td>
<td>30(^{18})</td>
<td>20(^{18})</td>
<td>30(^{18})</td>
<td>See below(^{8})</td>
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<td>PB – Public Building</td>
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<td>N/A</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>See below(^{8})</td>
<td>10</td>
<td>N/A</td>
<td>25%</td>
<td>--</td>
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<tr>
<td>MU – PUD – Mixed Use Planned Unit Development</td>
<td>AS ESTABLISHED BY THE PUD AGREEMENT</td>
<td></td>
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</tbody>
</table>

**FOOTNOTE EXPLANATION**

1. Except lots within the Shoreland Overlay District, in which case the building height shall be 25 ft.
2. Corner lots shall provide the required front yard along each street.
3. A 10% deviation in lot width and / or area may be permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 SF and the average lot width not less than 100 ft.
4. Corner: 100 ft.
5. Minimum building setback from public property 100 ft.
6. A maximum of 30% where a side driveway exists
7. Interior side yard shall be 30 ft where a side driveway exists
8. From street right – of – way: collector 20 ft; local street: 15 ft; Side yard: 15 ft; Rear yard 10’
9. See Section 11.7 and 11.8 for additional requirements and potential modifications of these standards.
10. 50 ft or two times the building height (whichever is greater) where the yard abuts property guided for residential use.
11. 30 ft where parking, loading, driving, or access drives abuts property guided for residential use.
12. Building area may be increased under PUD procedures.
13. Building height between 25 ft and 35 ft may be permitted through CUP procedures.
14. There is no minimum front yard. The maximum front yard shall be 10 feet.
15. 15 ft where side yard abuts property guided for residential use. No side yard is required if buildings on separate lots are attached at the common lot line in a manner consistent with the building code.
16. A CUP is required for a rear yard of less than 20 ft.
17. Refer to Section 11.13, F for additional requirements and potential modifications of these standards.
18. In cemeteries, graves and flush grave markers may be located within 20 ft of front, rear, and side lot lines. Upright markers and other structures must meet the standard yard requirements for the P – Parkland / Public District. If a cemetery abuts another cemetery, the graves and upright grave markers may be located within 10 ft of the common lot line.