## TITLE 1100

### ZONING CODE

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CHAPTER 1101

ZONING TITLE, PURPOSE AND INTERPRETATION

SECTION:

1101.01: Short Title
1101.02: Authority
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1101.04: Relation to Comprehensive Municipal Plan
1101.05: Abrogation and Greater Restrictions
1101.06: Interpretation
1101.07: Conformance with Provisions
1101.08: Uses Not Provided for within Zoning Districts
1101.09: Effect of Provisions
1101.10: Separability

1101.01: SHORT TITLE: This Title shall be known, cited and referred to as the MOUNDS VIEW ZONING CODE, except as referred to herein, where it shall be known as “this Title”. (1988 Code §40.01)

1101.02: AUTHORITY: This Title is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.365, inclusive. (1988 Code §40.01)

1101.03: INTENT AND PURPOSE: The intent of this Title is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This Title shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right of way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Title; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals1, the Planning and Zoning Commission2 and the City Council in relation to the Zoning Code. (1988 Code §40.01)

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1 See Chapter 402 of this Code.
2 See Chapter 401 of this Code.
1101.04: **RELATION TO COMPREHENSIVE MUNICIPAL PLAN:** It is the policy of the City that the enactment, amendment and administration of this Title be accomplished with due consideration for the recommendations contained in the Comprehensive Municipal Plan as developed and amended, from time to time, by the Planning and Zoning Commission of the City. The Council recognizes the Comprehensive Municipal Plan as the Planning and Zoning Commission’s recommendations for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth. (1988 Code §40.01)

1101.05: **ABROGATION AND GREATER RESTRICTIONS:** If the conditions imposed by any provisions of this Title are either more or less restrictive than comparable conditions imposed by any other code, rule or regulation of the City, the code, rule or regulation which imposes the more restrictive conditions, standards or requirements shall prevail. (1988 Code §40.01)

1101.06: **INTERPRETATION:** In their interpretation and application, the provisions of this Title shall be held to the minimum requirements for the promotion of the public health, safety and welfare. (1988 Code §40.01)

1101.07: **CONFORMANCE WITH PROVISIONS:**

Subd. 1. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Title.

Subd. 2. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Title. (1988 Code §40.01)
1101.08: **USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS:** Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council or the Planning and Zoning Commission, on its own initiative or upon request, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning and Zoning Commission or property owner, upon receipt of the staff study, shall, if appropriate, initiate an amendment to the Zoning Code to provide for the particular use under consideration or shall find that the use is not compatible for development within the City. (1988 Code §40.01)

1101.09: **EFFECT OF PROVISIONS:** The Council intends this Title to be a comprehensive amendment to Title 1100 of the City Code. Except as otherwise provided herein, the provisions of this Title are not intended to alter, diminish or increase or otherwise modify any rights or liabilities existing on its effective date. Any act done, offense committed or rights accruing or accrued or liability, penalty incurred or imposed prior to the effective date hereof is not affected by its enactment. (1988 Code §40.01)

1101.10: **SEPARABILITY:** It is hereby declared to be the intention of the City that the several provisions of this Title are separable in accordance with the following:

Subd. 1. Sections of Code: If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provisions of this Title not specifically included in said judgment.

Subd. 2. Property and Structures: If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment. (1988 Code §40.01)
CHAPTER 1102

ZONING RULES AND DEFINITIONS

SECTION:

1102.01: Rules of Construction
1102.02: Definitions

1102.01: RULES OF CONSTRUCTION: The language set forth in the text of this Title shall be interpreted in accordance with the following rules of construction:

Subd. 1. The singular number includes the plural and the plural the singular.
Subd. 2. The present tense includes the past and the future tenses and the future the present.
Subd. 3. The word “shall” is mandatory, while the word “may” is permissive.
Subd. 4. The masculine gender includes the feminine and neuter.
Subd. 5. Whenever a word or term defined hereinafter appears in the text of this Title, its meaning shall be construed as set forth in the definition thereof; other words or terms shall be construed as having their common meaning.
Subd. 6. All measured distances expressed in feet shall be to the nearest one-tenth of a foot (0.1’). (1988 Code §40.02)

1102.02: DEFINITIONS: The following words and terms, wherever they occur in this Code, shall be defined as follows: (Ord. 548, 9-24-94; Ord. 620, 7-27-98)

Subd. 1. ACCESSORY BUILDING OR USE: A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
Subd. 2. ALLEY: A public right of way with a width not exceeding twenty four feet (24’) nor less than sixteen feet (16’) which affords a secondary means of access to abutting property.
Subd. 3. AMUSEMENT CENTER: Any building, structure or tract of land which has as its principal use or activity the providing of any of the amusements listed in subdivision 506.01.2 of this Code and conforms to the definition of amusement center as provided for in subdivision 506.01.1 of this Code.

Subd. 3.5. ANIMAL BOARDING FACILITY: A commercial establishment in which domesticated animals are housed for a fee or compensation. Domesticated animals include dogs, cats, or rodents such as rabbits, guinea pigs, hamsters, gerbils, or other animals that are typically confined to a cage or other enclosure. (Ord. 685, 8-27-01)

Subd. 4. AUTO REDUCTION YARD: An open lot or yard where two (2) or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale of scrap, storage or abandonment.

Subd. 5. AUTOMOBILE REPAIR; MAJOR: General repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job and vehicle steam cleaning.

Subd. 6. AUTOMOBILE REPAIR; MINOR: Minor repairs, including body and fender work, minor painting and upholstering service, replacement of parts and engine service to passenger vehicles and trucks not exceeding a one (1) ton chassis design.

Subd. 7. BASEMENT: A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Subd. 8. BOARDING (HOUSE) HOME; FOSTER CHILDREN: A family dwelling where children out of their own homes are cared for.

Subd. 9. BOARDING HOUSE (ROOMING HOUSE): A dwelling or part thereof occupied by a single housekeeping unit where meals and/or lodging are provided for three (3) or more persons, but not to exceed eight (8) persons, for compensation by previous arrangement, but not transients.

Subd. 10. BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

Subd. 11. BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 12. BUILDING HEIGHT: Building height is to be measured from the average ground level at the building line, to the highest roof surface. (Amended, Ord. 828, 10-8-09)
Subd. 13. BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited, rented or sold or which occupies time, attention, labor and/or materials or where services or goods are offered for compensation.

Subd. 14. CARGO CONTAINER: An article of transport equipment which falls into any of the following categories:

a. Originally, specifically or formerly designed for or used in the parking, shipping, movement, transportation or storage of freight, articles, goods or commodities; and/or,

b. Designed for or capable of being (1) mounted or moved on a rail car, or (2) mounted on a chassis or bogie for movement by a truck trailer, or (3) loaded on to a ship; and/or,

c. A prefabricated metal structure designed for use as an individual shipping container or a metal structure designed and built for use as an enclosed truck trailer.

Subd. 15. CARPORT: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides.

Subd. 16. CELLAR: That portion of the building having more than one-half (1/2) of the clear floor-to-ceiling heights below the average grade of the adjacent ground.

Subd. 17. CLUB or LODGE: A nonprofit association of persons who are bona fide members paying annual dues.

Subd. 18. COLUMBARIUM: A place for the usually public storage of urns holding a deceased’s cremated remains. Columbaria can be either free standing units, or part of a mausoleum or another building.

Subd. 19. CONDITIONAL USE: A use which, because of special problems of control the use presents, requires reasonable but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Municipal land use plan.

Subd. 20. CONDITIONAL USE PERMIT: A permit issued by the Council in accordance with procedures specified in this Title as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding functions and the special problems which the proposed use presents.

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1 See Section 1125.01 of this Title.
Subd. 21. CONDOMINIUM: A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, subject to the Minnesota Condominium Law, Minnesota Statutes, Chapter 515 and the Uniform Condominium Act, Minnesota Statutes, Chapter 515A.

Subd. 22. CONVENIENCE FOOD ESTABLISHMENT: An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Subd. 23. COOPERATIVE (HOUSING): A multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 24. COURT: An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the buildings.

Subd. 25. DAY CARE, ADULT: A non-residential facility or program that provides care or activities for elderly and/or handicapped individuals. (Added, Ord. 832, 10-8-09)

Subd. 26. DAY CARE, GROUP FAMILY: The use of residence for the care of fourteen (14) or fewer preschool and school age children during established business hours for less than 24 hours per day, and which is licensed and approved by the State of Minnesota. (Ord. 595, 4-14-97)

Subd. 27. DAY CARE CENTER, GROUP NURSERY: A facility for the care and supervision of more than ten (10) preschool and school age children during established business hours for periods of less than twenty four (24) hours per day, and which is licensed and approved by the State of Minnesota. Also includes preschools and nursery schools. (Ord. 595, 4-14-97)

Subd. 28. DAY CARE; HOME: The use of a residence for the care of ten (10) or fewer preschool and school age children during established business hours for less than twenty four (24) hours per day, and which is licensed and approved by the State of Minnesota. (Ord. 595, 4-14-97)

Subd. 29. DENSITY BONUS: A bonus that may be granted in planned unit developments for an increase of the number of dwelling units allowed within the respective zoning district. Such increase may not exceed ten percent (10%).

Subd. 30. DEPARTMENT STORE: A business which is conducted under a single owner’s name wherein a variety of unrelated merchandise and services are exhibited and sold directly to the customer for whom the goods or services are furnished.
Subd. 31. DISTRICT: A Section or Sections of the City for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

Subd. 32. DOG/CAT KENNEL, COMMERCIAL: Any premises where more than four (4) dogs/cats over six (6) months of age are owned, boarded, bred or offered for sale.

Subd. 33. DOG/CAT KENNEL, RESIDENTIAL: Any premises where more than two (2) but not more than four (4) dogs/cats over six (6) months of age are owned, boarded, bred or offered for sale.

Subd. 34. DRIVE-IN ESTABLISHMENT: An establishment which accommodates the patron’s automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Subd. 35. DRIVEWAY: A private road giving access from a public way to a building or abutting grounds.

Subd. 36. DWELLING: A building or portion thereof occupied or intended to be occupied exclusively for residence purposes but not including rooms in motels, hotels, nursing homes, rooming houses or tourist homes or a trailer, tent, cabin or trailer coach.

Subd. 37. DWELLING, ATTACHED: A dwelling which is joined to other dwellings at both sides by party walls, as one (1) of a series of not more than eight (8) dwellings arranged in a row, including the semi-detached dwellings at the ends.

Subd. 38. DWELLING, DETACHED: A residential building which is entirely surrounded by open space on the same lot.

Subd. 39. DWELLING, MOBILE HOME: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer is not to be considered as a mobile home.

Subd. 40. DWELLING, MULTIPLE: A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other.

Subd. 41. DWELLING, SEMI-DETACHED: A dwelling which is joined to another dwelling at one (1) side only by a party wall.

Subd. 42. DWELLING, SINGLE-FAMILY: A detached dwelling unit designed exclusively for occupancy by one (1) family.

City of Mounds View
Subd. 43. DWELLING, TWO-FAMILY: A dwelling designed exclusively for occupancy by two (2) families living independently of each other, also known as double bungalow, duplex, side-by-side two (2)-family dwellings.

Subd. 44. DWELLING UNIT: Residential accommodation, including complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family and not more than an aggregate of two (2) roomers or boarders. Where a private garage is structurally attached, it shall be considered as a part of the building in which the dwelling unit is located.

Subd. 45. EFFICIENCY APARTMENT: A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets or dining alcove.

Subd. 46. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of underground or aboveground gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, Municipal or other governmental agencies but not including buildings.

Subd. 47. FAMILY: One (1) or more persons, each related to the other by blood, marriage or adoption, or a group of not more than four (4) persons not all so related, together with their domestic servants or gratuitous guests, maintaining a common household and using common cooking and kitchen facilities.

Subd. 48. FLOOR AREA (For the purpose of determining off-street parking and off-street loading requirements): The sum of the gross horizontal floor area of the various floors of a building measured in square feet and from inside walls, with the area devoted primarily to storage, aisles, fitting rooms, off-street parking and/or loading not included. (1988 Code §40.02)

Subd. 49. FLOOR AREA, GROSS: A figure used to determine the floor area ratio, conversion of existing structures and maximum size of business establishments. The sum of the gross horizontal area of the various floors of a building, measured in square feet, and from the exterior wall in each case; cellars and space devoted to off-street parking shall not be included.

Subd. 50. FURNITURE SHOWROOM: A retail facility used for the sole purpose of displaying items for selection but not inventoried on site. (Ord. 487, 6-25-90)

Subd. 51. GARAGE, PRIVATE: A detached accessory building or portion of the principal building, including a carport, which is used for storing vehicles.
Subd. 52. GARAGE, PUBLIC: A building or portion of a building, except any herein defined as a private garage used as a repair garage, used for the storage of motor vehicles or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Subd. 53. GARAGE, REPAIR: Any building, accessory building or portion thereof which is used for repair of motor vehicles for remuneration or hire.

Subd. 54. GRADE (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or when the property line is more than five feet (5’) from the building, between the building and a line five feet (5’) from the building.

Subd. 55. GROUND FLOOR AREA: The lot area covered by a building measured from the exterior faces of exterior walls but excluding open terraces and garages.

Subd. 56. GUEST ROOM: A room occupied by one (1) or more guests, for compensation, in which no provision is made for cooking but not including rooms in a dormitory for sleeping purposes primarily.

Subd. 57. HEALTH AND BEAUTY SERVICES: Services performed for the purpose of promoting and maintaining personal health and beauty, including hair salons, fingernail salons, nutrition and diet centers, meditation and yoga clinics, spa treatments (such as facials, body wrap treatments, and chemical peels) and alternative wellness services (including such activities as aromatherapy, acupuncture and hypnosis), excluding therapeutic massage or other businesses otherwise defined or regulated by this Code. (Added, Ord. 787, 4-9-07)

Subd. 58. HOME OCCUPATION: Any gainful occupation engaged in by occupants of the dwelling when occupation is conducted within the principal structure or the principal structure becomes the base of operation. Subject to stipulations as laid down in subdivision 1106.03(3) of this Title.

Subd. 59. HOTEL: Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms used, designated or intended to be used, let or hired out to be occupied or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.
Subd. 60. IMPROVED SURFACE: An improved surface shall mean a driveway or parking area constructed of asphalt, concrete, brick or a parking area of gravel construction (according to Section 1121.09, subdivision 7 of this Code.) (Ord. 620, 7-27-98)

Subd. 61. IMPROVED SURFACE, PERMANENT: Permanent improved surfaces are those constructed of asphalt, concrete or brick. (Ord. 620, 7-27-98)

Subd. 62. JUNK YARD: An area where waste, discarded or salvaged materials are bought, sold, exchanged, stored, boiled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other materials, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a manufacturing process when within an enclosed area or buildings meeting the requirements of Section 1103.08 of this Title shall not be included.

Subd. 63. LANDSCAPING: The aesthetic and physical improvement of land by the addition of berms, trees, shrubs, ground cover, crushed rock, wood chips, retaining walls and other functional, ornamental or decorative features. (Ord. 773, 8-14-06)

Subd. 64. LOADING SPACE: A space, accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.

Subd. 65. LODGING ROOM: A room rented as sleeping and living quarters but without cooking facilities. In a suite of rooms without cooking, facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Subd. 66. LOT: Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of these zoning regulations, having not less than the minimum area required by this Zoning Code for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the Council.

Subd. 67. LOT AREA: The area of a horizontal plane within the lot lines.

Subd. 68. LOT, CORNER: A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in an alignment of a single street, the interior angle of which does not exceed one hundred thirty five degrees (135°).

Subd. 69. LOT, DEPTH: The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety degree (90°) angle from the street right-of-way within the lot boundaries.
Subd. 70. LOT, FRONTAGE: The front of the lot shall be, for purposes of complying with this Title, that boundary abutting a public right-of-way having the least width.

Subd. 71. LOT INTERIOR: A lot other than a corner lot.

Subd. 72. LOT LINE: A property boundary line of any lot held in single ownership; except, that where any portion of a lot extends into the abutting public street or alley, the lot line shall be deemed to be the street or alley line, except for purposes of taxation or assessment.

Subd. 73. LOT LINE, FRONT: That boundary of a lot which abuts a street, and in the case of a corner lot, it shall be the shortest dimension on a public street; should the dimensions be equal, the owner shall designate the front for the record.

Subd. 74. LOT LINE, REAR: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10’) in length or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10’) in length within the lot, parallel to and at the maximum distance from the lot line.

Subd. 75. LOT LINE, SIDE: Any boundary of a lot which is not a front or rear lot line.

Subd. 76. LOT, THROUGH: A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines, but in case of two (2) or more contiguous through lots, there shall be a common front yard.

Subd. 77. LOT WIDTH: The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

Subd. 78. MANUFACTURED HOME: One that is defined by Minnesota Statutes, Chapter 327.

Subd. 79. MEDICAL AND DENTAL CLINIC: A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.
Subd. 80. MOBILE HOME COURT or MOBILE HOME PARK: Any park, trailer park, trailer court, trailer camp, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home(s) and upon which any mobile home(s) is parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the mobile home park and its facilities or not. Automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale shall be excluded from this definition.

Subd. 81. MOBILE HOME, INDEPENDENT: A mobile home which is constructed to utilize a public water and sewer system, an external source of electric service and an external source for heating and shall be equipped with a stool, shower or tub and laundry facilities and shall also include manufactured homes as defined herein.

Subd. 82. MOBILE HOME LOT: A section of land within a mobile home park designated as the location for the placement of one (1) mobile home and other such uses accessory to the use of a mobile home residence as permitted by this Title.

Subd. 83. MOTEL/MOTOR HOTEL: A building or group of detached, semidetached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building or corridor, with garage or parking space conveniently located to each unit and which is designed, used or intended to be used primarily for the accommodation of transient guests.

Subd. 84. MOTOR FREIGHT TERMINAL (TRUCK TERMINAL): A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Subd. 85. MOTOR FUEL STATION: A place where gasoline (stored only in underground tanks), kerosene, motor oil, lubricants or grease, for operation of automobiles, are retailed directly to the public on premises and including minor accessories and services for automobiles but not including major repairs and rebuilding of automobiles.

Subd. 86. NEIGHBORHOOD MOTOR FUEL STATION: A place where gasoline (stored only in underground tanks), kerosene, motor oil, lubricants or greases, for operation of automobiles, are retailed directly to the public on premises with a small number of fuel dispensing pumps. (Added, Ord. 788, 5-14-07)

Subd. 87. NONCONFORMING STRUCTURE OR USE: Any structure or use which, prior to zoning use change, does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Title.
Subd. 88. NOXIOUS MATTER: Material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effect upon the health or the social or economic well-being of human beings.

Subd. 89. OFF-STREET LOADING SPACE: A space accessible from the street, alley or way in a building or on the lot for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Subd. 90. OPEN SALES LOT: Any open land used or occupied for the purpose of buying, selling and/or renting merchandise for storing of same prior to sale. (1988 Code §40.02)

Subd. 91. OUTLOT: A parcel of land included in a plat or subdivision which is: 1) smaller than the minimum lot size and therefore unbuildable until combined through platting or subdivision with additional land; 2) not presently proposed for development and therefore subject to future platting or subdivision prior to development; or 3) designated for public or private open space, right-of-way, utilities or other similar purpose. (Ord. 548, 9-24-94)

Subd. 92. OUT-PATIENT CARE: Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Subd. 93. PARKING RAMP: An accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.

Subd. 94. PARKING AREA: An area separate from public rights-of-way designed and surfaced for the parking of motor vehicles including parking spaces, drive aisles, and associated access and egress routes. Parking areas shall also include emergency access lanes and loading areas. (Ord. 590, 11-25-96)

Subd. 95. PARKING SPACE: An improved surface and permanently maintained area meeting the requirements of subdivision 1121.09.5e of this Title, either within or outside of a building of sufficient size to store one (1) standard automobile.
Subd. 96. PAWBROKER:

a. Except as provided in paragraph (b), “pawnbroker” means a person engaged in whole or in part in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. (Added, Ord. 711, 11-10-03)

b. The following are exempt from the definition of “pawnbroker”: any bank regulated by the state of Minnesota, the Comptroller of the Currency of the United States, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, or any other federal or state authority and their affiliates; any bank or savings and loan whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or any successor to it and affiliates of those banks and savings and loan associations; any state or federally chartered credit union; any industrial loan and thrift company or regulated lender subject to licensing and regulation by the department of commerce. (Added, Ord. 711, 11-10-03)

Subd. 97. PAWNSHOP: “Pawnshop” means the location at which or premises in which a pawnbroker regularly conducts business. A pawnshop may only be located within a Pawnshop Overlay District created by the City’s zoning ordinance. (Added, Ord. 711, 11-10-03)

Subd. 98. PERMANENT: Means a period of time that exceeds six (6) months.

Subd. 99. PERMITTED USE: A use which may be lawfully established in a particular district or districts; provided, it conforms with all requirements, regulations and performance standards (if any) of such districts.

Subd. 100. PERSON: An individual, firm, partnership, association, corporation or organization of any kind. (1988 Code §40.02)

Subd. 101. PET STORE: A structure intended for the sale of small domesticated animals. The provision of services for pets, such as grooming, may also be available. (Ord. 448, 9-26-88)

Subd. 102. PRINCIPAL BUILDING: The main or primary building containing the principal use of a property as distinguished from an accessory building. (Ord. 590, 11-25-96)

Subd. 103. PRINCIPAL USE: The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.
Subd. 104. RECREATION FIELD OR BUILDING: An area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Title.

Subd. 105. RECREATION VEHICLE: Any motor vehicle designed and primarily used for recreational purposes.

Subd. 106. RECUPERATIVE HOME: Any institution, place, building or structure in which any accommodation is maintained, furnished or offered for the recuperation of human beings, which is the care required by a person because of emotional problems brought about by the use of drugs, alcohol, mental problems or other causes of emotional difficulties.

Subd. 107. RENTAL STORE: A business engaging in the rental of supplies or equipment. Rental means the normal rental of supplies or equipment for use by customers as distinguished from the sale of such items.

Subd. 108. RENTAL VENDING KIOSK: Fully automated self-service machines that dispense and accept products in a rent and return process. (Ord. 867, 3-8-12)

Subd. 109. RETAINING WALL: A wall or structure constructed of stone, concrete, wood, or other materials, used to retain soil, as a slope transition, or edge of a planting area. (Ord. 773, 8-14-06)

Subd. 110. REST HOME (NURSING HOME): A private home for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders.

Subd. 111. RESTAURANT: An establishment which serves food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within the building.

Subd. 112. SETBACK: The minimum horizontal distance between a building and street or lot line.

Subd. 113. SOLAR COLLECTOR: A device or combination of devices, structure or part of a device that transforms direct solar energy into thermal, chemical or electrical energy.

Subd. 114. SOLAR ENERGY: Radiant energy (direct, diffuse and reflected) received from the sun.
Subd. 115. SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used) and components to the distribution of transformed energy.

Subd. 116. SOLAR SKYSPACE: The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

Subd. 117. SOLAR SKYSPACE EASEMENT: A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three-dimensional (3-D) space in which obstruction is prohibited or limited or as the time of day during which direct sunlight to the solar collector may not be obstructed or as a combination of the two (2) methods.

Subd. 118. SOLAR STRUCTURE: A structure designed to utilize solar energy as an alternate for or supplement to a conventional energy system.

Subd. 119. STORY: That portion of a building included beneath the upper surface of a floor and the upper surface of the floor next above; except, that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling of the roof above.

If the finished floor level directly above a basement or cellar or unused underfloor space is more than six feet (6’) above grade, as defined herein, for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12’) above grade, as defined herein, at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Subd. 120. STREET: Any public or private way set aside as a permanent right-of-way for vehicular access forty feet (40’) or more in width if it exists prior to May 9, 1960, and any such public right-of-way fifty feet (50’) or more in width after May 9, 1960.

Subd. 121. STRUCTURAL ALTERATION: Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or exterior walls.

Subd. 122. STRUCTURE: Anything erected, the use of which requires more or less permanent locations on the ground or attached to something having a permanent location on the ground.
Subd. 123. TEMPORARY: Means a period of time that does not exceed six (6) months.

Subd. 124. TOWNHOUSE: Single-family owner-occupied attached units in structures housing three (3) to eight (8) dwelling units, contiguous to each other, only by the share of common walls, and each dwelling unit shall have separate and individual front and rear entrances; such structures to be of the row or cluster house types as contrasted to multiple dwelling apartment type structures.

Subd. 125. TRAVEL TRAILER: A nonmotorized drawn vehicle designed to serve wherever parked as a temporary dwelling and/or place of business.

Subd. 126. UNDERGROUND STORAGE TANKS: Underground storage tanks, other than residential septic tanks, are defined as tanks that are placed underground for the storage of regular gasoline, unleaded gasoline, diesel fuel or any other products.

Subd. 127. USABLE OPEN SPACE: A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped, intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

Subd. 128. 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 and shall include the performance of such activity as defined by the performance standards of this Title.

Subd. 129. VARIANCE: The waiving by Board action of the literal provisions of the Zoning Code in instances where their strict enforcement would cause practical difficulties because of unique circumstances related to the individual property under consideration. (1988 Code §40.02) (Amended, Ord. 861, 9-22-11)

Subd. 130. VETERINARY OR ANIMAL CLINIC: A structure intended for providing medical examinations and treatment to animals. Services would be limited to small animals and may include boarding of animals. (Ord. 441, 5-23-88; Ord. 685, 8-27-01)

Subd. 131. YARD: A required open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Title. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Subd. 132. YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and from the abutting front street right of way to the front building line in depth.
Subd. 133. YARD, REAR: That portion of the yard on the same lot with the principal building, located between the rear building line as specified in the yard regulations for the district in which such lot is located and the rear lot line and extending the full width of the lot.

Subd. 134. YARD, SIDE: A yard extending along a side lot line between the front and rear yards, having a width specified in the yard regulations for the district in which such lot is located. (1988 Code §40.02)

(Ord. 879, 7-22-13; Ord. 899, 5-11-15)
CHAPTER 1103

GENERAL BUILDING REQUIREMENTS\(^1\)

SECTION:

1103.01: Purpose
1103.02: Dwelling Unit Restrictions
1103.03: Platted and Unplatted Property
1103.04: Reserved
1103.05: Reserved
1103.06: Accessory Buildings, Uses and Equipment
1103.07: Drainage
1103.08: Fencing, Screening and Landscaping
1103.09: Glare
1103.10: Smoke, Dust and Odors
1103.11: Noise
1103.12: Refuse
1103.13: Storage of Equipment and Materials
1103.14: Liquid or Solid Wastes
1103.15: Toxic or Noxious Matter
1103.16: Explosives
1103.17: Underground Storage Tanks
1103.18: Satellite Dish Antennas
1103.19: Cargo Containers

1103.01: **PURPOSE:** The purpose of this Chapter of the Zoning Code is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses, to prevent urban blight, deterioration and decay and to enhance the health, safety and general welfare of the residents of the community. (1988 Code §40.04)

\(^1\) See Section 1006.06 of this Code for development controls; see subdivision 1008.08(2) of this Code for sign regulations in specific zoning districts.
1103.02:  **DWELLING UNIT RESTRICTIONS:**

Subd. 1. No cellar, garage, tent, recreational vehicle, travel trailer or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

Subd. 2. Basements or cellars, if used as habitable rooms as a portion of residential dwellings, must conform to all Building Codes¹.

Subd. 3. Tents, playhouses or similar structures may be used for play or recreational purposes. (1988 Code §40.04)

¹ See Title 1000 of this Code.
1103.03: PLATTED AND UNPLATTED PROPERTY:

Subd. 1. Survey: Any person desiring to improve property shall submit to the Building Official a survey of said premises and information on location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments and any other information which may be necessary to insure conformance to City codes.

Subd. 2. Placement of Buildings: All buildings shall be placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

Subd. 3. Buildable Lots: A lot or parcel of land for which a deed has been recorded in the office of the Ramsey County Register of Deeds upon or prior to May 9, 1960, shall be deemed a buildable lot; provided, it has frontage on a public right of way, and said space requirements for the district in which it is located can be maintained or adjusted to conform as follows:

a. A platted lot or parcel of land of record on or prior to May 9, 1960, which does not meet the requirements of this Title as to area, width or other open space may, if it is properly zoned, be utilized for single-family detached dwelling purposes; provided, the measurements of such area, width or open space are within seventy percent (70%) of the requirements under the terms of this Title, but said lot or parcel shall not be more intensively developed. Such existing lots that fall within seventy percent (70%) of the requirements and have lot widths less than required by this Title shall be permitted to have side yard setbacks in the same percentage proportion as the lot width reaches the requirements of this Title. In no case shall a side yard setback be less than five feet (5’).

b. Where two (2) or more contiguous vacant lots are held in common ownership within a subdivision which was duly recorded prior to May 9, 1960, which lots are individually not of the required minimum area or width for the district in which they are situated, building permits will be issued; provided, that such lots shall be combined in such a way as to provide the minimum lot frontage and area required for each structure.

The purpose of this provision is to permit utilization of recorded lots which lack adequate width or area, as long as reasonable living standards can be provided, and to widen substandard size vacant lots wherever practicable so that they will be in harmony with the existing or projected character of the neighborhood in which they are situated.

City of Mounds View
Subd. 4. Principal Buildings: Except in the case of planned unit developments as provided for in Chapter 1120 of this Title, not more than one (1) principal building shall be located on a lot. The words “principal building” shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Building Official shall be final, subject to the right of appeal to the Planning and Zoning Commission and City Council.

Subd. 5. Front Lot Lines: On a through lot (a lot fronting on two (2) parallel streets), both street lines shall be front lot lines for applying the yard and parking regulations of this Title.

Subd. 6. Building Permits: Before a building permit may be issued under Chapter 1006 of this Code for any new construction on unplatted land, the land shall be platted under the provisions of Title 1200 of this Code. (1988 Code §40.04)

1103.04: Reserved. (Ord. 883, 9-9-13)
1103.05: Reserved. (Ord. 883, 9-9-13)

1103.06: ACCESSORY BUILDINGS, USES AND EQUIPMENT:

Subd. 1. Connection to Principal Building: An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

Subd. 2. Location in Yards:

a. No accessory building, other than a garage, shall be erected or located within any required yard other than the rear yard. (1988 Code §40.04)

b. Accessory uses or equipment must be located in the rear yard, except those expressly allowed in side yards in subdivision 1104.01(5) of this Title. (Ord. 453, 2-27-89)
1103.07: **DRAINAGE:** In the case of all residential apartment, business and industrial developments, the drainage plans shall be submitted to the Director of Public Works/City Engineer for review, and the final drainage plan shall have the Director’s written approval. All drainage plans shall conform to the comprehensive storm drainage plan of the Municipality. The requirements of Chapters 1010, 1301 and 1302 of this Code shall be met. (1988 Code §43.04)

1103.08: **FENCING, SCREENING AND LANDSCAPING:**

Subd. 1. **Height:** No fence shall exceed eight feet (8’) in height, and in the case of grade separation, such as the division of properties by a retaining wall, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

Subd. 2. **Intersections:** No fences, structures or planting of trees or shrubs shall be permitted within thirty feet (30’) of any corner formed by the intersection of street property lines or the right of way of a railway intersecting a street¹, except properly constructed chain link fences. Such chain link fences shall not exceed forty eight inches (48”) in height from the grade level at the lot line and shall have openings in the wire mesh of not less than one and five-eighths inches (1-5/8”) nor more than two and one-fourth inches (2-1/4”). Such fences may follow the lot line to the lot corner. The thirty feet (30’) restriction noted above shall consist of the triangle formed by connecting the two (2) points on intersecting lot lines that are each thirty feet (30’) from the lot corner.

Subd. 3. **Location:**

a. Except as provided in subdivision 2 above, fences not to exceed forty eight inches (48”) in height may be located on any part of a lot. Fences not to exceed ninety six inches (96”) in height may be erected on any part of a lot behind the front line of the principal building. The City Council may require or approve fencing up to ninety six inches (96”) in height in a front yard to satisfy a buffer or screening condition of a development review or conditional use permit. (Ord. 658, 8-14-00)

b. A fence or retaining wall shall be installed on the applicant’s property. The fence or retaining wall shall not be installed directly over the property line but shall not otherwise be subject to a setback requirement. (Ord. 773, 8-14-06).

¹ See also subdivision 607.03(3) of this Code.
Subd. 4. Landscaping Required: In all zoning districts, the lot area remaining after providing
for off-street parking, off-street loading, sidewalks, driveway, building site and/or other
requirements shall be planted and maintained in grass, sodding, shrubs or other
acceptable vegetation or treatment generally used in landscaping. The requirements of
Chapter 1127.05 must be met for all new developments in the R-3, R-4, B-1, B-2, B-3,
B-4, I-1 and PUD districts. (Amended, Ord. 785, 12-10-07)

Subd. 5. Surface of Fences: Any fence shall be so constructed that the surface facing
adjoining properties or public rights of way shall be of finished construction.

Subd. 6. Required Screening: The fencing and screening required by this Title shall be
subject to subdivisions 1 through 5 hereof and shall consist of either a fence or a green
belt planting strip the height of which shall be sufficient to adequately shield the activity
from the abutting properties.

a. A green belt planting strip shall consist of evergreen ground cover and shall be of
sufficient width and density to provide an effective screen. This planting strip shall
contain no structures or other use. Such planting strips shall not be less than eight
feet (8’) in height. Earth mounding or berms may be used but shall be limited to an
average of five feet (5’) of the height of the required screen. The planting plan and type
of shrub shall require the approval of the Planning and Zoning Commission based upon a
recommendation of the Director of Public Works/City Engineer and Building Inspector.

b. A required screening fence shall be constructed of masonry, brick, wood or steel.
Such fence shall provide a solid screening effect and not exceed eight feet (8’) in height
or be less than six feet (6’) in height. The design and materials used in constructing a
required screening fence shall be subject to the approval of the Planning and Zoning
Commission based upon a recommendation by the Director of Public Works/City
Engineer and Building Inspector.

c. Ground cover shall be established within six (6) months, weather permitted,
following issuance of the building permit. Ground cover material shall be of such type as
to control erosion. (1988 Code §40.04) (Ord. 773, 8-14-06)

Subd. 7. Prohibited Materials:

a. Barbed wire, razor wire or other materials which could cause bodily harm shall be
prohibited, and no fence or property shall be wired and designed to conduct and emit an
electrical charge, except as allowed for below. (Ord. 773, 8-14-06)

b. Exceptions: Facilities providing essential services or municipal and governmental
services may erect barbed wire, or other materials having a similar deterrence, upon
notice to properties within three hundred fifty feet (350’) and upon approval of the City
Council. (Ord. 773, 8-14-06)
1103.09: **GLARE:** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where 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 or 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 center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four-tenths (0.4) foot-candles (meter reading) as measured from said property. (1988 Code §40.04)

1103.10: **SMOKE, DUST AND ODORS:**

Subd. 1. Smoke: The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

Subd. 2. Dust and Other Particulated Matter: The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

Subd. 3. Odors: The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15. (1988 Code §40.04)

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1 See also subdivision 1008.09, subd. 1c of this Code.

2 See also Chapter 607.03, subd. 1 of this Code.

City of Mounds View
1103.11: **NOISE¹:**

Subd. 1. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the intensity in relation to sound frequency as established in NPC 1-4 Regulations by the State of Minnesota.

Subd. 2. The following are exceptions to standards established in subdivision 1 above:

a. Noises not directly under the control of the property owner.

b. Noises emanating from construction and maintenance activities between six o’clock (6:00) A.M. and ten o’clock (10:00) P.M. on weekdays.


1103.12: **REFUSE:** All materials stored outside in violation of Chapter 603 of this Code are considered refuse and shall be disposed of within ten (10) days of notice from the Municipality. All vehicles shall comply with the provisions of Chapter 607 of this Code². (1988 Code §40.04)

1103.13: **STORAGE OF EQUIPMENT AND MATERIALS:** All materials and equipment, except as provided for in Chapters 1106 through 1117 of this Title or listed below, shall be stored within a building or fully screened so as not to be visible from adjoining properties. Storage in the front yard shall not be allowed.

Subd. 1. Clothesline, pole and wires.

Subd. 2. Off-street parking as regulated by Chapter 802 of this Code.

Subd. 3. Construction and landscaping material currently being used on the premises. (1988 Code §40.04)

¹ See also Chapter 607.03, subd. 1 of this Code.

² See subsections 607.06 and 607.07 of this Code.
1103.14: **LIQUID OR SOLID WASTES:** There shall be no discharges, at any point, into any public sewer, private sewage disposal system or stream or into the ground, except in accordance with standards approved by the Department of Health of the State or standards equivalent to those approved by such Department for similar uses or any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. (1988 Code §40.04)

1103.15: **TOXIC OR NOXIOUS MATTER:** No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property, business or persons. (1988 Code §40.04)

1103.16: **EXPLOSIVES:**

Subd. 1. **General Restrictions:** No activities involving the storage, utilization or manufacture of materials or products which could decompose by detonation shall be permitted, except such as are specifically authorized by the City Council or allowed below. Such materials shall include, but not be confined to: all primary explosives, such as lead oxide and lead sulphate; all high explosives and boosters, such as TNT, RDS, tetryl and ammonium nitrate, propellants and components thereof, such as nitrocellulose, ammonium perchlorate and nitroglycerine; blasting explosives, such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates and potassium nitrate; nuclear fuels and reactor elements, such as uranium 235 and plutonium.

Subd. 2. **Storage of Black Powder:** The possession and storage of no more than one (1) pound of black sporting powder and no more than twenty (20) pounds of smokeless powder shall be allowed; provided it is stored in its original container. (1988 Code §40.04)

1103.17: **UNDERGROUND STORAGE TANKS:** Underground gas storage tanks shall satisfy State and Federal laws. If a lot has one (1) or more underground storage tanks and the business on that lot is closed for one (1) year, the underground storage tanks shall be removed. If the closed business fails to remove the underground storage tanks after notification by the City, in writing, the City shall have the right to remove the tank. The cost of such work shall be assessed to the property. (1988 Code §40.04)

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1 See Chapter 907 of this Code for sewer regulations.

2 See also Chapter 607 of this Code.

3 See subdivisions 607.03(3) and 702.01(13)i and Section 905.11 of this Code for fireworks
1103.18: **SATELLITE DISH ANTENNAS:**

Subd. 1. Residential Districts: The installation of satellite dish antennas over thirty six inches (36”) in diameter in R-1, R-2 and R-5 Residential Districts shall meet the following requirements: (Amended, Ord. 831, 9-3-09)

a. The maximum dish diameter shall be twelve feet (12’).

b. A dish with a diameter larger than three feet (3’) shall not be installed on any structure, building, garage or accessory building but shall be ground mounted.

c. A dish shall not be installed in a front yard or side yard.

d. The location of a dish shall satisfy building setback requirements of subdivision 1104.01(3) of this Title and solar sky space easement requirements of Section 1103.04 of this Chapter.

e. The total height of the installation shall not exceed fifteen feet (15’).

f. A building permit is required prior to installation.

g. The installation shall comply with Federal Communication Commission regulations.

Subd. 2. Other Zoning Districts: Installation of satellite dish antennas in other zoning districts shall meet the following requirements:

a. The location of a dish shall satisfy building setback requirements of subdivision 1104.01(3) of this Title and solar sky space easement requirements of Section 1103.04 of this Chapter. (1988 Code §40.04)

Subd. 3. All Zoning Districts: Installation of satellite dish antennas thirty six inches (36”) or less in diameter shall meet the following requirements: (Added, Ord. 831, 9-3-09)

a. A satellite dish shall not be installed in a public right-of-way, public easement or wetland. (Added, Ord. 831, 9-3-09)
1103.19: **CARGO CONTAINERS:**

Subd. 1. Permitted Locations and Prohibitions:

a. Cargo containers may not be placed, stored or used permanently on any property zoned for residential use. Cargo containers with alterations, such as cosmetic or structural changes done in order for the container to appear more like a typical accessory building, are not allowed permanently on residential property.

b. Cargo containers may be placed, stored or used for temporary storage on property zoned for residential use. Each residential property may use only one cargo container at a time.

Subd. 2. The following standards shall apply to all cargo containers:

a. Cargo Containers shall not be stacked on one another.

b. Cargo containers shall not be used for human habitation or commercial purposes, and shall not be provided with refrigeration, heating, electricity or plumbing.

c. Refuse and debris shall not be stored in, against, on or under the cargo container.

d. The cargo container may not occupy any required off-street parking spaces or loading/unloading areas or fire lanes in any district.

e. The cargo container shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.

f. The cargo container shall be placed on an asphalt or concrete surface and be located a minimum of fifteen (15) feet from the edge of the street.

g. The cargo container shall be structurally sound, stable, and in good repair. Any cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property. The City shall provide notice to the owner of the property where the cargo container is located of any condition in violation of this section. After notice to the property owner, any cargo container stored or kept in such a manner deemed a dangerous condition and a public nuisance as determined by the City may be immediately removed by the City. Any cost or expense associated with the removal shall be the responsibility of the property owner where the cargo container is located.
Subd. 3. Current Violations — Time to Comply: Cargo containers located on residential property prior to the effective date of this ordinance are considered illegal. All property owners within the City shall have 12 months from the effective date of this ordinance to bring the properties, which currently contain cargo containers or accessory storage structures that are in violation of the terms of this Chapter, into full compliance with the provisions of this Chapter.

(Ord. 879, 7-22-13)
CHAPTER 1104

GENERAL ZONING PROVISIONS

SECTION:

1104.01: Yard Requirements
1104.02: Area and Building Size Regulations

1104.01: YARD REQUIREMENTS:

Subd. 1. Purpose: This Section identifies minimum yard spaces and areas to be provided for in each zoning district.

Subd. 2. Reduction of Yard Space: No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Code, and if the existing yard or other open space, as existing, is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as a part of any open space required for another structure.

Subd. 3. Setbacks for Principal Buildings: The setback distances listed in the table below apply to principal buildings, except as otherwise provided for conditional uses in specific zoning districts. All setback distances shown shall be measured from the appropriate lot line. The lettered footnotes correspond to Section 1104.01 subdivisions 3a, b, c and d. (Ord. 590, 11-25-96)
a. Where principal buildings in existence on lots within the same block on the same side of the street have front yard setbacks different from those required, the minimum front yard setback for any new principal buildings shall be the minimum front yard setback in existence for any one lot. In no case shall the front yard setback be less than thirty feet (30’). For purposes of this subsection a, a block shall be defined as that group of lots lying along a street between the two closest intersecting streets, except that where the length of the street frontage between the two intersecting streets is greater than fourteen hundred feet (1,400’), the block shall be the lots within six hundred and fifty feet (650’) on either side of the lot in question, or to an intersecting street whichever is less. (Ord. 590, 11-25-96)

b. Not less than thirty feet (30’) from the lot line if lot is on corner and the lot line abuts a street. The side yard setback may be reduced to five feet (5’) between an interior side lot line and that side of a principal building which is constructed as a garage. Where an attached garage is placed between the five foot (5’) and the ten foot (10’) side yard setback which applies to principal buildings, that portion of the garage at ten feet (10’) or less to the side lot line shall not be converted into living space or another use. (Ord. 590, 11-25-96)

c. Not less than thirty feet (30’) from lot line if lot is on corner and lot line abuts a street. (Ord. 590, 11-25-96)

d. Where a lot is a through lot, the minimum setback for principal buildings from the lot line abutting the street at the rear of the lot shall be the same as the front setback. (1988 Code §40.05, Ord. 590, 11-25-96)
Subd. 4. Minimum Setbacks for Accessory Buildings, Driveways and Parking Areas:

a. Accessory Buildings (detached from a principal building): (Ord. 590, 11-25-96)

(1) R-1, R-2, R-3, R-4 and R-5: (Amended, Ord. 829, 9-3-09)

(a) front: no accessory building shall be located between the front of the principal building and the front lot line. (Ord. 590, 11-25-96)

(b) side: five feet (5’) except the minimum setback shall be thirty feet (30’) from any lot line abutting a public street. (Ord. 590, 11-25-96)

(c) rear, including street frontages at the rear of through lots: five feet (5’). (Ord. 590, 11-25-96)

(2) All other districts:

(a) front: no accessory building shall be located between the front of the principal building and the front lot line. (Ord. 590, 11-25-96)

(b) side: same as principal building. (Ord. 590, 11-25-96)

(c) rear: same as principal building, except accessory buildings having four hundred (400) square feet or less and not abutting property in a residential district or a street, may have a minimum rear setback of ten feet (10’). (Ord. 590, 11-25-96)
b. Driveways:

(1) Driveways shall have a minimum setback of five feet (5’) from any lot line, except as permitted in Section 1121.15, subdivision 2 of this Title. Driveways shall be permitted to cross a required setback area in order to establish access between the lot and a public street. Where a driveway would encroach into an easement, the property owner shall obtain an encroachment permit if required by the City prior to construction of the driveway. Drive aisles and driveways which are within the boundaries of a parking area shall conform to the setbacks required for parking areas. (Ord. 590, 11-25-96; Ord. 620, 7-27-98; Ord. 642, 1-10-00; Amended, Ord. 752, 9-13-04)

(2) Driveways which do not conform to the provisions of this Chapter, may continue subject to the provisions of Section 902.02, subdivision 2. (Ord. 620, 7-27-98; Ord. 642, 1-10-00; Amended, Ord. 756, 1-24-05)

c. Parking Areas:

(1) R-1, R-2, R-3, R-4 and R-5: (Amended, Ord. 829, 9-3-09)

(a) Residential uses: Parking lots and driveways shall be set back five feet (5’). Where a parking area would encroach into an easement, the property owner shall obtain approval for an encroachment permit if required by the appropriate authority prior to construction of the driveway. (Ord. 524, 2-22-93; Ord. 590, 11-25-96; Ord. 620, 7-27-98; Ord. 642, 1-10-00; Amended, Ord. 752, 9-13-04)

(b) Non-residential uses: Parking lots and driveways shall be set back five feet (5’) except where non-residential uses abut property in a residential district, the setback for parking areas from the common property line shall be as follows: (Ord. 590, 11-25-96; Ord. 642, 1-10-00)

[i]. for sites having two and one-half (2.5 ) acres or less: twenty feet (20’) (Ord. 590, 11-25-96)

[ii]. for sites having more than two and one-half (2.5) acres: thirty feet (30’) (Ord. 590, 11-25-96)
(2) B-1, B-2, B-3, B-4 (parking areas and loading docks):

(a) front: thirty feet (30’) (Ord. 590, 11-25-96)

(b) side and rear: five feet (5’), except where a non-residential use abuts a property in a residential district, the setback for parking areas from the common property line shall be as stated in Section 1104.01, subdivision 4c(1)(b). (Ord. 590, 11-25-96)

(3) I-1 (parking areas and loading docks):

(a) front: forty feet (40’) (Ord. 590, 11-25-96)

(b) side and rear: five feet (5’), except where a non-residential use abuts a property in a residential district, the setback for parking areas from the common property line shall be as stated in Section 1104.01, subdivision 4c(1)(b). (Ord. 524, 2-22-93; Ord. 590, 11-25-96)

(4) Parking areas which do not conform to the provisions of this Chapter, may continue subject to the provisions of Chapter 1123. (Ord. 620, 7-27-98; Amended, Ord. 756, 1-24-05)

Subd. 5. Encroachments: The following shall not be considered as encroachments on yard setback requirements.

a. Awnings, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like; provided, they do not project more than two feet (2’) into a yard.

b. Bay window not to exceed three feet (3’) in depth; provided, that such feature does not occupy more than one-third (1/3) of the length of the building wall on which it is located.

c. Terraces, steps, stoops or similar features; provided, they do not extend above the height of the ground floor level of the principal structure or to a distance less than two feet (2’) from any lot line. (Amended, Ord. 827, 9-3-09)

d. In rear yards only: balconies and detached outdoor living rooms and garages.

e. In side yards not abutting a public street and rear yards: recreational vehicles and equipment and laundry drying equipment.

f. In side and rear yards only: fire escapes may project a distance not exceeding four and five-tenths feet (4.5’), arbors and trellises, air conditioning or heating equipment and breezeways. (1988 Code §40.05)
1104.02: **AREA AND BUILDING SIZE REGULATIONS:**

Subd. 1. Purpose: This Section identifies minimum area and building size requirements to be provided for in each zoning district.

Subd. 2. Lot Dimensions: Lot width and area shall not be less than the following:

a. Width

   (1) R-1 interior lot 75 feet

   (2) R-1 corner lot, R-2, R-3 and R-4 100 feet

   (Amended, Ord. 829, 9-3-09)
b. Minimum Lot Area:

(1) Computations for lot area shall not include land beyond a depth of one hundred fifty feet (150’) on lots having less than one hundred foot (100’) frontage.

(2) Lots having equal to or greater than one hundred foot (100’) frontage may use depths not exceeding one and one-half (1-1/2) times the frontage in computing lot area. (Ord. 590, 11-25-96)

(3) Minimum lot area requirement shall be as stated in the table below. The lot area per dwelling unit requirements for townhouses, condominiums, planned unit developments and multiple family developments shall be calculated on the basis of the total area in the project and as controlled by an individual and/or joint ownership: (Ord. 590, 11-25-96)

<table>
<thead>
<tr>
<th>District/Type of Lot</th>
<th>Minimum Lot Size (in square feet)</th>
<th>Minimum Lot Area Per Dwelling Unit (in square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 Interior</td>
<td>11,000</td>
<td>11,000 (no more than one unit per lot regardless of lot size)</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1 Corner Lot</td>
<td>12,500</td>
<td>12,500 (no more than one unit per lot regardless of lot size)</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1, R-2, R-3, R-4, R-5 Non-residential uses listed as conditional uses, except for governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community</td>
<td>43,560 (1 acre)</td>
<td></td>
</tr>
<tr>
<td>R-2, Single Family Detached; Two Family Attached Dwellings</td>
<td>12,500 for lot developed with single-family detached dwelling; 6,250 for each half of divided lot developed with two-family dwelling; 12,500 for undivided lot developed with two-family dwelling</td>
<td>12,500 for single family detached dwellings (no more than one unit per lot regardless of lot size) 6,250 for each unit in a two-family dwelling (no more than two units per lot regardless of lot size)</td>
</tr>
<tr>
<td>R-3, R-4 Single Family Detached; Two Family Attached; Townhouses, Condominiums, Planned Unit Developments, Multiple Family</td>
<td>single family detached: 11,000 two-family: 6,250 townhouse: 6,500 multiple family: 2,500</td>
<td></td>
</tr>
<tr>
<td>I-1</td>
<td>43,560 (1 acre)</td>
<td></td>
</tr>
<tr>
<td>B-1, B-2, B-3, B-4</td>
<td>no minimum; must allow for setbacks and parking requirements to be met</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 590, 11-25-96)

(4) Usable Open Space: Each multiple-family dwelling site shall contain at least six hundred twenty five (625) square feet of usable open space as defined by Section 1102.02, subdivision 117 of this Code for each dwelling unit contained therein. (Ord. 590, 11-25-96)

1 See Section 1104.02, subdivision 2(b)(3) and (4).
Subd. 3. Height Limitations:

a. R-1, R-2, R-3 and R-5 Districts: No building or structure shall have a height greater than two and one-half (2-1/2) stories or forty five feet (45’).

b. R-4 District: No building or structure shall have a height greater than three (3) stories. (Amended, Ord. 829, 9-3-09)

c. B-1, B-2, B-3, B-4, 1-1 Districts: No building or structure shall have a height greater than three (3) stories.

d. Exceptions: The building height limits established herein for districts shall not apply to the following:

   (1) Belfries.

   (2) Chimneys or flues.

   (3) Church spires.

   (4) Cooling towers.

   (5) Cupolas and domes which do not contain usable space.

   (6) Elevator penthouses.

   (7) Flagpoles.

   (8) Monuments.

   (9) Parapet walls extending not more than three feet (3’) above the limiting height of the building.

   (10) Water towers.

   (11) Poles, towers and other structures for essential services.

   (12) Necessary mechanical and electrical appurtenances.

   (13) Television and radio antennas not exceeding twenty feet (20’) above roof.
e. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty five percent (25%) of the area of such roof nor exceed ten feet (10’) unless otherwise noted.

f. The height of any accessory building or structure shall not exceed eighteen feet (18’) or that of the principal structure, whichever is less. (Added, Ord. 828, 10-8-09)

Subd. 4. Minimum Floor Area Per Dwelling Unit:

a. One-Family Dwellings: The minimum first floor area for each dwelling unit type shall be as follows:

(1) One (1) story dwelling 960 square feet

(2) Two (2) story dwelling 780 square feet

b. Two-Family Dwellings: The minimum first floor area for each dwelling unit type shall be as follows:

(1) One (1) story per dwelling unit, two (2) or less bedrooms per unit 960 square feet

(2) Two (2) stories per dwelling unit, two (2) or less bedrooms per unit 630 square feet

(3) More than two (2) bedrooms per unit - an additional one hundred twenty (120) square feet for each additional bedroom.

c. Multiple Dwelling Units: Living units classified as multiple dwellings shall have the following minimum floor areas per unit:

(1) One (1) bedroom units 630 square feet

(2) Two (2) bedroom units 750 square feet

(3) More than two (2) bedroom units - an additional one hundred twenty (120) square feet for each additional bedroom.
d. Townhouses: The minimum first floor area for each dwelling unit type shall be as follows:

(1) One (1) story dwellings, two (2) or less bedrooms 960 square feet

(2) Two (2) story dwellings, two (2) or less bedrooms 630 square feet

(3) More than two (2) bedrooms - an additional one hundred twenty (120) square feet for each additional bedroom.

Subd. 5. Building Design Standards:

a. The length of all residential structures in R-1 zones shall not exceed three (3) times the width, excluding garage.

b. A permanent foundation of concrete, concrete block or wood and anchoring system as approved by the Uniform Building Code, chapter 291, is required for all R-1 residential structures with frost footings of at least a forty two inch (42”) depth below grade.

c. All residential structures in R-1 zones, including manufactured homes, must comply with the State Building Code for single-family homes2.

d. All manufactured homes shall have available for inspection, manufacturer’s instructions specifying how said home is to be situated on a permanent foundation.

e. Unless located in a designated mobile home park, all mobile homes or manufactured homes shall comply with the provisions of this Title. (1988 Code §40.06)

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1 See Section 1001.01 of this Code.

2 See Section 1001.01 of this Code.
CHAPTER 1105

ZONING DISTRICTS AND MAP

SECTION:

1105.01: Districts Established
1105.02: Zoning Map
1105.03: Annexations
1105.04: District Boundaries

1105.01: DISTRICTS ESTABLISHED:

Subd. 1. Establishment of Districts: The following zoning classifications are hereby established within the City:

a. Residential Districts:

   R-1, Single-Family Residential District
   R-2, Single- and Two-Family Residential District
   R-3, Medium Density Residential District
   R-4, High Density Residential District
   R-5, Mobile Home District
   (Amended, Ord. 829, 9-3-09)

b. Business Districts:

   B-1, Neighborhood Business District
   B-2, Limited Business District
   B-3, Highway Business District
   B-4, Regional Business District

c. Industrial District:

   I-1, Industrial District

d. Special Districts:

   CRP, Conservancy, Recreation and Preservation District
   PS, Pawn Shop Overlay District
   PUD, Planned Unit Development District (1988 Code §40.09)
   (Amended, Ord. 793, 1-30-08)

City of Mounds View
1105.02: **ZONING MAP:** The location and boundaries of the districts established by this Title are hereby set forth on the Zoning Map entitled *Zoning Map of Mounds View* dated May 1, 1980, and amended from time to time thereafter. Said Map is on file with the City Administrator, and is hereinafter referred to as the “Zoning Map”, which Map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and is hereby made a part of this Title by reference. (1988 Code §40.09) (Amended, Ord. 844, 5-20-10)

1105.03: **ANNEXATIONS:** Annexed territory shall be in the R-1 District unless special action is taken to place it in another district. (1988 Code §40.09)

1105.04: **DISTRICT BOUNDARIES:** Zoning district boundary lines of this Title follow lot lines, railroad right-of-way lines, the center of watercourses of the corporate limit lines, all as they exist upon the effective date hereof.

Subd. 1. Appeals and Questions: Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the Planning Commission serving as the Board of Adjustment and Appeals\(^1\).

Subd. 2. Vacated Streets and Alleys: When any street, alley or other public right of way is vacated by official action of the City, the zoning district abutting the center line of said alley or other public right of way shall not be affected by such proceeding. (1988 Code §40.09)

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\(^1\) See Chapter 402 of this Code.

*City of Mounds View*
CHAPTER 1106

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

1106.01: Purpose
1106.02: Permitted Uses
1106.03: Accessory Uses
1106.04: Conditional Uses

1106.01: PURPOSE: The purpose of the R-1, Single-Family District is to provide for low density single-family detached residential dwelling units and directly related, complementary uses. (1988 Code §40.10)

1106.02: PERMITTED USES: The following are permitted uses in an R-1 District:

Subd. 1. Single-family detached dwellings. (Ord. 575, 7-15-96)

a. Each applicant for a building permit to construct any dwellings shall be required to provide off-street parking spaces for at least two (2) automobiles per family in addition to any garage spaces to be used. (Ord. 664, 8-14-00)

b. Every dwelling house hereafter erected shall be so located on the lot so that at least a two (2) car garage, either attached or detached, can be located on said lot. (Ord. 664, 8-14-00)

c. No permit shall be issued for the construction of a residential dwelling unless the driveway servicing the property is to be improved with a permanent surfacing material so as to control dust, drainage and erosion, according to the requirements as set forth in Section 902.05 of this Code, except that the property owner may provide a signed, notarized statement in which the property owner agrees to improve the driveway in conjunction with the desired construction activities or within six (6) months of the commencement of such activities, in a form acceptable to the City Attorney. For the purposes of this Title, permanent surfacing materials are defined as concrete, asphalt or brick. (Ord. 620, 7-27-98; Ord. 664, 8-14-00)
Subd. 2. Permitted single-family uses allowed under Minnesota Statutes, section 462.357, subdivision 7, as follows:

a. A state licensed residential facility serving six (6) or fewer persons, except as provided in subdivision 3 of this Section 1106.02; (Ord. 596, 3-10-97)

b. A licensed day care facility serving twelve (12) or fewer persons;

c. A group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9501.0445 to serve fourteen (14) or fewer children;

d. Residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use. (Ord. 575, 7-15-96)

Subd. 3. Notwithstanding the provisions of subdivision 2.a. herein, foster family homes as defined in Minnesota Rules, Chapter 9545, Section 9545.0010, subp. 7, which relate to the Department of Human Services and group homes and group foster homes as defined in Department of Correction Rules, extracted from Minnesota Rules, Chapter 2925, Section 2925.0100, subp. 9, shall be allowed as permitted uses to serve not more than eight (8) children per home, not including the foster family’s own children. (Ord. 575, 7-15-96; Ord. 596, 3-10-97)

Subd. 4. Essential services. (Ord. 575, 7-15-96)

Subd. 5. Public parks and playgrounds. (Ord. 575, 7-15-96)

1106.03: ACCESSORY USES: The following are permitted accessory uses in an R-1 District: (1988 Code §40.10)

Subd. 1. Accessory Buildings: A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property. Accessory buildings, which for these purposes shall include garages, tool houses, carports, sheds and similar buildings for storage of domestic supply and noncommercial recreational equipment, whether attached or detached. (Ord. 664, 8-14-00; Ord. 879, 7-22-13)

a. Every R-1 zoned property improved with a single-family dwelling is allowed a maximum of one-thousand eight hundred (1,800) square feet of combined accessory building area, subject to the requirements noted herein. (Ord. 664, 8-14-00; Ord. 693, 3-25-02)

City of Mounds View
b. Accessory buildings shall not exceed eighteen feet (18’) or that of the principal structure, whichever is less, in height, shall be five feet (5’) or more from all lots lines of adjoining lots and shall have a pitch or slope of at least 2-12, but no steeper than 12-12. Rounded, dome or geodesic dome roofs are not allowed on accessory buildings. Accessory buildings one hundred twenty (120) square feet or under shall be three feet (3’) or more from any other building or structure. Accessory buildings over one hundred twenty (120) square feet shall meet the minimum fire separation distance as required by the Minnesota State Building Code. (Ord. 664, 8-14-00; Ord. 828, 10-8-09)

c. No accessory building in an R-1 District shall exceed nine hundred fifty-two (952) square feet in area, except by conditional use permit. (Ord. 620, 7-27-98; Ord. 664, 8-14-00)

d. The combined square footage of accessory buildings in a rear yard shall not exceed twenty percent (20%) of the rear yard. (Ord. 442, 7-11-88; Ord. 620, 7-27-98; Ord. 664, 8-14-00)

e. An outdoor living room or patio shall not be used for storage of automobiles or trucks. (Ord. 664-8-14-00)

f. No permit shall be issued for the construction of more than three (3) accessory buildings in any R-1 District. One (1) of the three (3) permits must be for a garage. (Ord. 664, 8-14-00)

g. Accessory buildings shall have a weather resistant, treated or finished exterior. Structures composed of tubular metal and canvas or exposed plywood, particle board or similar materials shall not be permitted. The City does not allow cloth, canvas, plastic sheets and tarps or similar materials as primary exterior materials on accessory buildings (except for green houses). (Ord. 664, 8-14-00; Ord. 828, 10-8-09)

h. If any accessory building is to be utilized for the storage of frequently-used vehicles, it shall be serviced by an improved driveway so as to control dust, drainage and erosion, according to the requirements as set forth in Section 902.05 of this Code. (Ord. 664, 8-14-00)
i. The roof of all accessory buildings exceeding two hundred fifty (250) square feet in size shall: (Added, Ord. 828, 10-8-09)

   (1) Match or be similar to the character and style of the roof of the principal structure. (Added, Ord. 828, 10-8-09)

   (2) Have a pitch or slope of at least 2-12. (Added, Ord. 828, 10-8-09)

Subd. 2. Outdoor, Uncovered Parking Spaces: (Ord. 664, 8-14-00)

   a. Parking spaces for residential vehicles as regulated by Section 607.06, Chapter 802 and Chapter 1121 of the Municipal Code. (Ord. 664, 8-14-00)

   b. RV Storage: Storage of recreational vehicles and equipment leased or owned by the resident as regulated by Chapter 802 of this Municipal Code. (Ord. 664, 8-14-00)

Subd. 3. Home Occupations: The regulation of home occupations within residential structures is intended to ensure that the occupational use is clearly accessory or secondary to the principal dwelling use and that compatibility with surrounding residential uses is maintained. No home occupation shall be allowed which: (Ord. 664, 8-14-00)

   a. Involves employees other than persons residing on the premises;

   b. Involves alteration or construction features not customarily found in dwellings;

   c. Has an exterior display or sign in excess of one (1) square foot. Such sign, for identification purposes only, shall be located on either the principal structure or garage. Any sign existing prior to December 29, 1972, shall not be enlarged but may be continued at the size and location upon such date, except as hereinafter specified or subsequently amended. Any sign erected after December 29, 1972, but prior to the effective date hereof shall come into compliance herewith by April 1, 1983; (Ord. 672, 1-22-01)

   d. Involves exterior storage of equipment or materials;

   e. Generates any on-street parking. All vehicles associated with a home occupation shall be parked off-street and in compliance with the City’s parking requirements; (Ord. 672, 1-22-01)

   f. Results in violation of the provisions of Chapter 607, Nuisances, of the Municipal Code; and (Ord. 664, 8-14-00)
g. Involves activity visible from the public streets.

h. Day Care Center, group nursery or adult day care operating as a secondary or accessory use in a public or semi-public recreational building, neighborhood or community center, public and private educational institution limited to elementary, junior high and senior high schools, and religious institutions, such as churches, chapels, temples and synagogues; subject to the following conditions: (Added, Ord. 832, 10-8-09)

i. Massage Therapy, subject to the requirements of Chapter 514. (Amended, Ord. 870, 4-19-12)

   (a) No overnight facilities are provided for the persons served. The individuals shall be transported to and from the facility daily.

   (b) All signing and informational or visual communication devices shall meet the requirements of the Mounds View Sign Code.

   (c) The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200'), except as provided in Section 1123.02, subdivision 1c.

   (d) No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500') or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food.

   (e) The operator shall secure all necessary Ramsey County or State of Minnesota licenses and approvals. (Added, Ord. 832, 10-8-09)

Subd. 4. Noncommercial Greenhouses and Conservatories:

Subd. 5. Recreational Facilities: Swimming pools, patios, decks, gazebos, swing sets, play systems and play houses, outdoor living rooms, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests. Such facilities shall be set back five feet (5’) or more from a property line, except swimming pools, which shall be set back ten feet (10’) or more from a property line. (Ord. 664, 8-14-00)
Subd. 6. Boarding: Boarding or renting of rooms to not more than one (1) person.

Subd. 7. Other Uses: Other allowed uses incidental to the dwelling unit, including but not limited to: clothes lines and poles; lawn and garden ornaments and other landscaping features; and pet house, facility or kennel. A pet house, facility or kennel shall be set back five feet (5’) or more from a property line. (1988 Code §40.10) (Ord. 664, 8-14-00)

Subd. 8. Solar Energy Sources and Systems and Geothermal Energy Sources and Systems as regulated by Chapter 1128 of this Title.

Subd. 9. Columbarium as an accessory use to a religious institution; subject to the following conditions:
   
a. The religious institution must own the property on which the columbarium is placed.

b. The exterior of the columbaria must be stone, brick, bronze, stainless steel or aluminum.

c. The combined square footage of all accessory buildings, including columbaria, shall not exceed 1,800 square feet.

d. Columbaria shall only be placed in a side yard or rear yard area.

e. Columbaria shall have a minimum side yard and rear yard setback of five (5’) feet.

f. Columbaria height shall not exceed eighteen (18’) feet or that of the principal structure, whichever is less.

g. If the religious institution ceases operation, all urns and remains must be removed from the property within three (3) months.

(Ord. 896, 1-26-15; Ord. 899, 5-11-15; Ord. 904, 7-13-15)
1106.04: **CONDITIONAL USES:** The following are conditional uses in an R-1 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Public or semi-public recreational buildings and neighborhood or community centers, public and private educational institutions limited to elementary, junior high and senior high schools and religious institutions; provided, that:

a. Front yard depths shall be a minimum of thirty five feet (35’).

b. Side yards shall be no less than thirty feet (30’).

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1103.08 of this Title.

e. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street to the principal use in compliance with Chapter 1121 of this Title and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 1103.08 of this Title.

f. Adequate off-street loading and service entrances are provided and regulated where applicable by Chapter 1122 of this Title.

g. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)
h. Day care center, group nursery or adult day care operating as a secondary or accessory use in a public or semi-public recreational building, neighborhood or community center, public and private educational institution limited to elementary, junior high and senior high schools, and religious institutions; subject to the following conditions: (Added, Ord. 832, 10-8-09)

(1) No overnight facilities are provided for the persons served. The individuals shall be transported to and from the facility daily. (Added, Ord. 832, 10-8-09)

(2) All signing and informational or visual communication devices shall meet the requirements of the Mounds View Sign Code. (Added, Ord. 832, 10-8-09)

(3) The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200’), except as provided in Section 1123.02, subdivision 1c. (Added, Ord. 832, 10-8-09)

(4) No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment as provided in Section 513 of the Municipal Code, is five hundred feet (500’) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Added, Ord. 832, 10-8-09)

(5) The operator shall secure all necessary Ramsey County or State of Minnesota licenses and approvals. (Added, Ord. 832, 10-8-09)

(Ord. 900, 5-26-15)
Subd. 2. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided, that:

a. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.

b. Equipment is completely enclosed in a permanent structure with no outside storage.

c. Adequate screening from neighboring uses and landscaping is provided in compliance with Section 1103.08 of this Title.

d. The provisions of subdivision 1125.01(e) of this Title are considered and satisfactorily met.

Subd. 3. Residential planned unit development as regulated by Chapter 1120 of this Title.

Subd. 4. (Reserved) (Ord. 774, 8-14-06)

Subd. 5. Model homes. (1988 Code §40.10)

Subd. 6. Accessory building exceeding nine hundred fifty two (952) square feet. (Ord. 620, 7-27-98; Ord. 664, 8-14-00)

a. The accessory building must conform with Section 1103.06 and subdivision 1106.03(l) of this Title.

b. The combined square footage of all accessory buildings on one (1) lot cannot exceed one thousand eight hundred (1,800) square feet. (Ord. 620, 7-27-98; Ord. 701, 9-9-02)

c. The building shall be designed and maintained to provide a uniform appearance with the dwelling unit.

d. The width of the building cannot exceed thirty five feet (35’). (Ord. 664, 8-14-00)

e. The building shall be a permanent structure. (Ord. 664, 8-14-00)
f. Should the use for which the permit was granted be changed, the permit shall be subject to reconsideration, revocation or other action regulated by Section 1125.01 of this Title. (Ord. 664, 8-14-00)

Subd. 7. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97; Ord. 664, 8-14-00)

Subd. 8. Dynamic display signs subject to the standards in Chapter 1008.10, subdivision 9 of the City Code. (Added, Ord. 818, 4-16-09)
CHAPTER 1107

R-2, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

SECTION:

1107.01: Purpose
1107.02: Permitted Uses
1107.03: Zero Lot Line Subdivision
1107.04: Accessory Uses
1107.05: Conditional Uses

1107.01: **PURPOSE:** The purpose of the R-2, Single and Two-Family Residential District is to provide for low to moderate density one (1) and two (2) unit dwellings and directly related, complementary uses. (1988 Code §40.11)

1107.02: **PERMITTED USES:** The following are permitted uses in an R-2 District:

All permitted uses allowed in an R-1 District.

Two-family dwelling units. (1988 Code §40.11)
1107.03:  **ZERO LOT LINE SUBDIVISION:** Subdivision of side-by-side, two-family dwellings (zero lot line subdivision).

Subd. 1. Purpose: To provide standards and guidelines for subdividing side-by-side two-family dwellings.

Subd. 2. General Provisions:

   a. Such subdivisions cannot create lots or structures which are in violation of this Title.

   b. Each resulting dwelling unit shall have separate utility services.

   c. Each resulting dwelling unit shall meet existing building codes\(^\text{18}\).

Subd. 3. Specific Requirements for Resulting Dwelling Units:

   a. Area Requirements: Six thousand two hundred fifty (6,250) square feet.

   b. Lot Width: Fifty feet (50’) per dwelling unit.

   c. Setback Requirements:

      (1) Front Yard: Thirty feet (30’).

      (2) Rear Yard: Thirty feet (30’).

      (3) Side Yard (where applicable):

         (a) Ten feet (10’).

         (b) Thirty feet (30’) on street side of corner lot.

   d. Driveway Widths: The width of the driveway servicing one (1) dwelling unit shall not exceed the width of that dwelling unit’s garage, unless garages are situated side-by-side, then not to exceed the combined width of the garages, provided that the affected property owners have filed a right-of-way and maintenance agreement with Ramsey County, according to the provisions of Section 1121.15, Subdivision 2 of this Title pertaining to joint driveways. (Ord. 642, 1-10-00)

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\(^{18}\) See Title 1000 of this Code.
1107.03

Subd. 4. Deed Restrictions: Deed restrictions shall be recorded with the property to include the following:

a. If one dwelling unit is burned or destroyed, it shall be reconstructed in a uniform appearance.

b. If both dwelling units are burned or destroyed, minimum lot widths shall then prevail as for single-family homes.

c. A double dwelling unit may be rebuilt meeting the original conditions of this Title.

d. A uniform exterior appearance, in terms of color, design and maintenance shall be maintained.

Subd. 5. Disputes: Any disputes must be submitted to binding arbitration according to the rules of the Minnesota Arbitration Association.

Subd. 6. Development Controls: Section 1006.06 of this Code shall apply. (1988 Code §40.11)

1107.04: ACCESSORY USES: The following are permitted accessory uses in an R-2 District:

All accessory uses as allowed in an R-1 District. (1988 Code §40.11)

1107.05: CONDITIONAL USES: The following are conditional uses in an R-2 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. All conditional uses, subject to the same conditions as allowed in an R-1 District.
Subd. 2. Day care center, group nursery; provided, that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are delivered and removed daily.

b. The front yard depth shall be a minimum of thirty five feet (35’). (Ord. 595, 4-14-97)

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Not less than forty (40) square feet of outside play space per child shall be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council. (Ord. 595, 4-14-97)

e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title.

f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title.

g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Ord. 595, 4-14-97)

h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code. (1988 Code §40.11) (Ord. 590, 11-25-96)

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (1988 Code §40.11) (Ord. 590, 11-25-96)

j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200’), except as provided in Section 1123.02, subdivision 1c. (1988 Code §40.11, Ord. 590, 11-25-96; Ord. 595, 4-14-97)

19 See Chapter 1008 of this Code.
k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500’) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)
CHAPTER 1108

R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION:

1108.01: Purpose

1108.02: Permitted Uses

1108.03: Accessory Uses

1108.04: Conditional Uses

1108.01: PURPOSE: The purpose of the R-3, Medium Density Residential District is to provide for medium density housing in multiple family structures ranging up to and including six (6) units and directly related complementary uses. (1988 Code §40.12)

1108.02: PERMITTED USES: The following are permitted uses in an R-3 District:

All permitted uses allowed in an R-2 District.

Townhouses up to six (6) units as regulated herein. (Ord. 698, 4-22-02)

Boarding houses as defined in subdivisions 1102.02(8) and (9) of this Title and limited to not more than eight (8) persons.

Boarding (house) home; foster children: Restricted to a family dwelling in which children out of their own homes, ages sixteen (16) years or under, or in the case of mental retardation, age twenty one (21) or under, are cared for twenty four (24) hours a day for a period of thirty (30) days. The number to be cared for in one (1) foster child boarding (house) home shall not exceed twelve (12), including the foster family’s own children.

Day care home: Restricted to a family dwelling in which foster care, supervision and training for children of school or preschool age out of their own home is provided during part of a day (less than twenty four (24) hours) with no overnight accommodations or facilities and children are delivered and removed daily. The number to be cared for in one (1) day care home shall not exceed twelve (12), including the family’s own children.

Public parks and playgrounds.

City of Mounds View
1108.02 1108.04


1108.03: **ACCESSORY USES:** The following are permitted accessory uses in an R-3 District:

All permitted accessory uses allowed in an R-2 District.

Enclosed garage stalls, the number of which shall not exceed the number of dwelling units in the principal building. Individual stalls shall not exceed two hundred and fifty (250) square feet each and shall be attached to one another by common interior walls which meet the Minnesota State Building Code requirements. All setback requirements as specified in Section 1104.01, subdivision 4, shall be met.

Off-street loading. (Ord. 620, 7-27-98)

1108.04: **CONDITIONAL USES:** The following are conditional uses in an R-3 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

All conditional uses allowed in an R-2 District.

Multifamily dwelling structures containing six (6) or less dwelling units. (Ord. 698, 4-22-02)

Multifamily Dwelling Expansion: A Conditional Use Permit (CUP) shall be required prior to any proposed multiple-family residential expansion. (For the purposes of this Section, expansion shall mean an increase in the building footprint or an increase in the number of dwelling units in the building.) Developments having already obtained a CUP shall go through the amendment process as identified in Section 1125. In addition to the criteria outlined in Section 1125, all proposed expansions shall satisfy all relevant zoning, building and parking code requirements. (Added, Ord. 716, 6-23-03)
CHAPTER 1109

R-4, HIGH DENSITY RESIDENTIAL DISTRICT

SECTION:

1109.01: Purpose
1109.02: Permitted Uses
1109.03: Accessory Uses
1109.04: Conditional Uses

1109.01:  **PURPOSE:** The purpose of the R-4, High Density Residential District is to provide for high density residential uses and directly related complementary uses. (1988 Code §40.13)

1109.02:  **PERMITTED USES:** The following are permitted uses in R-4 District:

All permitted uses allowed in an R-3 District.

Townhouses up to eight (8) units as regulated herein. (1988 Code §40.13; Ord. 698, 4-22-02)

1109.03:  **ACCESSORY USES:** The following are permitted accessory uses in an R-4 District:

All permitted accessory uses allowed in an R-3 District. (1988 Code §40.13)
1109.04: **CONDITIONAL USES:** The following are conditional uses in an R-4 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. All conditional uses, subject to the same conditions as allowed in an R-3 District.

Subd. 2. Nursing homes and other senior congregate housing but not including hospitals, sanitariums or similar institutions; provided, that: (Ord. 639, 9-27-99)

a. Side yards double the minimum requirements established for this District and are screened in compliance with Section 1003.08 of this Title.

b. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-29-96)

c. Only the rear yard shall be used for play or recreational area. Said area shall be fenced and controlled and screened in compliance with Section 1003.08 of this Title. (Ord. 590, 11-29-96)

d. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

e. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code 20.

f. All State laws and statutes governing such use are strictly adhered to, and all required operating permits are secured.

g. One (1) off-street loading space in compliance with Chapter 1122 of this Title is provided.

h. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)

i. The required parking ratio shall be one (1) stall per employee on the shift having the most personnel present, plus one (1) stall for every three (3) beds or fraction thereof. (Ord. 639, 9-27-99)

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20 See Chapter 1008 of this Code.
Subd. 3. Parking facilities for adjacent commercial or multiple dwelling establishments; provided, that:

a. Such parking is in excess of that required on the lot upon which the principal use is located.

b. Applicable conditions of Chapter 1121 of this Title are satisfactorily met and fully complied with.

c. When parking is the principal use, adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1103.08, subdivisions 1 through 5 of this Title.

d. The site of the principal use and its related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.

e. The provisions of subdivision 1125.01(1)e of this Title are considered satisfactorily met.

Subd. 4. Multiple family dwelling. (1988 Code §40.13; Ord. 698, 4-22-02)
CHAPTER 1110

R-5, MOBILE HOME DISTRICT

SECTION:

1110.01: Purpose
1110.02: Permitted Uses
1110.03: Accessory Uses
1110.04: Conditional Uses
1110.05: Mobile Home and Manufactured Home Park Development
1110.06: Operation of Mobile Home or Manufactured Home Park
1110.07: Location
1110.08: Temporary Permits

1110.01: PURPOSE: The purpose of the R-5, Mobile Home District is to provide for the planned regulation of mobile homes. Such homes are grouped together due to their particular space requirements, construction and style. (1988 Code §40.14)

1110.02: PERMITTED USES: The following are permitted uses in an R-5 District:

Mobile home and manufactured home parks.

Public parks and playgrounds.

Essential services. (1988 Code §40.15)
1110.03: **ACCESSORY USES:**

**Subd. 1.** Permitted accessory uses for mobile home and manufactured home parks are limited to:

- Entryway airlock up to fifty (50) square feet. Entryway airlock exceeding twenty five (25) square feet must bear the State Building Inspector’s Seal of Code compliance.

- Detached accessory building (two hundred sixteen (216) square foot maximum).

- Deck.

- Patio.

- Room addition, up to two hundred (200) square feet, bearing the State Building Inspector’s Seal of Code compliance.

**Subd. 2.** Permitted accessory uses for R-5 District uses other than mobile home and manufactured home parks:

- All permitted accessory uses in an R-4 District. (1988 Code §40.14)
1110.04: **CONDITIONAL USES:** The following are conditional uses in an R-5 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Improvement, enlargement, extension or alteration of an existing mobile home park.

Subd. 2. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions; provided, that:

a. Front yard depths shall be a minimum of thirty five feet (35’).

b. Side yards shall be no less than thirty feet (30’).

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3).

d. Adequate screening from abutting residential uses and landscaping is provided in compliance with subdivision 1103.08 of this Title.

e. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street to the principal use in compliance with Chapter 1121 of this Title and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with subdivision 1103.8 of this Title.

f. Adequate off-street loading and service entrances are provided and regulated where applicable by Chapter 1122 of this Title.

g. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met.

(Ord. 590, 11-29-96; Ord. 900, 5-26-15)
Subd. 3. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided, that:

a. Conformity with the surrounding neighborhood is maintained, and required setbacks and side yard requirements are met.

b. Equipment is completely enclosed in a permanent structure with no outside storage.

c. Adequate screening from neighboring uses and landscaping is provided in compliance with Section 1103.08 of this Title.

d. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 4. Residential planned unit development as regulated by Chapter 1120 of this Title.

Subd. 5. Model homes.

Subd. 6. Townhouses as regulated herein.
Subd. 7. Day care center, group nursery; provided, that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are delivered and removed daily.

b. The front yard depth shall be a minimum of thirty five feet (35’). (Ord. 595, 4-14-97)

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Not less than forty (40) square feet of outside play space per child be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council.

e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title.

f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title.

g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Ord. 595, 4-14-97)

h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code.  

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)

j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200’) except as provided in Section 1123.02, subdivision 1c. (Ord. 595, 4-14-97)

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21 See Chapter 1008 of this Code.
k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500’) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)

Subd. 8. Nursing homes or similar group housing but not including hospitals, sanitariums or similar institutions; provided, that:

a. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 1103.08 of this Title.

b. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3).

c. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 1103.08 of this Title.

d. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

e. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code22.

f. All State laws and statutes governing such use are strictly adhered to, and all required operating permits are secured.

g. One off-street loading space in compliance with Chapter 1122 of this Title is provided.

h. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)

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22 See Chapter 1008 of this Code.
Subd. 9. Parking facilities for adjacent commercial or multiple dwelling establishments; provided, that:

a. Such parking is in excess of that required on the lot upon which the principal use is located.

b. Applicable conditions of Chapter 1121 of this Title are satisfactorily met and fully complied with.

c. When parking is the principal use, adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1103.08 of this Title.

d. The site of the principal use and its related parking is served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.

e. The provisions of subdivision 1125.0101(e) of this Title are considered and subject to the provisions established satisfactorily met. (1988 Code §40.14)

Subd. 10. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the zoning code. (Ord. 588, 2-10-97)
1110.05: MOBILE HOME AND MANUFACTURED HOME PARK DEVELOPMENT:

Subd. 1. Application: In order to obtain approval for a mobile home or manufactured home park, the property owner shall first apply, in writing, to the City Administrator on such form as the City Administrator may, from time to time, designate. Such application shall include a development plan and a plat plan prepared by and bearing the seal of a Minnesota registered surveyor or engineer, showing the following: (Amended, Ord. 844, 5-20-10)

a. Name and address of owner and developer(s).

b. The existing plat or a proposed preliminary plat of the site.

c. Location and size of all individual lots, storage areas, recreation areas, laundry drying areas, roadways, parking sites, central office and shelters.

d. Location and size of all streets abutting the park and all proposed driveways from such streets to said park.

e. Street construction and surfacing plans and specifications.

f. Plans for sanitary sewage disposal, surface water drainage, water supply systems, electrical service and gas service.

g. Setback dimensions.

h. Plans for any and all structures.

i. Detailed landscaping plans and specifications.

j. Lighting plans and specifications.

k. Location and width of sidewalks.

l. Description of the method of disposing of garbage and refuse.

m. Detailed description of maintenance procedures and grounds supervision.
n. Proposed development schedule, including proposed deadlines for completion of each stage.

o. Such other information as required by the City Council or Planning Commission.

Subd. 2. Design Standards: All mobile home or manufactured home park site plans shall conform to the following standards:

a. Park Site:

   (1) Shall be drained and properly graded and meet criteria set out in the Municipal Code for storm or other waters23.

   (2) Shall have at least two (2) points of ingress and egress for vehicles.

b. Individual Lots:

   (1) Each home lot shall contain at least four thousand nine hundred fifty (4,950) square feet of land area for the exclusive use of the occupant.

       Width: No less than forty five feet (45’).
       Depth: No less than one hundred ten feet (110’).

   (2) Each mobile home lot shall have frontage on an approved roadway, and the corner of each mobile home lot shall be marked, and each site shall be numbered.

   (3) A concrete slab or surface patio shall be constructed on the ground beside each parking space. Such slab or patio shall be not less than one hundred sixty (160) square feet and shall be a minimum of four inches (4”) thick.

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23 See Chapters 1010, 1301 and 1302 of this Code.
c. Setbacks:

(1) A mobile home or manufactured home park site shall have a minimum setback from adjacent properties of at least thirty feet (30’), and this area shall be landscaped. Screening and buffer zones shall be established on the perimeter of the mobile home park in compliance with the provisions of this Title.

(2) There shall be an unused area not less than thirty feet (30’) in depth along each street or roadway, and this area shall be sodded and landscaped.

(3) No mobile home or manufactured home shall be parked closer than five feet (5’) to the side lot lines nor closer than twenty feet (20’) to the front lot line or within ten feet (10’) of the rear lot line.

(4) There shall be an open space of at least ten feet (10’) between the side of adjacent mobile or manufactured homes.

(5) Off-street automobile parking spaces shall not be nearer than five feet (5’) from any lot line.

d. Off-Street Automobile Parking:

(1) Each lot shall have off-street parking space for one (1) automobile.

(2) Each park shall maintain a hard surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each five (5) sites.

(3) Access drives from roadways to all parking spaces and sites shall be hard surfaced.
e. Utilities:

(1) All mobile or manufactured homes shall be connected to a public water and sanitary sewer system\textsuperscript{24} or a private water and sewer system approved by the State Department of Health and the Director of Public Works/City Engineer.

(2) Disposal of surface storm water shall conform to the City Storm Water Management Plan\textsuperscript{25} and shall be approved by the City Council.

(3) All utility connections shall be approved by the City.

(4) The source of fuel for cooking, heating or other purposes at each site shall be as approved by the City.

(5) All utilities shall be underground, including those for street and exterior lighting purposes. There shall be no overhead wires or supporting poles.

(6) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related mobile and manufactured home equipment.

(7) The method of garbage, waste and trash disposal must be approved by the City.\textsuperscript{26}

(8) Owner shall pay all required sewer connection fees to the City\textsuperscript{27}.

(9) Fire hydrants shall be installed throughout the park in such locations and to such specifications as required by the Fire Chief.

f. Internal Roadways, Streets and Sidewalks:

(1) Roadways shall be hard surfaced to meet the standards for at least a seven (7) ton street.

\textsuperscript{24} See Chapters 906 and 907 of this Code for water and sewer regulations.

\textsuperscript{25} See Chapter 1302 of this Code.

\textsuperscript{26} See Chapter 603 of this Code.

\textsuperscript{27} See subdivision 907.03(2) of this Code.
(2) All roads shall have hard surfaced, mountable, roll type curbs and gutters.

(3) All streets shall have a roadbed of not less than thirty feet (30’) in width. No parking shall be permitted on the street unless the roadbed shall be at least forty feet (40’) in width.

(4) All streets and ways are hereby declared public to the extent that they shall be under the supervision and control of the police enforcement powers of the City with respect to traffic laws28 and such other laws as shall be applicable to public ways and places29.

(5) A cement sidewalk, not less than thirty inches (30”) wide shall be constructed adjacent to the concrete curb of all streets. This sidewalk shall be connected to each lot patio by a cement walk not less than twenty four inches (24”) in width.

g. Landscaping:

(1) Each individual lot shall be properly landscaped with hedges, grass sodding, fences, windbreaks and at least one (1) tree of two inches (2”) in diameter.

(2) A compact hedge, privacy fence or landscaped area conforming to the provisions of Section 1103.08 of this Title shall be installed around each mobile home or manufactured home park and be maintained at all times.

(3) All areas shall be landscaped in accordance with a plan approved by the Council.

h. Recreation: The owner(s) of all mobile or manufactured home parks shall improve, for the use of occupants, at least ten percent (10%) of the park’s total land areas for recreational use (tennis courts, children’s play equipment, swimming pool, golf green, etc.).

i. Lighting:

(1) Artificial light shall be maintained during all hours of darkness in all}

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28 See Title 800 of this Code.

29 See Title 900 of this Code.
public or community buildings.

(2) The park grounds shall be lighted as approved by the City Council from sunset to sunrise.

j. Shelters: Each park shall include suitable storm and disaster shelter facilities constructed below ground to accommodate the number of people established by the following formula:

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\text{Shelter space (number of people)} = 0.75 \times \text{number of lots} \times 2.5. \quad (1988 \text{ Code} \: \S 40.14)
\]

1110.06: **OPERATION OF MOBILE HOME OR MANUFACTURED HOME PARK:** The owner of a mobile home or manufactured home park shall be responsible for assuring that the following regulations are complied with by the park and its occupants:

Subd. 1. Cleanliness: All areas of the park shall be properly drained, kept free from dust and maintained clean and free from refuse and debris.

Subd. 2. Owner Occupied: All individual mobile or manufactured homes shall be owner occupied; except, that each owner may lease their mobile or manufactured home to a lessee for a period not to exceed five (5) months in any calendar year. The park owner shall maintain a record of all such leases.

Subd. 3. Placement on Lots: The placement of more than one (1) mobile or manufactured home on any single lot unit shall not be permitted.

Subd. 4. Residential Uses: Mobile or manufactured homes shall not be used for residential purposes if they:

a. Do not conform to the requirements of the Vehicle Code of the State\(^{30}\).

b. Are in an unsanitary condition or have an exterior in bad repair.

c. Are structurally unsound and do not protect the inhabitants against all elements.

d. Do not conform to the requirements of the Chapter 1005, Housing Code, of this Municipal Code.

\(^{30}\) M.S.A. chapter 168 et seq.
Subd. 5. Registry: The operator of every mobile or manufactured home park shall maintain a registry of the park showing:

a. The name and address of each resident mobile or manufactured home owner.

b. The make, type and license number of each mobile home and the make and type of each manufactured home.

c. Forwarding address of all mobile homes leaving park.

d. Date of arrival and departure of each mobile home.

Subd. 6. Map: A map of the park shall be displayed near the entrance to the park and shall be illuminated during all hours of darkness.

Subd. 7. Established Sites: No persons shall be allowed to reside in a park, except those occupying mobile or manufactured homes on established individual sites or a central office or caretaker building.

Subd. 8. Number of Occupants: No mobile or manufactured home may be inhabited by a greater number of occupants than that for which it was developed.

Subd. 9. Tie Downs: Each mobile home installed after May 1, 1977, shall have a ground support system and tie downs meeting the requirements of Minnesota Statutes 327.31 to 327.34.

a. Any such homes installed during the period beginning November 15 and ending March 31 shall conform to this requirement no later than April 1.

b. Any such homes installed during the period beginning April 1 and ending November 14 shall conform to this requirement immediately upon installation.

Subd. 10. Enclosed Area: The area beneath each mobile home shall be enclosed; except, that such enclosure must have access for inspection.

Subd. 11. Loudspeakers: No public address or loudspeaker system shall be permitted in such park.\footnote{See Sections 607.06 of this Code and 1103.11 of this Title for noise control.}
Subd. 12. Animals: Dogs and animals shall not run at large within the park\(^{32}\).

Subd. 13. Laundry: Laundry and clothing shall be hung out to dry only on lines located in areas established and maintained exclusively for that purpose.

Subd. 14. Storage of Boats and Equipment: No boats, hauling trailers or other equipment shall be stored upon the streets of the park or upon the patios or open spaces of any individual lot\(^{33}\).

Subd. 15. Building Permits: The installation or construction of any structures or improvements within a park shall require a building permit as provided under Chapter 1006 of the Municipal Code. All plans for such installation or construction shall meet the requirements of the State Department of Health. (1988 Code §40.14)

1110.07: LOCATION:

Subd. 1. Compliance with Provisions: It shall be unlawful within the City for any person to park any mobile home or manufactured home on any street or highway or other public place or on any tract of land owned by any person, occupied or unoccupied within the City, except as provided for in this Title.

Subd. 2. Emergency Stopping and Parking: Emergency or temporary stopping or parking is permitted on any street or highway for not longer than three (3) hours, subject to any other and further prohibitions and parking regulations or ordinances for that street or highway\(^{34}\).

Subd. 3. Parking or Occupying Mobile Homes\(^{35}\): No person shall park or occupy any mobile home or manufactured home which is situated outside of an approved mobile home park; except, that the parking and storage of no more than one (1) mobile home in an accessory private garage building or in a rear yard in any district is permitted; providing, that no living quarters shall be maintained nor any business practiced in said mobile home. (1988 Code §40.14)

\(^{32}\) See Chapter 701 of this Code for animal control regulations.

\(^{33}\) See also subdivision 802.07(4) of this Code.

\(^{34}\) See Chapter 802 of this Code for parking regulations, particularly Section 802.04.

\(^{35}\) See also subdivision 802.07(4) of this Code.
1110.08: **TEMPORARY PERMITS:** Temporary mobile home permits may be issued by the City Council for the temporary use of a mobile home as a temporary office when said mobile home is located outside of an authorized mobile home park. The City Council may establish such conditions for said mobile home as it deems appropriate to insure the health, safety and general welfare. Such temporary mobile home permit shall be limited to periods of not more than ninety (90) days. Upon written application, the City Council may renew such permit. A fee of twenty five dollars ($25.00) must accompany each application for a temporary mobile home permit and ten dollars ($10.00) for each renewal thereof. Each temporary mobile home permit shall be displayed in a conspicuous location on the outside of the mobile home. (1988 Code §40.14)
CHAPTER 1111

R-0, RESIDENTIAL-OFFICE DISTRICT

(Deleted, Ord. 829, 9-3-09)
CHAPTER 1112

B-1, NEIGHBORHOOD BUSINESS DISTRICT

SECTION:

1112.01: Purpose
1112.02: Permitted Uses
1112.03: Accessory Uses
1112.04: Conditional Uses
1112.05: Interim Uses (Added, Ord. 735, 5-10-04)

1112.01: **PURPOSE:** The purpose of the B-1, Neighborhood Business District is to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. These centers are to provide services and goods for the surrounding neighborhoods and are not intended to draw customers from the entire community. (1988 Code §40.16)

1112.02: **PERMITTED USES:** The following are permitted uses in a B-1 District:

Barber shops

Beauty parlors

Convenience grocery stores (not supermarket type)

Essential services

Laundromat, self-service washing and drying. (1988 Code §40.16)

Thrift or second-hand store. (Added, Ord. 845, 6-24-10)

Retail business for local or neighborhood needs subject to the following limits:
  - The sale of dry goods, clothing, notions and variety merchandise.
  - The sale of books, magazines, newspapers, gifts, jewelry, music, stationery or office supplies. (Added, Ord. 845, 6-24-10)
Dry cleaning and laundry receiving and pick-up stations (with no cleaning or pressing done on site). (Added, Ord. 845, 6-24-10)

Florist Shop. (Added, Ord. 845, 6-24-10)

Candy and ice cream stores (shall not include drive-through and/or window pick-up services). (Added, Ord. 845, 6-24-10)

Tailor shop, dress making, clothing rental store. (Added, Ord. 845, 6-24-10)

Professional and service business offices such as accountant, architect, broker, engineer, attorney, realtor, appraiser, finance agency, insurance agency, investment agency, travel agency, mortgage company. (Added, Ord. 845, 6-24-10)

Medical, dental, chiropractic, counseling or other health-related office or clinic. (Added, Ord. 845, 6-24-10)

Repair store that provides services for the repair of home, garden, yard and personal use appliances, tool or equipment (except for motorized vehicles or gas-powered equipment). All repair work shall be done inside the building and there shall not be any outdoor sales or storage. (Added, Ord. 845, 6-24-10)

The City will allow uses similar to those listed above in this Section if the proposed use would not create a nuisance and if the use would not be noxious or hazardous. The City Council shall review uses that are not clearly similar to those listed in this Section for a determination of compatibility. (Added, Ord. 845, 6-24-10)
1112.03:  **ACCESSORY USES:** The following are permitted accessory uses in a B-1 District:

Subd. 1. Commercial or business buildings and structures for a use accessory to the principal use, but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.

Subd. 2. Off-street parking as regulated by Chapter 1121 of this Title but not including semi-trailer trucks.

Subd. 3. Off-street loading as regulated by Chapter 1122 of this Title.

Subd. 4. Signs as regulated by the Mounds View Sign Code\(^\text{36}\). (1988 Code §40.16)

Subd. 5. Temporary open or outdoor services, sales and rental as an accessory use and including sales in or from motorized vehicles, trailers, or wagons, subject to the following: (Added, Ord. 735, 5-10-04)

   a. The activity shall not continue for a period greater than ten (10) consecutive days or for more than three (3) ten (10) day periods per year. Permit periods must be separated by a minimum of thirty (30) days. (Added, Ord. 735, 5-10-04)

   b. Notwithstanding Article 13, Section 7 of the Minnesota Constitution, a permit issued by the City shall be obtained prior to commencing the activity. (Added, Ord. 733, 5-10-04)

   c. A permit will not be issued without the written consent of the property owner. (Added, Ord. 733, 5-10-04)

   d. The sales area shall be grassed or surfaced to control dust. (Added, Ord. 733, 5-10-04)

   e. The activity shall not take up parking space as required for conformity of this Title. (Added, Ord. 733, 5-10-04)

\(^{36}\) See Chapter 1008 of this Code.
Subd. 6. Outdoor Vending Kiosks; provided that: (Added, Ord. 867, 3-8-12)

a. The kiosks shall accept only electronic forms of payment. (Added, Ord. 867, 3-8-12)

b. The kiosks shall rent only movies and video games. (Added, Ord. 867, 3-8-12)

c. The kiosks may be placed only at retail stores, motor fuel stations and restaurants. (Added, Ord. 867, 3-8-12)

d. Only one business on each property may install outdoor vending kiosks. (Added, Ord. 867, 3-8-12)

e. The kiosk shall be placed immediately adjacent to the host business’ building. (Added, Ord. 867, 3-8-12)

f. No loss of parking or interference with the flow of traffic shall occur due to the placement of a vending kiosk. (Added, Ord. 867, 3-8-12)

h. The kiosks may be allowed in PUD districts. (Added, Ord. 867, 3-8-12)

Subd. 7. Solar Energy Sources and Systems and Geothermal Energy Sources and Systems as regulated by Chapter 1128 of this Title.

Subd. 8. Temporary outdoor food sales as an accessory use and including sales in or from motorized vehicles, trailers, or wagons, subject to the following:

a. The activity shall not continue on the same property for a period greater than twenty-one (21) consecutive days.

b. Notwithstanding Article 13, Section 7 of the Minnesota Constitution, a license issued by the City shall be obtained prior to commencing the activity.

c. A permit will not be issued without the written consent of the property owner.
d. The sales area shall be grassed or surfaced to control dust.

e. The activity shall not take up parking space as required for conformity of this Title.

f. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Sections 1103.08 and 1103.09 of this Title.

g. The provisions of Chapter 1112.03 Subd. 5 are not applicable to temporary outdoor food sales as an accessory use.

(Ord. 896, 1-26-15; Ord. 902, 5-26-15)
1112.04: **CONDITIONAL USES:** The following are conditional uses in a B-1 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title.)

Subd. 1. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided, that:

a. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.

b. Equipment is completely enclosed in a permanent structure with no outside storage.

c. Adequate screening and landscaping from neighboring residential districts is provided in accordance with subdivisions 1103.08(1) through (5) of this Title.

d. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 2. Professional and commercial (leased) offices; provided, that:

a. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.

b. The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.

c. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 3. Commercial planned unit development as regulated by Chapter 1120 of this Title.

Subd. 4. Reserved.

Subd. 5. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the zoning code.
Subd. 6. Day care center, group nursery; provided that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are delivered and removed daily.

b. The front yard depth shall be a minimum of thirty five feet (35’).

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3).

d. Not less than forty (40) square feet of outside play space per child be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council.

e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title.

f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title.

g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.

h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code.

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met.

j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200’), except as provided in Section 1123.02, subdivision 1c.
k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, if five hundred feet (500’) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food.

(Ord. 588, 2-10-97; Ord. 590, 11-25-96; Ord. 595, 4-14-97; Ord. 896, 1-26-15)
1112.05: **INTERIM USES**: The following are interim uses in a B-1 District requiring an Interim Use Permit. An interim use permit must be obtained in accordance with procedures identical in form and substance to the conditional use permit procedures found in Section 1125.01, subdivision 3 of the Mounds View Municipal Code. Interim Use Permits may be approved for a determined or undetermined period of time at the sole discretion of the City Council. (Added, Ord. 735, 5-10-04)

Subd. 1. Temporary Tents and/or Membrane Structures, under the following conditions: (Added, Ord. 735, 5-10-04)

   a. The tent or membrane structure shall comply with all provisions of the Fire Code and receive an annual fire permit issued by the Fire Marshal. (Added, Ord. 735, 5-10-04)

   b. The property owner shall annually apply for a Zoning Permit, the duration of which cannot exceed 180 days. (Added, Ord. 735, 5-10-04)

   c. Adequate parking to accommodate the occupancy shall be provided at a ratio of one (1) parking space per forty (40) square feet of tent area. (The City Council may waive the parking requirement if it can be shown that the site has sufficient existing parking capacity.) (Added, Ord. 735, 5-10-04)

   d. The structure may not be located in or on a parking lot displacing parking stalls, unless it can be shown that an adequate amount of parking remains. (Added, Ord. 735, 5-10-04)

   e. The tent or membrane structure shall be subject to same building setbacks as the principal building on the lot. No tent or membrane structure shall be allowed instead of or without a principal building. (Added, Ord. 735, 5-10-04)

   f. The tent or membrane structure shall be limited in size to five thousand (5,000) square feet or ten percent (10%) of the principal buildings’ square footage, whichever is less. (Added, Ord. 735, 5-10-04)

   g. The membrane or cover shall be constructed of a durable reinforced material to withstand wind and snowloads. (Added, Ord. 735, 5-10-04)

   h. The structure shall be anchored to the ground. (Added, Ord. 735, 5-10-04)

   i. The tent or membrane structure shall be maintained in a good condition. Deficiencies shall be corrected as soon as practicable. (Added, Ord. 735, 5-10-04)
j. The IUP can be reviewed at any time by the City if problems arise which would necessitate revision or termination of the IUP. (Added, Ord. 735, 5-10-04)

k. The IUP would become null and void if the property owner fails to comply with the provisions of the permit or if the structure is removed for more than a one (1) year period, or if the property undergoes a change of ownership. (Added, Ord. 735, 5-10-04)

l. Exceptions: (Added, Ord. 735, 5-10-04)

(1) Tents or Membrane structures erected for periods that do not exceed one (1) week shall not require an interim use permit, however a zoning permit and fire permit are required regardless of the time frame. (Added, Ord. 735, 5-10-04)

(2) To eliminate duplication of review, when a use (e.g., outdoor sales or storage) would otherwise require a conditional use permit, an interim use permit shall not be required if a tent or membrane structure is involved and is addressed as part of the CUP. (Added, Ord. 735, 5-10-04)
CHAPTER 1113

B-2, LIMITED BUSINESS DISTRICT

SECTION:

1113.01: Purpose
1113.02: Permitted Uses
1113.03: Accessory Uses
1113.04: Conditional Uses
1113.05: Interim Uses

1113.01: **PURPOSE:** The purpose of the B-2, Limited Business District is to provide for low intensity, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this District are to provide goods and services on a limited community market scale and located in areas which are well served by collector or arterial street facilities at the edge of residential districts. (1988 Code §40.17)
1113.02: PERMITTED USES: The following are permitted uses in a B-2 District:

Subd. 1. Service Oriented Businesses: Service oriented businesses which serve the Mounds View community:

Bank, savings and loan, savings credit unions and other financial institutions.

Commercial (leased and professional offices).

Copy service but not including printing press or newspaper.

Dry cleaning pick-up and laundry pick-up stations, including incidental repair and assembly but not including processing.

Educational or instructional facilities. (Ord. 632, 7-26-99)

Employment agencies.

Finance companies.

Health and beauty services.

Insurance sales, claims and branch offices.

Locksmith.

Medical and dental offices and clinics.

Public utility collection offices.

Real estate sales.

Shoe repair.

Therapeutic massage as defined and regulated in Chapter 514 of the municipal code. (Added, Ord. 798, 9-10-07)

Travel bureaus, transportation ticket offices.
Subd. 2. Retail: Limited retail uses which have, as the principle use, sales with warehousing or display secondary to that use.

Adult establishment as defined and regulated in Chapter 513 of the Municipal Code. (Ord. 574, 5-13-96)

All permitted uses as allowed in the B-1 Neighborhood Business Districts.

Antique shop.

Art and school supplies.

Auto accessory or motor vehicle parts store with no repairs, installations or service work done on any motor vehicles on site, and with no outside sales or storage. (Added, Ord. 856, 2-3-11)

Bakery goods and baking of goods for retail sales on the premises.

Bicycle sales and repair.

Books or stationery stores.

Camera and photographic supplies.

Candy, ice cream, popcorn, nuts, frozen desserts and soft drinks.

Coin and philatelic stores.

Costume, clothes rental.

Delicatessen.

Drugstore.

Fabric store.

Florist shop.

Frozen food store but not including a locker plant.

Furniture showroom without warehousing.
Furriers when conducted only for retail trade on premises.

Gift or novelty store.

Hardware store.

Hobby store, including handicraft classes but not to exceed fifteen (15) students.

Ice sales with storage not to exceed five (5) tons.

Jewelry stores and watch repair.

Leather goods and luggage stores.

Liquor, off-sale.

Meat market but not including processing for a locker plant.

Office supplies and equipment.

Plumbing, television, radio, electrical sales and such repair as are accessory use to the retail establishments permitted within this District.

Record/music shops.

Restaurant, café, and tea room with a maximum of twenty four (24) seats and two thousand (2,000) square feet in floor area. The restaurant shall not include drive-thru and/or window pick-up services or the serving of food to patrons in their vehicles. (Added, Ord. 856, 2-3-11)

Rugs, carpet, tile, paint and wallpaper sales.

Shoe stores.

Small appliance sales and service.

Sporting goods store.

Tailor shops.

Toy stores.
Video rental, sales and service.

Wearing apparel. (Ord. 452, 2-27-89; Ord. 487, 6-25-90)
Subd. 3. Tattoo, Body Piercing, Body Branding, Body Painting or Body Scarring Establishments, provided that:

a. Any such establishment shall be separated by no less than one thousand (1,000) feet from any other such establishment located within the City of Mounds View, as measured from the property lines of the property upon which the uses are located.

b. The minimum floor space for such use shall be two hundred fifty (250) square feet.

c. The establishment and operators shall be licensed and be in compliance with Chapter 515 of the Municipal Code. (Ord. 663, 9-11-00)

1113.03: **ACCESSORY USES:** The following are permitted accessory uses in a B-2 District:

All permitted accessory uses as allowed in a B-1 District. (1988 Code §40.17)

1113.04: **CONDITIONAL USES:** The following are conditional uses in a B-2 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided, that:

a. Conformity with the surrounding neighborhood is maintained, and required setbacks and side yard requirements are met.

b. Equipment is completely enclosed in a permanent structure with no outside storage.

c. Adequate screening from neighboring uses and landscaping is provided in accordance with subdivisions 1103.08(l) through (5) of this Title.

d. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
Subd. 2. Commercial planned unit development as required by Chapter 1120 of this Title.

Subd. 3. Reserved. (Ord. 896, 1-26-15)

Subd. 4. Veterinary clinics, animal clinics, and animal boarding facilities; provided, that: (Ord. 685, 8-27-01)

a. Noise and odor are effectively confined to the premises in accordance with Chapter 6 of this Municipal Code, Nuisances.

b. A mechanical ventilation or exhaust system shall be installed to control, capture and remove emissions or odors generated by such use. Such systems shall be separate from other ventilation systems in the building. Such system shall be designed to prevent the migration of emissions or odors to other parts of the building. Installation must comply with Minnesota Building Code Mechanical Systems, Chapter 134537. (Ord. 441, 5-23-88; Ord. 685, 8-27-01)

c. All animal boarding activities shall be conducted indoors, except for necessary outdoor exercise. At no time shall any animal be left unsupervised while outdoors. (Ord. 685, 8-27-01)

d. Outdoor exercise shall be conducted so as not to unreasonably annoy, injure or endanger the health, safety, comfort, or welfare of the public. (Ord. 685, 8-27-01)

e. All animal boarding facilities shall comply with the Nuisance Codes established for the City of Mounds View. (Ord. 685, 8-27-01)

f. All animal boarding facilities shall comply with the Minnesota Pet and Companion Animal Welfare Act (Minnesota Statutes, 346.35 – 346.44). (Ord. 685, 8-27-01)

37 See Section 1001.01 of this Code for adoption of State Building Code; see M.S.A. §16B.59 for State Building Code.
Subd. 5. Pet stores; provided, that:

a. Noise and odor are effectively confined to the premises in accordance with Chapter 604 of this Municipal Code, Nuisances.

b. The boarding of animals is prohibited, except for the purposes of retail sales.

c. A mechanical ventilation or exhaust system shall be installed to control, capture and remove emissions or odors generated by such use. Such systems shall be separate from the other ventilation systems in the building. Such system shall be designed to prevent the migration of emissions or odors to other parts of the building. Installation must comply with the Minnesota State Building Code Mechanical Systems, Chapter 1345. (Ord. 448, 9-26-88)

Subd. 6. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97)

Subd. 7. Day care center, group nursery; provided that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are delivered and removed daily. (Ord. 595, 4-14-97)

b. The front yard depth shall be a minimum of thirty five feet (35’). (Ord. 595, 4-14-97)

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Not less than forty (40) square feet of outside play space per child be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council. (Ord. 595, 4-14-97)

e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title. (Ord. 595, 4-14-97)

f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title. (Ord. 595, 4-14-97)

g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Ord. 595, 4-14-97)
h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code. (Ord. 595, 4-14-97)

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)

j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200’), except as provided in Section 1123.02, subdivision 1c. (Ord. 595, 4-14-97)

k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, if five hundred feet (500’) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)
Subd. 8. Neighborhood Motor Fuel Station; provided, that: (Added, Ord. 788, 4-9-07)

a. Regardless of whether the dispensing, sales or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Title for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

b. There shall be a maximum of four (4) motor fuel dispensing pumps on the site.

c. There shall be no automotive service, repair or rebuilding allowed on the site.

d. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

e. The entire site, other than that taken up by a building, structure of plantings, shall be surfaced with a material to control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.

f. A minimum lot area of twenty two thousand five hundred (22,500) square feet and minimum lot dimensions of one hundred fifty feet by one hundred thirty feet (150’ x 130’) be provided.

g. A drainage system, subject to the approval of the Director of Public Works/City Engineer, shall be installed.

h. A curb not less than six inches (6”) above grade shall separate the public sidewalk from motor vehicle service areas.

i. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with Section 1103.09 of this Title.

j. Wherever fuel pumps are to be installed, pump islands shall be installed.

k. At the boundaries of a residential district, a strip of not less than ten feet (10’) shall be landscaped and screened in compliance with subdivisions 1103.08(1) through (5) of this Title.
1. Each light standard island and all islands in the parking lot shall be landscaped or covered.

m. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(1) through (5) of this Title.

n. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Chapter 1121 of this Title and shall be subject to the approval of the Director of Public Works/City Engineer.

o. All signing and informational or visual communication devices shall be minimized and shall be in compliance with the Mounds View Sign Code.\(^{38}\)

p. Provisions are made to control and reduce noise.

q. No outside storage except as allowed in compliance with subdivision 4 of this Section shall exist.

r. No outside sale or service shall exist.

s. Sale of products other than those specifically mentioned in this Section shall be subject to the conditional use permit.

t. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

u. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

\(^{38}\) See Chapter 1008 of this Code.
Subd. 9. Car washes as an accessory use to a neighborhood fuel station (drive through, mechanical and self-service); provided, that: (Added, Ord. 833, 9-3-09)

a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. (Added, Ord. 833, 9-3-09)

b. Magazining or stacking space is constructed to accommodate that number of vehicles that can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the Director of Public Works/City Engineer. (Added, Ord. 833, 9-3-09)

c. At the boundaries of a residential district, a strip of not less than ten feet (10’) shall be landscaped and screened in compliance with subdivisions 1103.08(l) through (5) of this Title. (Added, Ord. 833, 9-3-09)

d. Each light standard island and all islands in the parking lot shall be landscaped or covered. (Added, Ord. 833, 9-3-09)

e. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(l) through (5) of this Title. (Added, Ord. 833, 9-3-09)

f. The entire area, other than occupied by the building or plantings, shall be surfaced with material that will control dust, drainage and erosion that is subject to the approval of the Director of Public Works/City Engineer. (Added, Ord. 833, 9-3-09)

g. The entire area shall have a drainage system that is subject to the approval of the Director of Public Works/City Engineer. (Added, Ord. 833, 9-3-09)

h. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1103.09 of this Title. (Added, Ord. 833, 9-3-09)

i. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the Director of Public Works/City Engineer. (Added, Ord. 833, 9-3-09)
j. All signing and informational or visual communication devices shall comply with the Mounds View Sign Code. (Added, Ord. 833, 9-3-09)

k. Provisions are made to control and reduce noise. (Added, Ord. 833, 9-3-09)

l. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met. (Added, Ord. 833, 9-3-09)

Subd. 10. Restaurants, cafes and tea rooms with more than twenty four (24) seats and/or two thousand (2,000) square feet of floor area. The restaurant shall not include drive-thru and/or window pick-up services or the serving of food to patrons in their vehicles. (Added, Ord. 856, 2-3-11)

1113.05: INTERIM USES: The following are interim uses in a B-2 District requiring an Interim Use Permit. An interim use permit must be obtained in accordance with procedures identical in form and a substance to the conditional use permit procedures found in Section 1125.01, subdivision 3 of the Mounds View Municipal Code. Interim Use Permits may be approved for a determined or undetermined period of time at the sole discretion of the City Council. (Added, Ord. 735, 5-10-04)

Subd. 1. All permitted interim uses as allowed in a B-1 District. (Added, Ord. 735, 5-10-04)
CHAPTER 1114

B-3, HIGHWAY BUSINESS DISTRICT

SECTION:

1114.01: Purpose
1114.02: Permitted Uses
1114.03: Accessory Uses
1114.04: Conditional Uses
1114.05: Interim Uses

1114.01: **PURPOSE:** The purpose of the B-3, Highway Business District is to provide for and limit the establishment of motor vehicle oriented or dependent commercial and service activities. (1988 Code §40.18)
1114.02: **PERMITTED USES:** The following are permitted uses in a B-3 District:

All permitted uses as allowed in a B-2 Limited Business District.

Amusement centers.

Auto accessory stores.

Bowling alleys. (Ord. 617, 6-8-98)

Commercial recreational uses.

Grocery stores, supermarkets.

Motels, motor hotels and hotels; provided, that the lot area contains not less than five hundred (500) square feet of lot area per unit.

Private clubs or lodges serving food and beverages with use being restricted to members and their guests. Adequate dining room, kitchen and bar space must be provided according to standards imposed upon similar unrestricted customer operations. The serving of alcoholic beverages to members and their guests shall be allowed; provided, that such service is in compliance with applicable Federal, State and Municipal regulations.\(^{39}\) Offices of such use shall be limited to no more than twenty percent (20%) of the gross floor area of the building.

Public or semi-public recreational buildings and neighborhood or community centers, public and private educational institutions limited to elementary, junior high and senior high schools and religious institutions. (Ord. 617, 6-8-98; Ord. 900, 5-26-15)

Rental stores.

Restaurants, cafes, tea rooms, taverns, on- and off-sale liquor.

Taxi terminals, stands and offices. (Ord. 452, 2-27-89; Ord. 581, 6-10-96)

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\(^{39}\) See Chapters 501, 502 and 503 of this Code; see M.S.A. Chapter 340A.
1114.03: **ACCESSORY USES:** The following are permitted accessory uses in a B-3 District:

All permitted accessory uses as allowed in a B-2, Limited Business District. (1988 Code §40.18)
1114.04: **CONDITIONAL USES:** The following are conditional uses in a B-3 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Drive-in and convenience food establishments; provided, that:

a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

b. At the boundaries of a residential district, a strip of not less than ten feet (10’) shall be landscaped and screened in compliance with subdivisions 1103.08(1) through (5) of this Title.

c. Each light standard island and all islands in the parking lot shall be landscaped or covered.

d. Parking areas shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(1) through (5) of this Title.

e. Parking areas and driveways shall be curbed with continuous curbs not less than six inches (6”) high above the parking lot or driveway grade.

f. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement, shall comply with Chapter 1121 of this Title and shall be subject to the approval of the Director of Public Works/City Engineer.

g. All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with Section 1103.09 of this Title.

h. The entire area shall have a drainage system which is subject to the approval of the Director of Public Works/City Engineer.

i. The entire area, other than that occupied by buildings or structures or plantings, shall be surfaced with a material which will control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.
j. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code\textsuperscript{40}.

k. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

\textsuperscript{40} See Chapter 1008 of this Code.
Subd. 2. Car washes (drive through, mechanical and self-service); provided, that:

a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

b. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the Director of Public Works/City Engineer.

c. At the boundaries of a residential district, a strip of not less than ten feet (10’) shall be landscaped and screened in compliance with subdivisions 1103.08(l) through (5) of this Title.

d. Each light standard island and all islands in the parking lot shall be landscaped or covered.

e. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(l) through (5) of this Title.

f. The entire area, other than occupied by the building or plantings, shall be surfaced with material which will control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.

g. The entire area shall have a drainage system which is subject to the approval of the Director of Public Works/City Engineer.

h. All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with Section 1103.09 of this Title.

i. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the Director of Public Works/City Engineer.

j. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code\(^41\).

\(^41\) See Chapter 1008 of this Code.
k. Provisions are made to control and reduce noise.

l. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 3. Motor fuel station, auto repair, minor and tire battery stores and service; provided, that:

a. Regardless of whether the dispensing, sales or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Title for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

b. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.

c. The entire site, other than that taken up by a building, structure or plantings, shall be surfaced with a material to control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.

d. A minimum lot area of twenty two thousand five hundred (22,500) square feet and minimum lot dimensions of one hundred fifty feet by one hundred thirty feet (150’ x 130’) be provided.

e. A drainage system, subject to the approval of the Director of Public Works/City Engineer, shall be installed.

f. A curb not less than six inches (6”) above grade shall separate the public sidewalk from motor vehicle service areas.

g. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with Section 1103.09 of this Title.

h. Wherever fuel pumps are to be installed, pump islands shall be installed.

i. At the boundaries of a residential district, a strip of not less than ten feet (10’) shall be landscaped and screened in compliance with subdivisions 1103.08(1) through (5) of this Title.
j. Each light standard island and all islands in the parking lot shall be landscaped or covered.

k. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with subdivisions 1103.08(l) through (5) of this Title.

l. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Chapter 1121 of this Title and shall be subject to the approval of the Director of Public Works/City Engineer.

m. All signing and informational or visual communication devices shall be minimized and shall be in compliance with the Mounds View Sign Code.42

n. Provisions are made to control and reduce noise.

o. No outside storage except as allowed in compliance with subdivision 4 of this Section shall exist.

p. No outside sale or service except as allowed in compliance with subdivision 5 of this Section shall exist.

q. Sale of products other than those specifically mentioned in this Section shall be subject to the conditional use permit.

r. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

s. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

42 See Chapter 1008 of this Code.
Subd. 4. Open and outdoor storage as an accessory use; provided, that:

a. The area is fenced and screened from view of neighboring uses or if abutting an R District in compliance with subdivisions 1103.08(l) through (5) of this Title.

b. Storage is screened from view from the public right of way in compliance with subdivisions 1103.08(l) through (5) of this Title.

c. Storage area is grassed or surfaced to control dust.

d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with Section 1103.09 of this Title.

e. The open and outdoor storage does not take up parking space as required for conformity to this Title.

f. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 5. Open or outdoor service, sale and rental as a principal or accessory use and including sales in or from motorized vehicles, trailers or wagons for a period greater than ten (10) days; (Amended, Ord. 733, 5-10-04)

a. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.

b. Outside sales areas are fenced or screened from view of neighboring identical uses or an abutting R District in compliance with subdivisions 1103.08(l) through (5) of this Title.

c. All lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with sections 1103.08 and 1103.09 of this Title.

d. Sales area is grassed or surfaced to control dust.

e. The open or outdoor service, sale or rental use does not take up parking space as required for conformity of this Title.

f. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
Subd. 6. An accessory use which is a permitted use in a B-2 District, and:

   a. Such use does not constitute more than thirty percent (30%) of the lot area and not more than fifty percent (50%) of the gross floor area of the principal use.

   b. The off-street parking and off-street loading requirements of Chapters 1121 and 1122 of this Title have been met.

   c. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code\(^{43}\).

   d. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 7. Reserved. (Ord. 896, 1-26-15)

\(^{43}\) See Chapter 1108 of this Code.
Subd. 8. Motor vehicle and recreation equipment sales and garages accessory thereto; provided that:

a. Motor vehicle sales shall be on one (1) lot or contiguous lots not separated by a public street, alley, or other use.

b. The minimum lot width shall be one hundred fifty feet (150’) at the minimum required front yard setback, as defined in Section 1104.01, Yard Requirements for B-3 Zoning Districts.

c. A minimum lot area of two (2) acres is required.

d. Setbacks shall be as required in Section 1104.01, Yard Requirements for B-3 Zoning Districts.

e. The entire site on which motor vehicle sales is located, other than that devoted to buildings and structures or landscaped areas shall be surfaced and maintained with a material to control dust, drainage and erosion which is subject to the approval of the Director of Public Works/City Engineer.

f. A drainage system, subject to the approval of the Director of Public Works/City Engineer, shall be installed and maintained. All provisions shall apply as included in Chapters 1103, 1010 and 1302 relating to Surface Water Management.

g. The following parking requirements shall be met:

(1) All customer and employee parking spaces shall be permanently and clearly marked.

(2) For every three (3) employees, a minimum of two (2) employee parking spaces shall be provided.

(3) A minimum of two (2) off-street parking spaces for each service stall are required.

The foregoing required parking spaces shall be shown and designated on the site plan.
h. All outdoor illumination on sales lots shall be provided with lenses, reflectors, or shades, which will concentrate the light upon the premises so as to prevent glare or direct rays and shall be in compliance with Section 1103.09 of the Municipal Code.

i. The maximum areas permitted for outside storage of motor vehicles can not exceed two (2) square feet of outside storage to each one (1) square foot of enclosed ground floor area. Not more than one (1) automobile shall be stored on each forty (40) square feet of outside storage. No rooftop parking shall be permitted.

j. Accessory buildings to be used solely for sales offices shall not be permitted. Such accessory buildings as are permitted shall be constructed of the same materials as the main structure.

k. All signing and informational or visual communication devices shall be in compliance with Chapter 1008.08 of the Sign Code regulations.

l. A minimum ten percent (10%) of the property, excluding setback requirements, is required for landscaped green space. The planting plan and type of shrubbery shall require approval of the Planning Commission based upon a recommendation of City Forester.

m. A natural screen shall be erected and maintained along all property lines separating the site from any Residential District. The screening shall include landscaping (trees, shrubs, grass, etc.) of a type (layout, species, height, size and density) in compliance with Subdivision 1103.08 of the Title.

n. The hours of operation of the facility shall not exceed seven o’clock (7:00) a.m. to ten o’clock (10:00) p.m.

o. Test driving routes and patterns must be submitted and approved prior to operation of an automobile sales lot.

p. No music or advertisement will be allowed over paging systems.

q. All provisions shall apply as included in Section 1103.01 relating to noise within the City Code.

r. All car lots shall be brought into conformance within seven (7) years of the date this ordinance is effective. (Ord. 570, 1-8-96; Ord. 581, 6-10-96)
Subd. 9. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97)

Subd. 10. Day care center, group nursery; provided that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are delivered and removed daily. (Ord. 595, 4-14-97)

b. The front yard depth shall be a minimum of thirty five feet (35'). (Ord. 595, 4-14-97)

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Not less than forty (40) square feet of outside play space per child be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council. (Ord. 595, 4-14-97)

e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title. (Ord. 595, 4-14-97)

f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title. (Ord. 595, 4-14-97)

g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Ord. 595, 4-14-97)

h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code. (Ord. 595, 4-14-97)

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)

j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200'), except as provided in Section 1123.02, subdivision 1c. (Ord. 595, 4-14-97)
k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500”) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)

1114.05: **INTERIM USES:** The following are interim uses in a B-3 District requiring an Interim Use Permit. An interim use permit must be obtained in accordance with procedures identical in form and substance to the conditional use permit procedures found in Section 1125.01, subdivision 3 of the Mounds View Municipal Code. Interim Use Permits may be approved for a determined or undetermined period of time at the sole discretion of the City Council. (Added, Ord. 735, 5-10-04)

Subd. 1. All permitted interim uses as allowed in a B-2 District. (Added, Ord. 735, 5-10-04)
CHAPTER 1115

B4, REGIONAL BUSINESS DISTRICT

SECTION:

1115.01: Purpose
1115.02: Permitted Uses
1115.03: Accessory Uses
1115.04: Conditional Uses
1115.05: Interim Uses

1115.01: **PURPOSE:** The purpose of the B-4, Regional Business District is to provide for the establishment of commercial and service activities which draw from and service customers from the entire community or region. (1988 Code §40.19)
1115.02: **PERMITTED USES:** The following are permitted uses in a B-4 District:

All permitted uses as allowed in a B-3 District.

Amusement places (such as dance halls or roller rinks).

Enclosed boat and marine sales.

Department and discount stores.

Dry cleaning, including plant accessory heretofore, pressing and repairing.

Electrical appliance stores, including incidental repair and assembly but not fabricating or manufacturing.

Furniture stores.

Garden supply stores.

Public garage.

Theaters, not of the outdoor drive-in type.

Variety stores, 5 and 10 cent stores and stores of similar nature. (Ord. 452, 2-27-89; Ord. 617, 6-8-98)

1115.03: **ACCESSORY USES:** The following are permitted accessory uses in a B-4 District:

All permitted accessory uses as allowed in a B-3 District. (1988 Code §40.19)
1115.04: **CONDITIONAL USES:** The following are conditional uses in a B-4 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Open and outdoor storage as an accessory use; provided, that:
   a. The area is fenced and screened from view of neighboring residential uses or if abutting a residential district in compliance with subdivisions 1103.08(l) through (5) of this Title.
   b. Storage is screened from view from the public right of way in compliance with subdivisions 1103.08(l) through (5) of this Title.
   c. Storage area is grassed or surfaced to control dust.
   d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with Section 1103.09 of this Title.
   e. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 2. Open or outdoor service, sale and rental as an accessory use and including sales in or from motorized vehicles, trailers or wagons for a period greater than ten (10) days; (Amended, Ord. 733, 5-10-04)
   a. Outside service, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
   b. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with subdivisions 1103.08(l) through (5) of this Title.
   c. All lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with Section 1103.09 of this Title.
   d. Sales area is grassed or surfaced to control dust.
   e. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.
Subd. 3. Custom manufacturing, restricted production and repair limited to the following: art, needlework, jewelry from precious metals, watches, dentures, optical lenses; provided, that:

a. Such use is accessory as defined by subdivision 1102.02(l) of this Title to the principal use of the property.

b. Does not conflict with the character of development intended for this Zoning District.

c. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 4. Commercial planned unit development as regulated by Chapter 1120 of this Title.

Subd. 5. Reserved. (Ord. 896, 1-26-15)

Subd. 6. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97)
Subd. 7. Day care center, group nursery; provided that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are delivered and removed daily. (Ord. 595, 4-14-97)

b. The front yard depth shall be a minimum of thirty-five feet (35’). (Ord. 595, 4-14-97)

c. Minimum lot area shall be no less than one (1) acre, or as provided in Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Not less than forty (40) square feet of outside play space per child be provided and that such space be suitably fenced and/or screened in accordance with conditions as specified by the City Council. (Ord. 595, 4-14-97)

e. Adequate off-street parking and access is provided in compliance with Chapter 1121 of this Title. (Ord. 595, 4-14-97)

f. Adequate off-street loading and service entrances are provided in compliance with Chapter 1122 of this Title. (Ord. 595, 4-14-97)

g. The site and related parking and service entrances shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. (Ord. 595, 4-14-97)

h. All signing and informational or visual communication devices shall be in compliance with the Mounds View Sign Code. (Ord. 595, 4-14-97)

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered and satisfactorily met. (Ord. 590, 11-25-96)

j. The distance between any outdoor play yard for a day care center or group nursery and the Highway 10 right-of-way line shall be a minimum of two hundred feet (200’), except as provided in Section 1123.02, subdivision 1c. (Ord. 595, 4-14-97)
k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500') or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)
1115.05: **INTERIM USES:** The following are interim uses in a B-4 District requiring an Interim Use Permit. An interim use permit must be obtained in accordance with procedures identical in form and substance to the conditional use permit procedures found in Section 1125.01, subdivision 3 of the Mounds View Municipal Code. Interim Use Permits may be approved for a determined or undetermined period of time at the sole discretion of the City Council. (Added, Ord. 735, 5-10-04)

Subd. 1. All permitted interim uses as allowed in a B-3 District. (Added, Ord. 735, 5-10-04)
CHAPTER 1116

I-1, INDUSTRIAL DISTRICT

SECTION:

1116.01: Purpose
1116.02: Permitted Uses
1116.03: Accessory Uses
1116.04: Conditional Uses
1116.05: Compliance with Other Provisions
1116.06: Interim Uses

1116.01: **PURPOSE:** The purpose of the I-1, Industrial District is to provide for the establishment of warehousing and industrial development and use. (1988 Code §40.20)
1116.02: **PERMITTED USES:** The following are permitted uses in an I-1 District:

Adult establishments as defined and regulated in Chapter 513 of the Municipal Code. (Ord. 574, 5-13-96)

Blacksmith, welding or other metal shop.

Building materials sales yards, retail lumber yard, contractors equipment sales and rentals, storage and sale of food, and fuel not for resale.

Essential services.

Flammable liquids: Above ground storage not to exceed a total of eight hundred (800) gallons; underground bulk storage not to exceed twenty five thousand (25,000) gallons if located not less than fifty feet (50’) from a residential district. (Amended, Ord. 830, 9-3-09)

Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.

Golf Course. (Added, Ord. 721, 10-13-03)

Governmental and public utility building and structures.

Greenhouses and nurseries.

Laboratories, experimental, film and/or testing.

Laundries, bag, carpet and rug cleaning.

Manufacture or assembly of electrical appliances, instruments and devices.

Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials, such as bond cloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yarns and wools.

Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products and the rendering or refining of fats and oils.

Manufacture of musical instruments, novelties and molded rubber products.
1116.02

Manufacture of pottery or other similar ceramic products, only by electricity or natural gas.

Manufacture and repair of electrical signs, advertising structures and light sheet metal products, including heating and ventilating equipment.

Medical Supplies

Motorized vehicle or recreational equipment sales and service and rental.

Newspaper and general printings.

Office.

Pharmacies, Stand Alone, not part of a retail store.

Rental Stores.

Rugs, carpet, tile, paint or wallpaper stores.

Warehouses.

Wholesale and retail showrooms and offices; provided, that at least fifty percent (50%) of the principal building is devoted to storage or warehousing of merchandise. (1988 Code §40.20)

(Ord. 895, 1-26-15)

1116.03: ACCESSORY USES: The following are permitted accessory uses in an I-1 District:

Buildings and structures for a use accessory to the principal use.

Offices accessory to the principal use.

Off-street parking as regulated by Chapter 1121 of this Title.

Off-street loading as regulated by Chapter 1122 of this Title.

Signs as regulated by the Mounds View Sign Code\(^4\). (1988 Code §40.20)

\(^4\) See Chapter 1008 of this Code.
1116.04: **CONDITIONAL USES:** The following are conditional uses in an I-1 District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title):

Subd. 1. Open and outdoor storage as an accessory use.

Subd. 2. Open or outdoor service, sale and rental as a principal or an accessory use and including sales in or from motorized vehicles, trailers or wagons; provided, that:

   a. Accessory outside service, sales and equipment rental connected with a principal use is limited to thirty percent (30%) of the gross floor area of the principal use.

   b. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with subdivisions 1103.08(l) through (5) of this Title.

Subd. 3. Motor freight terminals.

Subd. 4. Industrial planned unit development as regulated by Chapter 1119 of this Title.

Subd. 5. Wind Energy Conversion Systems as regulated by Chapter 1128 of this Title. (Ord. 883, 9-9-13)

Subd. 6. Manufacturing, compounding, processing, packaging or treatment of flammable liquids.

Subd. 7. Automobile assembly and/or major repair.

Subd. 8. Creamery, bottling plant, ice cream manufacture, ice manufacture, cold storage and/or milk distribution station.

Subd. 9. Storage of flammable liquids over eight hundred (800) gallons above ground. (1988 Code §40.20) (Amended, Ord. 830, 9-3-09)

Subd. 10. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97)
Subd. 11. Day care center, group nursery; provided that: (Ord. 595, 4-14-97)

a. No overnight facilities are provided for the children served. Children are
delivered and removed daily. (Ord. 595, 4-14-97)

b. The front yard depth shall be a minimum of thirty five feet (35’). (Ord. 595, 4-14-97)

c. Minimum lot area shall be no less than one (1) acre, or as provided in
Section 1104.02, subdivision 2b(3). (Ord. 590, 11-25-96)

d. Not less than forty (40) square feet of outside play space per child be provided
and that such space be suitably fenced and/or screened in accordance with
conditions as specified by the City Council. (Ord. 595, 4-14-97)

e. Adequate off-street parking and access is provided in compliance with
Chapter 1121 of this Title. (Ord. 595, 4-14-97)

f. Adequate off-street loading and service entrances are provided in compliance
with Chapter 1122 of this Title. (Ord. 595, 4-14-97)

g. The site and related parking and service entrances shall be served by an
arterial or collector street of sufficient capacity to accommodate the traffic which
will be generated. (Ord. 595, 4-14-97)

h. All signing and informational or visual communication devices shall be in
compliance with the Mounds View Sign Code. (Ord. 595, 4-14-97)

i. The provisions of Section 1125.01, subdivision 1e of this Title are considered
and satisfactorily met. (Ord. 590, 11-25-96)

j. The distance between any outdoor play yard for a day care center or group
nursery and the Highway 10 right-of-way line shall be a minimum of two hundred
feet (200’), except as provided in Section 1123.02, subdivision 1c. (Ord. 595, 4-14-97)
k. No day care center or group nursery shall be permitted where the distance from the property line for the day care center or group nursery to a premise requiring a liquor license, as provided in Section 502 of the Municipal Code, or a license for an adult establishment, as provided in Section 513 of the Municipal Code, is five hundred feet (500’) or less, except that the five hundred (500) foot requirement shall not apply to any liquor establishment receiving at least sixty percent (60%) of its annual gross sales revenue from the sale of food. (Ord. 595, 4-14-97)

(Ord. 895, 1-26-15)
1116.05: **COMPLIANCE WITH OTHER PROVISIONS:** All permitted, accessory or conditional uses in an I-1 District shall comply with the following:

Subd. 1. Code Sections 1103.08, 1103.09, 1103.10 and 1103.11 of this Title regarding screening, glare, smoke, dust, odors and noise are adhered to.

Subd. 2. Traffic generated would be compatible and within the operating limits of the primary streets used for access.

Subd. 3. The area is fenced and screened from view of neighboring residential uses, or if abutting a residential district, in compliance with subdivisions 1103.08(l) through (5) of this Title.

Subd. 4. Storage is screened from view from the public right of way in compliance with subdivisions 1103.08(l) through (5) of this Title.

Subd. 5. Storage and sales areas are grassed or surfaced to control dust.

Subd. 6. All lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with Section 1103.09 of this Title.

Subd. 7. The provisions of subdivision 1125.01(1)e of this Title are considered and satisfactorily met.

Subd. 8. Permits or approvals required from other public agencies (i.e., Minnesota Pollution Control Agency, Department of Natural Resources, Metropolitan Waste Control Commission and Rice Creek Watershed District) be obtained prior to final approval of use. (1988 Code §40.20; 1993 Code)

1116.06: **INTERIM USES:** The following are interim uses in an I-1 District requiring an Interim Use Permit. An interim use permit must be obtained in accordance with procedures identical in form and substance to the conditional use permit procedures found in Section 1125.01, subdivision 3 of the Mounds View Municipal Code. Interim Use Permits may be approved for a determined or undetermined period of time at the sole discretion of the City Council. (Added, Ord. 735, 5-10-04)

Subd. 1. All permitted interim uses as allowed in a B-4 District. (Added, Ord. 735, 5-10-04)
CHAPTER 1117

CRP, CONSERVANCY, RECREATION AND PRESERVATION DISTRICT

SECTION:

1117.01: Purpose
1117.02: Procedure
1117.03: Submission Requirements
1117.04 Accessory Uses
1117.05 Conditional Uses

1117.01: **PURPOSE:** The purpose of the CRP District is to permit the development of major recreational use facilities on lands uniquely situated in the City by virtue of such factors as access, surrounding uses and adaptability. Such lands may be wholly or partially unsuitable for most residential, commercial or industrial development because of location, surrounding uses, water tables, drainage and soil conditions, the lack of adequate public utilities because of availability or cost considerations and where such developments would adversely impact the flood plains, wetlands and drainageways of the area. Such recreational use development shall be designed to conserve, preserve and enhance the environment, important natural features and resources, forests and woodlands and control density, particularly in areas of the City affected by major highways, airports and other regional areas. (1988 Code §40.21)

1117.02: **PROCEDURE:** The developer shall submit a plan for development to the City Administrator together with the required fees. The City Administrator shall forward the plans to the Planning and Parks and Recreation Commissions, who shall submit their comments and recommendations to the City Council within sixty (60) days of receipt. The City Council, within ninety (90) days of submission of the plan to the Commissions, may approve, disapprove or resubmit the proposal to the Commissions for further consideration. The City Council may require public hearings before it takes action. (1988 Code §40.21) (Amended, Ord. 844, 5-20-10)

1117.03: **SUBMISSION REQUIREMENTS:** The developer shall submit, in sufficient copies, to the City Administrator, such exhibits, analyses and plans, as applicable, and as required by subdivision 1120.05(l) of this Title. (1988 Code §40.21) (Amended, Ord. 844, 5-20-10)
1117.04  **ACCESSORY USES:** The following shall be considered an accessory use in the CRP District:

Subd. 1. An accessory building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a commercial wireless telecommunication service tower and/or antenna, used for the sole purpose of housing related service equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services; subject to the design, landscaping and screening standards established in Section 1124.05 of the Zoning Code. (Ord. 588, 2-10-97)

1117.05  **CONDITIONAL USES:** The following shall be considered a conditional use in the CRP District (requiring a conditional use permit based upon procedures set forth in and regulated by Section 1125.01 of this Title): (Ord. 588, 2-10-97)

Subd. 1. Wireless telecommunications towers and antennae subject to the provisions established in Chapter 1124 of the Zoning Code. (Ord. 588, 2-10-97)
CHAPTER 1118

(Deleted, Ord. 720, 10-13-03)
(Added, Ord. 711, 11-10-03)

PS, PAWNSHOP OVERLAY DISTRICTS

SECTION:

1118.01: Purpose
1118.02: Permitted Uses
1118-03: Other Requirements
1118.04: District Area

1118.01: PURPOSE: The purpose of the Pawnshop Overlay District is to allow the location of a Pawnshop as defined by Section 1102.02 of the City Code as an additional permitted use in defined areas of certain other zoning districts within the City.

1118.02: PERMITTED USES: In addition to other uses permitted in the underlying zoning district, a Pawnshop as defined in Section 1102.02 of the City Code.

118.03: OTHER REQUIREMENTS: A Pawnshop must comply with all lot standards and other requirements applicable to other permitted uses in the underlying zoning district, provided, however, that a building containing a Pawnshop may not be located within one thousand (1,000) feet of another building containing a Pawnshop. In addition, a Pawnshop must be licensed and operate in compliance with the requirements provided in Chapter 516 of the City Code.

1118.04: DISTRICT AREA: The following area is hereby established as being within the Pawnshop Overlay District:

Lots 1, 2 and 3, Block 1, North Star Industrial Park 2nd Addition.
CHAPTER 1119

PUD, PLANNED UNIT DEVELOPMENT DISTRICT

SECTION:

1119.01: Purpose
1119.02: Permitted Uses
1119.03: Special Procedures

1119.01: **PURPOSE:** The purpose of the PUD, Planned Unit Development District is to provide for the integration and coordination of land parcels as well as the combination of varying types of residential, commercial and industrial uses. (1988 Code §40.23)

1119.02: **PERMITTED USES:** All permitted accessory or conditional uses contained in Chapters 1106 through 1118 of this Title shall be treated as permitted uses to eliminate the overlapping procedural requirements of individual conditional use provisions. (1988 Code §40.23)

1119.03: **SPECIAL PROCEDURES:** The establishment of a PUD, Planned Unit Development District shall be subject to the amendment requirements as outlined in Section 1125.01 of this Title plus the procedures and conditions imposed by Chapter 1120 of this Chapter. (1988 Code §40.23)
CHAPTER 1120

PLANNED UNIT DEVELOPMENTS

SECTION:

1120.01: Purpose and Intent
1120.02: General Requirements and Standards
1120.03: Special Requirements and Standards
1120.04: Procedure
1120.05: Submittals

1120.01: PURPOSE AND INTENT: The purpose of this Chapter of the Zoning Code is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities through conditional use provisions. It is further intended that planned unit developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities and a harmonious selection and efficient distribution of uses. Specifically, it is intended to encourage:

Subd. 1. Innovations in residential development to the end that the growing demands for housing of all economic levels may be met by greater variety in tenure, type, design and siting of dwellings and by the conservation and more efficient use of land in such developments.

Subd. 2. Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.

Subd. 3. More convenience in location of accessory commercial and service area.

Subd. 4. The preservation and enhancement of desirable site characteristics, such as natural topography and geologic features and the prevention of soil erosion.

Subd. 5. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.
Subd. 6. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs and public investments.

Subd. 7. A development pattern in harmony with the objectives of the Mounds View Comprehensive Plan.

Subd. 8. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.\textsuperscript{45}

Subd. 9. To give the landowner and developer reasonable assurance of ultimate approval before expending complete design monies while providing City officials with assurances that the project will retain the character envisioned at the time of concurrence.

Subd. 10. To allow variation from the provisions of this Title, including setbacks, height, lot area, width and depth, yards, etc. (1988 Code §40.24)

1120.02: GENERAL REQUIREMENTS AND STANDARDS:

Subd. 1. Ownership: An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners.

Subd. 2. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the adopted City Comprehensive Plan.

Subd. 3. Common Open Space: Common open space at least sufficient to meet the minimum requirements established in this Chapter and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD.

\textsuperscript{45} See Title 1200 of this Code for subdivision regulations.
Subd. 4. Operating and Maintenance Requirements for PUD Common Open Space/Facilities: Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one (1) or more of the following as approved by the Council:

a. Landlord control, where only use by tenants is anticipated.
b. Property Owners’ Association; provided, all of the following conditions are met:

(1) Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document and a set of floor plans, such as specified by Minnesota Statutes, Chapters 515 and 515A, shall be filed with the City Administrator, said filing to be made prior to the filings of said declaration of documents or floor plans with the recording officers of Ramsey County, Minnesota. (Amended, Ord. 844, 5-20-10)

(2) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.

(3) The declaration of covenants, conditions and restrictions shall provide that an owners’ association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.

(4) The declaration shall, additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the said City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.

(5) Membership must be mandatory for each owner and any successive buyer.

(6) The open space restrictions must be permanent and not for a given period of years.
(7) The association must be responsible for liability insurance, local taxes and the maintenance of the open space facilities to be deeded to it.

(8) Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.

(9) The association must be able to adjust the assessment to meet changed needs.

(10) The bylaws and rules of the association and all covenants and restrictions to be recorded must be approved by the Council prior to the approval of the final PUD plan.

Subd. 5. Staging of Common Open Space: When a PUD provides for common open space, the total area of common open space or land escrow 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 as the stages or units completed or under development bear to the entire PUD.

Subd. 6. Density: The exact density allowable shall be determined by standards agreed upon between the applicant and the City.

Subd. 7. Utilities: In any PUD, all utilities, including telephone, electricity, gas and telecable, shall be installed underground.

Subd. 8. Utility Connections:

a. Water Connections: Where more than one (1) property is served from the same service line, a shut-off valve must be located in such a way that each unit’s service may be shut off by the City, in addition to the normally supplied shut off at the street.

b. Sewer Connections: Where more than one (1) unit is served by a sanitary sewer lateral, the requirements of the Building Code shall apply for lengths between ninety feet (90’) and three hundred feet (300’). If the length exceeds three hundred feet (300’), provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners’ association or owner.

46 See Chapter 1001 of this Code.
Subd. 9. Roadways:

a. Private roadways within the project shall have an improved surface of twenty five feet (25’) or more in width and shall be so designed as to permit fire trucks to provide protection to each building. Parking shall be prohibited within this twenty five foot (25’) roadway.

b. No portion of the required private road system may be used in calculating required off-street parking space.

Subd. 10. Landscaping: In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plat. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

Subd. 11. Public Services: The proposed project shall be served by the City water and sewer system⁴⁷, and fire hydrants shall be installed at such locations as required by the Fire Chief to provide fire protection.

Subd. 12. Building Height: Height limitations shall be the same as imposed in the respective districts, unless the City Council determines additional height or stories would serve a better purpose consistent with the stated intent of this Chapter. (Amended, Ord. 755, 2-14-05)

Subd. 13. Refuse: Provision for trash pick-up shall be made according to a plan approved by the Planning Commission and City Council⁴⁸.

⁴⁷ See Chapters 906 and 907 of this Code.

⁴⁸ See Chapter 603 of this Code for garbage and rubbish regulations.
Subd. 14. Site Improvement Agreement: Prior to the issuance of a building permit as part of the planned unit development, the permit applicant, builder or developer shall execute and deliver to the City Council a site improvement agreement providing for the installation within one (1) year of all of the off-site and on-site improvements as approved by the City Council, secured by a cash escrow or surety bond in an amount and with surety and conditions satisfactory to the City, to insure the City that such improvements will be actually constructed and installed according to specifications and plans approved by the City as expressed in such agreement. The amount of the bond shall be one and one-half (1-1/2) times the estimated cost of the improvements as determined by the Director of Public Works/City Engineer. (1988 Code §40.24)
SPECIAL REQUIREMENTS AND STANDARDS:

Subd. 1. Residential Planned Unit Development:

a. Purpose: It is the intent of this subdivision to establish special requirements for the granting of a conditional use permit for residential PUD projects which are in compliance with the permitted and conditional uses allowed in a specific district, including dwellings, offices and institutional uses of one (1) or more buildings in relation to an overall design and integrated physical plan and in accordance with the provisions and procedures as prescribed in this Title.

b. Minimum Project Size: The tract of land for which a planned unit development, general residential project is proposed and permit requested shall contain not less than three (3) acres of land.

c. Required Frontage: The tract of land for which a project is proposed and permit requested shall have a width of not less than two hundred feet (200') perpendicular to the side lot line or have two hundred feet (200') of frontage on the public right of way, whichever is most restrictive.

d. Yards:

   (1) The front, side and rear yard restrictions at the periphery of the planned unit development site, at a minimum, shall be the same as imposed in the respective districts.

   (2) No building shall be nearer than its building height to the rear or side property line when such line abuts an R-1 or R-2 use district.

   (3) No building shall be located less than twenty feet (20') from the back of the curb line along those roadways which are part of the internal street pattern.

   (4) No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings.

e. Density Bonus: As a consequence of a planned unit development’s planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by ten percent (10%). The building, parking and similar requirements for these extra units shall be observed in compliance with this Title.
f. Townhouses and Condominiums:

(1) Minimum unit lot frontage for townhouses shall be not less than twenty feet (20’).

(2) Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

(3) A townhouse shall have not more than two (2) stories.

(4) No single townhouse shall contain more than eight (8) dwelling units.

(5) No townhouse shall have a single exterior wall longer than eighty feet (80’) nor an offset between walls of more than ten feet (10’).

(6) Townhouse projects shall have a usable open space area equal to four hundred (400) square feet per dwelling.

(7) Condominium buildings containing eight (8) units or less and not more than two (2) stories may entail zero (0) lot line construction; provided, that the association covenant provides for it accordingly.
g. Senior Housing: (Added, Ord. 814, 10-1-08)

(1) The building must have at least sixty percent (60%) of its units designated for assisted living or memory or Alzheimer’s care for the City to consider the project or building as a planned unit development. (Added, Ord. 814, 10-1-08)

(2) The tract of land for which a planned unit development, senior housing project is proposed and permit requested shall contain not less than two (2) acres of land. (Added, Ord. 814, 10-1-08)

(3) The front, side and rear yard building setbacks of the planned unit development site, at a minimum, shall be:

   (a) Front = 30 feet
   (b) Side = 20 feet
   (c) Rear = 30 feet, or 50 feet if abutting residential

(Added, Ord. 814, 10-1-08)

(4) The parking recommendations are as follows, unless the City Council determines more or less parking stalls would serve a better purpose: Parking spaces recommended are:

   (a) Independent living = 1 space per unit with half of the spaces enclosed
   (b) Assisted living = 0.5 spaces per unit
   (c) Nursing homes and memory care = 1 space for every 4 beds
   (d) Facility staff = 1 space for every employee on the largest shift

(Added, Ord. 814, 10-1-08)

(5) The permanent residents residing in independent living units shall be limited to persons who are fifty five (55) years of age or over except that one other family member or designated caregiver may reside with the permanent senior resident in accordance with any pertinent lease provision. (Added, Ord. 814, 10-1-08)

(6) The City may require the developer or builder of senior housing to install screening and buffering, such as landscaping, berming or fencing (or a combination of these methods), to help protect neighboring properties. (Added, Ord. 814, 10-1-08)
Subd. 2. Commercial or Industrial Planned Unit Development:

a. Purpose: The intent of this subdivision is to establish special requirements for the granting of a conditional use permit to allow commercial or industrial PUD projects which are in compliance with the permitted and conditional uses allowed in a specific district in one or more buildings in relation to an overall design and an integrated physical plan.

b. Minimum Project Size: The tract of land for which a planned unit development, commercial or industrial project is proposed and permit is requested shall contain not less than five (5) acres for commercial and industrial projects.

c. Frontage: The tract of land for which a project is proposed and a permit requested shall have a width of not less than two hundred feet (200’) perpendicular to the side lot line or have two hundred feet (200’) of frontage on the public right of way, whichever is most restrictive.

d. Yard: No building shall be nearer than fifty feet (50’) to the side or rear property line when such line abuts an R-1, R-2 or R-3 use district.

e. Landscaping, Screening and Surfacing:

   (1) The entire site, other than that taken up by structures or landscaping, shall be surfaced with a material to control dust, drainage and erosion.

   (2) A drainage system conforming to the comprehensive storm drainage plan and subject to approval of the Director of Public Works/City Engineer shall be installed.

   (3) Development abutting an R-1, R-2 or R-3 District shall be screened and landscaped in compliance with subdivisions 1103.08(l) through (5) of this Title.

f. Wind Energy Conversion Systems are allowed as regulated by Chapter 1128 of this Title.

(Ord. 883, 9-9-13)

49 See Chapter 1302 of this Code.
Subd. 3. Mixed Use Planned Unit Development:

a. Purpose: The intent of this subdivision is to establish special requirements for the granting of a zoning district amendment to allow mixed use PUD projects which are in compliance with the permitted and conditional uses allowed within the PUD District and in accordance with the provisions and procedures as prescribed in this subdivision.

b. Minimum Project Size: The tract of land for which a mixed use PUD is proposed shall not contain less than five (5) acres.

c. Frontage: The tract of land for which the project is proposed shall have a width of not less than two hundred feet (200’) perpendicular to the side lot line or have two hundred feet (200’) of frontage on the public right of way, whichever is most restrictive.

d. Yards: Minimum setbacks shall be the same as imposed in the respective PUD use districts.

e. Landscaping, Screening and Surfacing: All site treatment shall be consistent with the requirements of subdivisions 1103.08(l) through (5) of this Title.

f. Staging of Residential Development: Whenever any mixed PUD is to be developed in stages, the proportion of residential development completed at any stage, when averaged with all previously completed stages, shall not exceed the proportion of residential development planned for the entire mixed PUD. (1988 Code §40.24)

1120.04: PROCEDURE:

Subd. 1. Application Conference: Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the City staff. At such conference, the applicant shall be prepared to generally describe applicant’s proposal for a PUD. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of and conformity to the provisions of this Title before incurring substantial expense in the preparation of plans, surveys and other data.
Subd. 2. General Concept Plan:

a. Purpose: The general concept plan provides an opportunity for the applicant to submit a plan to the City showing applicant’s basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the public hearing so that the proposal may be publicly considered at an early stage. The following elements of the proposed general concept plan represent the immediately significant elements which the City shall review and for which a decision shall be rendered:

(1) Overall maximum PUD density range.

(2) General location of major streets and pedestrianways.

(3) General location and extent of public and common open space.

(4) General location of residential and nonresidential land uses with approximate type and intensities of development.

(5) Staging and time schedule of development.

(6) Other special criteria for development.

b. Process:

(1) Developer attends application conference.

(2) File application for a conditional use permit or rezoning concurrently with the submission of the general concept plan (at least twenty one (21) days prior to Planning Commission meeting) consisting of the information and submissions required under subdivision 1120.05(l) of this Chapter, General Concept Stage.

(3) City staff reviews application, prepares report and recommendations.

(4) Planning Commission receives application and report of City staff.

(5) Planning Commission makes a recommendation to the City Council on the general concept plan.

(6) City Council holds a public hearing.
(7) City Council reviews all recommendations and approves/denies application(s).

c. Optional Submission of Development Stage Plan: In cases of single stage PUDs or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, applicant may, at applicant’s option, submit development stage plans for the proposed PUD simultaneously with the submission of the general concept plan. In such case, the applicant shall comply with all the provisions of this Chapter applicable to submission of the development stage plan.

d. Limitation of General Concept Plan Approval: Unless a development stage plan has been filed within nine (9) months from the date City Council grants general concept plan approval, or in any case where applicant fails to file development stage and final plans and to proceed with development in accordance with the provisions of this Title and of an approved general concept plan, the approval may be revoked by City Council action. The City Council, at its discretion, may extend the filing deadline for a development stage plan when, for good cause shown, such extension is necessary.

Subd. 3. Development Stage:

a. Purpose: The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.

b. Submission of Development Stage: Upon approval of the general concept plan, the applicant shall file with the City Administrator a development stage plan consisting of the information and submissions required under subdivision 1120.05(2) of this Chapter for the entire PUD or for one (1) or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan. (Amended, Ord. 844, 5-20-10)

c. Review and Action by City Staff and Planning Commission: Upon a receipt of a completed development stage plan, the City Administrator shall refer such plan to the appropriate City staff, Planning Commission and other review agencies. (Amended, Ord. 844, 5-20-10)
d. Process:

(1) Developer makes application for subdivision (first phase of PUD) at least twenty one (21) days prior to Planning Commission meeting.

(2) Within sixty (60) days of the submission, or such further time as may be agreed to by the applicant, the Planning Commission shall review the development stage and submit a written report and recommendations to the City Council. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the concept plan, and with respect to the compliance of the development stage plan with the provisions of this Title and all other applicable Federal, State and local codes and ordinances.

(3) Within thirty (30) days of receipt of the report and recommendations of the Planning Commission, the City Council shall conduct a public hearing on the plans. Thereafter, the City Council may grant approval, resubmit the plan to the Planning Commission for further consideration or deny approval of the plan.

(4) Upon City Council approval, the City Attorney shall draw up a PUD agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, the City Administrator and the applicant. (Amended, Ord. 844, 5-20-10)

(5) Where the development stage plan is denied approval, City Council action shall be by resolution setting forth the reasons for its action. A certified copy of the document evidencing City Council action shall be delivered to the applicant.
e. Limitation on Detailed Plan Approval: Unless a final plan covering the area designated in the first stage of the development stage plan has been filed within six (6) months from the date City Council grants development stage plan approval or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this Title and/or an approved development stage plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one additional period of six (6) months the filing deadline for any final plan when, for good cause shown, such extension is necessary. In any case, where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that has not received final plan approval and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.
f. Review and Evaluation Criteria: The evaluation of the proposed development stage plan shall include, but not be limited to, the following criteria:

(1) Adequate property control is provided to protect the individual owner’s rights and property values and the public responsibility for own maintenance and upkeep.

(2) The interior circulation plan plus access from and onto public rights of way does not create congestion or dangers and is adequate for the safety of the project residents and the general public.

(3) A sufficient amount of usable open space is provided.

(4) The arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.

(5) The architectural design of the project is compatible with the surrounding area.

(6) The drainage and utility system plans are submitted to and subject to the approval of the Director of Public Works/City Engineer.

(7) The development schedule insures a logical development of the site which will protect the public interest and conserve land.

(8) The development is in compliance with the requirements of Chapter 1010 and Titles 1200 and 1300 of this Code.

(9) Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
Subd. 4. Final Plan:

a. Purpose: The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.

b. Submission of the Final Plan: Upon approval of the development stage plan, the applicant shall file with the City Administrator a final plan consisting of the information and submissions required by subdivision 1120.05(3), Final Plan Stage, of this Chapter for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to and to put in final form the information contained in the general concept plan and the development stage plan and shall conform to the development stage plan in all respects. (Amended, Ord. 844, 5-20-10)

c. Review of Final Plan: The Director of Public Works/City Engineer shall review the final plans to assure their compliance with the general concept and development stage plans and shall require appropriate revisions by the applicant wherever they do not so comply. The Director of Public Works/City Engineer shall report the findings to the City Administrator who shall notify the applicant, in writing, of approval of the final plan. (Amended, Ord. 844, 5-20-10)

d. Recording of Final Plan: Within ten (10) days of the City Administrator’s notice of approval, the applicant shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the County Register of Deeds or Register of Titles. (Amended, Ord. 844, 5-20-10)

e. Building and Other Permits: Upon receiving notice from the City Administrator that the approved final plan has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant for development, construction and other work in the area encompassed by the approved final plan; provided, however, that no such permit shall be issued unless the requirements of all applicable codes and ordinances have been satisfied. (Amended, Ord. 844, 5-20-10)
f. Limitation of Final Plan Approval: Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

g. Annual Review: The Zoning Administrator shall review each planned unit development at least once each year and shall make a report through the Commission to the City Council on the status of the development in each PUD district. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the established development schedule or is not otherwise reasonable in the view of the City Council, the City Council may initiate rezoning(s) to remove the planned unit development district. In any event, it shall not be necessary for the City Council to find the rezoning to a PUD district was in error. (1988 Code §40.24)
1120.05: **SUBMITTALS:** The applicant shall submit a sufficient number of copies, as required by the City Administrator, of the following exhibits, analyses and plans during the PUD review process: (Amended, Ord. 844, 5-20-10)

Subd. 1. General Concept Stage:

a. General Information:

   (1) The landowner’s name and address and landowner’s interest in the subject property.

   (2) The applicant’s name and address if different from the landowner.

   (3) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.

   (4) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interest held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

b. Present Status:

   (1) The address and legal description of the subject property.

   (2) The existing zoning classification and present use of the subject property and all lands within five hundred feet (500’) of the subject property.

   (3) A map depicting the existing development of the subject property and all lands within five hundred feet (500’) thereof and showing the precise location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100’) of the subject property.
c. Statement: A written statement generally describing the proposed PUD and the market which it is intended to serve, showing its relationship to the City’s Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

d. Site Conditions:

   (1) Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of one hundred feet (100’) shall be submitted and shall contain the following:

      (a) Contours, minimum two foot (2’) intervals.

      (b) Location, type and extent of tree cover.

      (c) Slope analysis.

      (d) Location and extent of water bodies, wetlands and streams and flood plains within three hundred feet (300’) of the subject property.

      (e) Significant rock outcropping.

      (f) Existing drainage patterns.

      (g) Vistas and significant views.

      (h) Soil conditions as they affect development.

   (2) All of the graphics should be the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for clear reference.

e. Schematic Drawing: Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
f. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area which shall include at least the following:

(1) Area devoted to residential uses.

(2) Area devoted to residential use by building type.

(3) Area devoted to common open space.

(4) Area devoted to public open space.

(5) Approximate area devoted to streets.

(6) Approximate area, and potential floor area, devoted to commercial uses.

(7) Approximate area, and potential floor area, devoted to industrial or office uses.

g. Stages: When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.

h. Open Space: When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted during the development stage.

i. Restrictive Covenants: General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

j. Feasibility Study: Where deemed necessary, a market feasibility study, including an analysis of the proposal’s economic impact on the City shall be submitted.
Subd. 2. Development Stage: Development stage submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include, but not be limited to:

a. Zoning classification required for development stage submission and any other public decision necessary for implementation of the proposed plan.

b. Preliminary plans, drawn to a scale of not less than one inch equals one hundred feet (1” = 100’) (or scale requested by the Director of Public Works/City Engineer) containing at least the following information:

(1) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the County wherein the subject property is situated).

(2) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.

(3) The location, size, use and arrangement including height in stones and feet and total square feet of ground area coverage and floor area, or proposed building, and existing buildings which will remain, if any.

(4) The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles and all other circulation elements, including bike and pedestrian and the total site coverage of all circulation elements.

(5) Location, designation and total area of all common open space.

(6) Proposed lots and blocks, if any, and numbering system.

(7) The location, use and size of structures and other land uses on adjacent properties.

(8) Preliminary sketches of proposed landscaping.
(9) General grading and drainage plans for the developed PUD.

(10) Any other information that may have been required by the Planning Commission or City Council in conjunction with the approval of the general concept plan.

c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

d. A tabulation indicating the approximate gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drugstore, dry cleaning, supermarket).

e. Preliminary architectural plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings, including mobile homes.

f. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structures, including mobile homes, and uses.

g. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.

h. A preliminary and final plat prepared by a land surveyor, duly registered in the State in accordance with Minnesota Statutes, Chapter 505, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located and that all dimensions are correct, as required by Section 505.03, subdivision 1, Minnesota Statutes Annotated, and a notarized certification by owner or owners of the adoption of the plat and the dedication of streets and other public areas as required by Section 505.03, subdivision 1, Minnesota Statutes Annotated.

i. A soil erosion control plan approved by the appropriate watershed districts, Department of Natural Resources or any other agency with review authority clearly illustrating erosion measures to be used during construction and as permanent measures.

j. A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any such document, plan or data.
k. Such other and further information as the Planning Commission, Director of Public Works/City Engineer or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

1. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information or document required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
Subd. 3. Final Plat Stage: After approval of a general concept plan for the PUD and approval of a development stage plan for a Section of the proposed PUD, the applicant will submit the following material for review by City staff prior to issuance of a building or other permits:

a. A detailed landscaping plan.

b. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

c. All certificates, seals and signatures required for the dedication of land and recordation of documents.

d. Final architectural working drawings of all structures.

e. Final engineering plans and specifications for streets, utilities and other public improvements, together with a community/developer agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

f. Any other plan, agreements or specifications necessary for the City staff to review the proposed construction. (1988 Code §40.24)
CHAPTER 1121
OFF-STREET PARKING REQUIREMENTS

SECTION:

1121.01: Purpose
1121.02: Application of Provisions
1121.03: Definition
1121.04: Site Plan Required
1121.05: Use and Occupancy Requirements
1121.06: Reduction of Parking Area
1121.07: Parking for Handicapped Persons
1121.08: Calculating Space
1121.09: Stall, Aisle and Driveway Design
1121.10: Maintenance
1121.11: Location
1121.12: Use of Required Area
1121.13: Schedule of Off-Street Parking Requirements
1121.14: Proof of Parking
1121.15: Joint Facilities and Driveways

1121.01:  **PURPOSE:** The regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right of way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures. (1988 Code §40.07)

1121.02:  **APPLICATION OF PROVISIONS:** The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts in the City. (1988 Code §40.07)

1121.03:  **DEFINITION:** The term “floor area”, for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten percent (10%). (1988 Code §40.07)
1121.04: **SITE PLAN REQUIRED:** All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Chapter. (1988 Code §40.07)

1121.05: **USE AND OCCUPANCY REQUIREMENTS:**

Subd. 1. **Nonconforming Structures:** Should a nonconforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations; except, that in doing so, any off-street parking or loading space which existed before shall be retained.

Subd. 2. **Change of Use or Occupancy of Land:** No change of use or occupancy of land already dedicated to a parking area, parking spaces or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls or parking requirements below the minimum prescribed by these zoning regulations.

Subd. 3. **Change of Use of Occupancy of Buildings:** Any change of use or occupancy of any building, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations. (1988 Code §40.07)

1121.06: **REDUCTION OF PARKING AREA:** Off-street parking spaces and loading spaces or lot area existing upon the effective date hereof shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use. (1988 Code §40.07)

1121.07: **PARKING FOR HANDICAPPED PERSONS:** Parking spaces for the handicapped shall be provided according to the Minnesota State Building Code requirements. (1988 Code §40.07)

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50 See Chapter 1122 of this Title for off-street loading.

51 See Chapter 1122 of this Title for off-street loading.

52 See Chapter 1122 of this Title for off-street loading.

53 See Section 1001.01 of this Code.
1121.08: **CALCULATING SPACE:**

Subd. 1. Fractions of Space: When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.

Subd. 2. Places of Assembly: In stadiums, sports arenas, religious institutions and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty two inches (22”) of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements.

Subd. 3. Several Uses: Should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

(1988 Code §40.07; Ord. 900, 5-26-15)

1121.09: **STALL, AISLE AND DRIVEWAY DESIGN:**

Subd. 1. Dimensions:

   a. Parking Space Size: Each parking space shall not be less than nine feet (9’) wide and eighteen feet (18’) in length exclusive of access aisles, and each space shall be served adequately by access aisles. Spaces designed as curbside parallel parking shall be twenty-two feet (22’) in length. (Ord. 620, 7-27-98; Ord. 642, 1-10-00)
b. Maximum Residential Driveway Widths: (For the purpose of this subsection, the width of a driveway in an R-1, R-2 or R-5 District shall include any parallel-attached parking area):

<table>
<thead>
<tr>
<th>Residential Zoning District</th>
<th>Maximum Driveway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, Single-Family Residential</td>
<td>Thirty-five feet (35’) or the width of the garage plus an additional twelve feet (12’), whichever is greater.</td>
</tr>
<tr>
<td>R-2, Zero Lot Line Subdivisions</td>
<td>Width of the garage servicing dwelling unit. (Refer to Section 1107.07, subdivision. 3d and 3e of this Title if driveways are combined.).</td>
</tr>
<tr>
<td>R-2, Single and Two-Family Residential</td>
<td>If driveways are separate, width of the garage or twenty feet (20’), whichever is greater: If combined, width of garages or thirty-six feet (36’), whichever is greater.</td>
</tr>
<tr>
<td>R-3, Med Density Residential and R-4, High Density Residential</td>
<td>Thirty-two feet (32’)</td>
</tr>
<tr>
<td>R-5, Mobile Home Park</td>
<td>Twenty-four feet (24’)</td>
</tr>
</tbody>
</table>

(Ord. 642, 1-10-00; Ord. 829, 9-3-09)
Subd. 2. Within Structures: The off-street parking requirements may be furnished by providing a space so designed within the principal building or one (1) attached thereto; however, unless provisions are made, no building permit shall be issued to convert said space into a dwelling unit or living area until other adequate provisions are made to comply with the required off-street parking provisions of this Title.

Subd. 3. Circulation: Except in the case of single-family, two-family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-family, two-family and townhouse dwellings, parking area design which requires backing into the public street is prohibited.
Subd. 4. Dimensions: Except in the case of single-family, two-family and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the following minimum standards:

<table>
<thead>
<tr>
<th>Angle</th>
<th>Wall to Interlock Minimum Dimension A</th>
<th>Interlock to Interlock Minimum Dimension B</th>
<th>Wall to Wall Minimum Dimension C</th>
</tr>
</thead>
<tbody>
<tr>
<td>45°</td>
<td>44.8’</td>
<td>43.0’</td>
<td>47.0’</td>
</tr>
<tr>
<td>60°</td>
<td>52.5’</td>
<td>51.0’</td>
<td>54.0’</td>
</tr>
<tr>
<td>75°</td>
<td>61.3’</td>
<td>61.0’</td>
<td>62.0’</td>
</tr>
<tr>
<td>90°</td>
<td>63.0’</td>
<td>63.0’</td>
<td>63.0’</td>
</tr>
</tbody>
</table>

(Ord. 642, 1-10-00)
Subd. 5. Curb Cuts and Driveway Openings:

a. Parking Space Size: Each parking space shall not be less than nine feet (9’) wide and eighteen feet (18’) in length exclusive of access aisles, and each space shall be served adequately by access aisles. Spaces designed as curbside parallel parking shall be twenty-two feet (22’) in length. (Amended, Ord. 793, 1-30-08)

b. Curb Cut Widths. Widths of curb cuts shall be as follows, subject to requirements of Subdivision 5e hereof:

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Maximum Width of Curb Cut</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential (R-1)</td>
<td></td>
</tr>
<tr>
<td>Manufactured Homes (R-5)</td>
<td>24 Feet</td>
</tr>
<tr>
<td>Zero Lot Line Subdivisions (R-2) (with separate driveways)</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Zero Lot Line Subdivisions (R-2) (with combined driveways)</td>
<td>36 Feet</td>
</tr>
<tr>
<td>Medium Density Residential (R-2, R-3)</td>
<td>32 Feet</td>
</tr>
<tr>
<td>High Density Residential (R-4)</td>
<td></td>
</tr>
<tr>
<td>Commercial, Industrial (B-1, B-2, B-3, B-4, I-1)</td>
<td>32 Feet</td>
</tr>
<tr>
<td>Public Parks &amp; Preservation Areas (R-1, CRP)</td>
<td>32 Feet</td>
</tr>
</tbody>
</table>

(Ord. 642, 1-10-00; Ord. 793, 1-30-08; Ord. 829, 9-3-09)

c. Curb cut openings shall be at a minimum of three feet (3’) from the lot line in residential districts and five feet (5’) from the lot line in business or industrial districts.

d. Driveway access curb openings on a public street, except for single-family, two-family and townhouse dwellings, shall not be located less than forty feet (40’) from one another.
e. Each property elevation of any parking area shall be allowed one (1) curb cut access for each one hundred twenty five feet (125’) of street frontage. All property shall be entitled to at least one (1) curb cut. Single-family uses and zero lot line subdivided lots\textsuperscript{54} shall be limited to one (1) curb cut access per property unless, upon application for a variance of this restriction, the Board of Adjustment and Appeals finds that it is in the interest of public safety to waive such. Medium density residential (two (2) to six (6) units) may have two (2) curb cuts; provided neither curb cut exceeds twenty feet (20’) in width. (Ord. 642, 1-10-00)

\textsuperscript{54} Refer to Section 1107.03 of this Title for more information regarding Zero Lot Line Subdivisions.
f. Curb cuts that do not conform to this subdivision may remain in existence unless deemed by the Director of Public Works to be a danger or public safety hazard. Notices to abandon a curb cut may be appealed in writing to the City Council. (Ord. 640, 10-11-99; Ord. 642, 1-10-00; Amended, Ord. 756, 1-24-05)

g. In conjunction with street improvement projects or in conjunction with individual driveway replacement projects, nonconforming curb cuts shall be made conforming to whatever extent practicable. If, in the opinion of the directors of public works and community development, a nonconforming curb cut cannot be made conforming without undue hardship or disruption to the property, the curb cut may remain in existence, unchanged. Decisions regarding curb cuts may be appealed in writing to the City Council. (Added, Ord. 756, 1-24-05)

Subd. 6. Grade Elevation: The grade elevation of any parking area shall not exceed five percent (5%). (1988 Code §40.07).

Subd. 7. Surfacing: All areas, as allowed in subdivision 1104.01(4) of this Title, to be utilized for parking space and driveways shall be surfaced with a permanent improved surface material as defined in Section 1102.02 of this Chapter, suitable to control dust, drainage and erosion, meeting the requirements of Section 902.03 of this Code except as follows: A gravel surface material meeting the specifications of Section 902.03, subdivision 5 of this Code may be used for parking areas in an R-1 or R-2 District not to exceed three hundred (300) square feet or, if to be used as a parking surface for an RV, the minimum area that would encompass the wheel-base area of one (1) recreational vehicle. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the Director of Community Development for review, and the final drainage plan must receive the Director of Public Works/City Engineer’s written approval. (Ord. 524, 2-22-93; Ord. 620, 7-27-98; Ord. 640, 10-11-99; Ord. 642, 1-10-00)

a. All areas used regularly for the parking of a vehicle or vehicles shall be serviced by an improved driveway adjoining to the property’s primary driveway. Access to separate parking areas shall be achieved only from the property’s approved curb cut opening at the street. Regularly accessing parking areas by other means or locations shall be prohibited. (Added, Ord. 869, 4-5-12)

Subd. 8. Striping: Except for single-family, two-family and townhouses, all parking stalls shall be marked with yellow painted lines not less than four inches (4”) wide.
Subd. 9. Lighting: Any lighting used to illuminate an off-street parking area shall be so arranged so to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with Section 1103.09 of this Title.

Subd. 10. Signs: No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signing must conform to the Mounds View Sign Code.

Subd. 11. Curbing and Landscaping: Except for single-family and two-family developments, all open off-street parking shall have a perimeter curb barrier around the entire parking lot. The specifications and location of this curb barrier shall comply with Section 902.04 and with the setback requirements for parking areas stated in Section 1104.01, subdivision 4. Grass, plantings or surfacing materials shall be provided in all areas bordering the parking area. (Ord. 590, 11-26-96; Ord. 640, 10-11-99; Ord. 642, 1-10-00)

Subd. 12. Required Screening: All open, nonresidential, off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with subdivision 1103.08(6) of this Title. (1988 Code §40.07)

1121.10: MAINTENANCE: It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain, in a neat and adequate manner, the parking space, accessways, striping, landscaping and required fencing/screening. (1988 Code §40.07)

1121.11: LOCATION: All accessory off-street parking facilities required by this Title shall be located and restricted as follows:

Subd. 1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Section 1121.15(l) of this Chapter.

55 See Chapter 1008 of this Code.
Subd. 2. Except for single-family, two-family and townhouse dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited. (1988 Code §40.07)

Subd. 3. Accessory off-street parking shall comply with the required minimum setbacks as stated in Section 1104.01, subdivision 4. (1988 Code §40.07; Ord. 590, 11-26-96)

1121.12: **USE OF REQUIRED AREA:** Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, as regulated by Section 1103.13 of this Title, and/or storage of snow. (1988 Code §40.07)
1121.13: **SCHEDULE OF OFF-STREET PARKING REQUIREMENTS:**

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto repair, major bus terminal, taxi terminal, boats and marine sales and repair, bottling company, shop for a trade employing six (6) or less people, garden supply store, building materials sales in structure</td>
<td>Eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800) square feet of floor area over one thousand (1,000) square feet.</td>
</tr>
<tr>
<td>Baseball field, stadium</td>
<td>At least one (1) parking space for each eight (8) seats of design capacity.</td>
</tr>
<tr>
<td>Boarding house, fraternity house, sorority house</td>
<td>At least two (2) parking spaces for each three (3) persons for whom accommodations are provided for sleeping.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.</td>
</tr>
<tr>
<td>Car wash</td>
<td>(In addition to required magazining or stacking space)</td>
</tr>
<tr>
<td></td>
<td>a. Automatic drive through, serviced: A minimum of ten (10) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td>b. Self-service: A minimum of two (2) spaces.</td>
</tr>
<tr>
<td></td>
<td>c. Motor fuel station car wash: zero (0) in addition to that required for the station.</td>
</tr>
</tbody>
</table>
Religious institution, theater, auditorium

At least one (1) parking space for each four (4) seats, based on the design capacity of the main assembly hall. Facilities, as may be provided in conjunction with such buildings or uses, shall be subject to additional requirements which are imposed by this Title.

Community center, physical culture studio, library, private club, lodge, museum, art gallery

Ten (10) spaces plus one (1) for each one hundred fifty (150) square feet in excess of two thousand (2,000) square feet of floor area in the principal structure.

Drive-in establishment and convenience food

At least one (1) space for each forty (40) square feet of gross floor area of dining or one (1) parking space per three (3) seating spaces, whichever is greater, and one (1) space for each eighty (80) square feet of kitchen area or one (1) space per employee, whichever is greater.

Golf course, country club, tennis club, public swimming pool

Twenty (20) spaces plus one (1) for each one hundred fifty (150) square feet in excess of one thousand (1,000) square feet of floor space in the principal structure.

Golf driving range, miniature golf, archery range

Ten (10) off-street parking spaces plus one (1) for each one hundred (100) square feet of floor area.

Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices

At least eight (8) spaces plus one (1) space for each two (2) employees on each shift based on maximum planned employment or, at a minimum, at least eight (8) spaces plus one (1) space for each five hundred (500) square feet of floor area.
<table>
<thead>
<tr>
<th>Usage</th>
<th>Parking Spaces Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical, dental or hospital out-patient clinics</td>
<td>One (1) space for each one hundred (100) square feet of net floor area or seven and one-half (7-1/2) spaces per doctor, whichever number of parking spaces is greater.</td>
</tr>
<tr>
<td>Motel, motor hotel, hotel</td>
<td>One (1) space per each rental unit plus one (1) space for each ten (10) units and one (1) space for each employee on any shift.</td>
</tr>
<tr>
<td>Motor fuel station</td>
<td>At least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Title.</td>
</tr>
<tr>
<td>Multiple-family dwellings</td>
<td>One and one half (1-1/2) uncovered, parking spaces per unit and at least one (1) garage space per unit. A parking space and garage shall be designated and included with each rental unit.</td>
</tr>
<tr>
<td>Office building, animal hospital and professional office</td>
<td>Three (3) spaces plus one (1) space for each one hundred seventy five (175) square feet of floor area.</td>
</tr>
<tr>
<td>Public park, playground and play field</td>
<td>At least five (5) parking spaces for each acre of park over one (1) acre, two (2) parking spaces per acre for playgrounds, and ten (10) spaces for each acre of play field. When a public recreation site has more than one (1) use designation, the areas must be divided for determining the required parking spaces.</td>
</tr>
<tr>
<td>Use Description</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Restaurant, cafe, private club serving food and/or drinks, bar, tavern, nightclub</td>
<td>At least one (1) space for each forty (40) square feet of gross floor area of dining and bar area or one (1) parking space per three (3) seating spaces, whichever is greater, and one (1) space for each eighty (80) square feet of kitchen area for one (1) space per employee, whichever is greater.</td>
</tr>
<tr>
<td>Retail sales and service business with 50% or more of gross floor area devoted to storage, warehouses and/or industry</td>
<td>At least eight (8) spaces or one (1) space for each one hundred (100) square feet devoted to public sales or service plus one (1) space for each five hundred (500) square feet of storage area; or at least eight (8) spaces or one (1) space for each employee on the minimum shift, whichever is appropriate.</td>
</tr>
<tr>
<td>Retail store and service establishment</td>
<td>At least one (1) off-street parking space for each one hundred (100) square feet of retail floor area plus one (1) per employee.</td>
</tr>
<tr>
<td>Sanitarium, convalescent home, rest home, nursing home or day nursery</td>
<td>Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered.</td>
</tr>
<tr>
<td>School, elementary and junior high</td>
<td>At least one (1) parking space for each classroom plus one (1) additional space for each fifty (50) student capacity.</td>
</tr>
<tr>
<td>School, high school through college and private and day or church school</td>
<td>At least one (1) parking space for each seven (7) students, based on design capacity, plus one (1) additional space for each classroom.</td>
</tr>
<tr>
<td>Single-family and two-family dwellings</td>
<td>Two (2) spaces per unit.</td>
</tr>
<tr>
<td>Skating rink, dance hall or public auction house</td>
<td>Twenty (20) off-street parking spaces, plus one (1) additional off-street parking space for each two hundred (200) square feet of floor space over two thousand (2,000) square feet.</td>
</tr>
</tbody>
</table>
Townhouse and condominium

Three (3) spaces per unit, two (2) of which shall be garage spaces.

Undertaking establishment

At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.

(1988 Code §40.07; Ord. 900, 5-26-15)

1121.14: **PROOF OF PARKING:** A reduction in parking space requirements may be administratively granted by the Director of Community Development or formally in conjunction with a City Council approved development review if the following conditions are met: (Ord. 620, 7-27-98)

Subd. 1. The number of spaces being reduced does not exceed fifteen percent (15%) of the required amount.

Subd. 2. The required area for the spaces being omitted must be available for later use if necessary.

Subd. 3. The required area for the spaces being omitted must be complementary and coordinated with the proposed parking spaces and access to property.

Subd. 4. The required area for the spaces being omitted shall be designated as undevelopable other than being used for parking or access.

Subd. 5. A written agreement approved by the City Attorney shall be filed with the property requiring that the owner or subsequent owners be required to improve the omitted parking spaces if needed by the use of the property. (1988 Code §40.07)
Subd. 1. Joint Facilities:

a. Except in the R-1 and R-2 Districts and as herein provided, required off-street parking facilities serving two (2) or more uses may be located on the same lot or in the same structure; provided, that the total number of parking spaces furnished shall not be less than the total sum of the separate requirements for each use.

b. The City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one (1) or more businesses 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. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted nor the Council approve such a permit, except when the following conditions are found to exist:

1. Up to fifty percent (50%) of the parking facilities required for a theater, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in subdivision 1b(4) below.

2. Up to fifty percent (50%) of the off-street parking facilities required for any use specified under subdivision 1b4 below as primary daytime uses may be supplied by the parking facilities provided by the following: nighttime or Sunday uses, auditoriums incidental to a public or parochial school, religious institutions, bowling alley, dance hall, theaters, bar or restaurant.

3. Up to eighty percent (80%) of the parking facilities required by this Chapter for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under subdivision 1b(4) below as primarily daytime uses.

4. For the purpose of this Section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.

(1988 Code §40.07; Ord. 900, 5-26-15)
(5) Other joint use of parking facilities that may be found to be in keeping with the intent of this Chapter; provided, that the conditions in subdivision lb(6) below and any other imposed by the City Council are met.

(6) Conditions required for joint use:

(a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred feet (300’) of such parking facilities and not separated by a public way.

(b) The applicant shall show that there is not substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.

(c) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Administrator and recorded with the Register of Deeds, Ramsey County. (Ord. 445, 7-25-88; Amended, Ord. 844, 5-20-10)

Subd. 2. Joint Driveways: Joint driveways serving and being located on more than one (1) property are allowed under the following conditions:

a. That right of way and maintenance agreements be drafted and filed with Ramsey County on the properties affected.

b. The curb cut width shall not exceed existing allowable widths established by this Title.

c. Off-street parking spaces required by a district shall be provided for each property as required by use. The portion of the driveway that is shared by the properties shall not be used to meet the requirements of this Title for off-street parking. (1988 Code §40.07)
CHAPTER 1122

OFF-STREET LOADING REQUIREMENTS

SECTION:

1122.01: Purpose
1122.02: Location
1122.03: Surfacing
1122.04: Accessory Use, Parking and Storage
1122.05: Screening
1122.06: Size
1122.07: Schedule of Off-Street Loading Requirements

1122.01: **PURPOSE:** The regulations of loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right of way and so to promote the safety and general welfare of the public by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures. (1988 Code §40.08)
1122.02: **LOCATION:**

Subd. 1. All required loading berths shall be off-street and located on the same lot as the building or use to be served.

Subd. 2. All loading berth curb cuts shall be located a minimum of fifty feet (50’) from the intersection of two (2) or more street rights of way. This distance shall be measured from the property line.

Subd. 3. No loading berth shall be located closer than fifty feet (50’) from a residential district unless within a structure.

Subd. 4. Loading berths shall not occupy the front yard setbacks.

Subd. 5. Loading berths located at the front or at the side of buildings on a corner lot shall require a conditional use permit.
   
   a. Loading berths shall not conflict with pedestrian movement.
   
   b. Loading berths shall not obstruct the view of the public right of way from off-street parking access.
   
   c. Loading berths shall comply with all other requirements of this Chapter.

Subd. 6. Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with traffic. (1988 Code §40.08)

1122.03: **SURFACING:** All loading berths and accessways shall be improved with not less than six inch (6”) class five (5) base and two inch (2”) bituminous surfacing to control the dust and drainage according to a plan submitted to and subject to the approval of the Director of Public Works/City Engineer. (1988 Code §40.08)

1122.04: **ACCESSORY USE, PARKING AND STORAGE:** Any space allocated as a required loading berth or access drive so as to comply with the terms of these zoning regulations shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements necessary to meet the off-street area. (1988 Code §40.08)

*City of Mounds View*
1122.05: **SCREENING:** All loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with subdivision 1103.08(6) of this Title. (1988 Code §40.08)

1122.06 **SIZE:** Unless otherwise specified in these zoning regulations, the first loading berth shall not be less than fifty five feet (55’) in length, and additional berths required shall not be less than ten feet (10’) in width and fourteen feet (14’) in height, exclusive of aisle and maneuvering space. (1988 Code §40.08)

1122.07: **SCHEDULE OF OFF-STREET LOADING REQUIREMENTS:** The number of required off-street loading berths shall be as follows:

- Auditorium, convention hall, exhibition hall, sports arena or stadium
  - 10,000 to 100,000 square feet of floor area, one (1) loading berth; for each additional 100,000 square feet of floor area or fraction thereof, one (1) additional loading berth.

- Manufacturing, fabrication, processing, warehousing, storing, retail sales, school and hotels
  - For such a building 5,000 to 100,000 square feet of floor area, one (1) loading berth; for each additional 100,000 square feet or fraction thereof, plus one (1) berth thirty feet (30’) in length for each 35,000 square feet of floor area or fraction thereof. (1988 Code §40.08)
CHAPTER 1123

NONCONFORMING BUILDINGS, STRUCTURES AND USES

SECTION:

1123.01: Purpose
1123.02: Continuance of Nonconforming Uses
1123.03: Discontinuance of Nonconforming Use
1123.04: Change of Nonconforming Use
1123.05: Repairs and Maintenance
1123.06: Alterations
1123.07: Damage and Destruction
1123.08: Moving Buildings

1123.01: PURPOSE: It is the purpose of this Chapter to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. The Zoning Code establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Chapter that all nonconforming uses shall be eventually brought into conformity. (1988 Code §40.03)
1123.02: CONTINUANCE OF NONCONFORMING USES:

Subd. 1. Continuance of Use:

a. General: Any structure or use lawfully existing prior to a revision to this Code or a change in a zoning district designation which makes the structure or use nonconforming shall not be enlarged but may be continued at the size and in the manner of operation existing upon such date, except as hereinafter specified or subsequently amended. (Ord. 584, 7-15-96; Ord. 590, 11-26-96)

b. Parking Areas for Non-Residential Uses, Allowed by Conditional Use Permit, in the R-1, R-2, R-3, R-4 and R-5 Districts: Parking areas in existence as of the date of enactment of this Section, and having setbacks which are nonconforming with respect to setback requirements stated in Section 1104.01, subdivision 4, may continue in use and may be resurfaced and restriped, and may be reconstructed or replaced using setbacks which conform to the Section in effect at the time of original construction, except that, a parking lot being reconstructed or replaced shall be made conforming to the current setback requirements in effect at the time of reconstruction or replacement if feasible without reducing the required number of parking spaces. The feasibility of meeting the current setback requirements shall be determined by the Director of Community Development. (Ord. 590, 11-25-96)

c. Day Care Centers and Group Nurseries: Day care centers and group nurseries in existence as of the date of the enactment of Ordinance 595, having a play yard less than two hundred feet (200') from the Highway 10 right-of-way line, shall not be considered a non-conforming use, and any structure or play yard on the premises may be reconstructed, expanded or enlarged as long as the setback of the play yard from the Highway 10 right-of-way line is not made less by the reconstruction, expansion or enlargement. (Ord. 595, 4-14-97)

Subd. 2. Prior Construction Permits: Any proposed structure which will, under this Title, become nonconforming but for which a building permit has been lawfully granted prior to the effective date hereof, may be completed in accordance with the approved plans; provided, construction is started within sixty (60) days of the effective date hereof, is not abandoned for a period of more than one hundred twenty (120) days and continues to completion within two (2) years. Such structure and use shall thereafter be a legally nonconforming structure and use. (1988 Code §40.03)
1123.03: **DISCONTINUANCE OF NONCONFORMING USE:** Whenever a lawful nonconforming use of a structure or land is discontinued for a period of six (6) months, any future use of said structure or lands shall be made to conform with the provisions of this Title. (1988 Code §40.03)

1123.04: **CHANGE OF NONCONFORMING USE:**

Subd. 1. Change to Conforming Use: When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

Subd. 2. Change to Lessen Nonconformity: A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity. (1988 Code §40.03)

1123.05: **REPAIRS AND MAINTENANCE:**

Subd. 1. Repairs: Nothing in this Title shall prevent the repair of a structure to a safe condition. When said structure is declared unsafe by the Building Inspector, the necessary repairs shall not constitute more than fifty percent (50%) of the fair market value of the structure. Said value shall be determined by the Council.

Subd. 2. Maintenance: Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not physically extend or intensify the nonconforming use. (1988 Code §40.03)

1123.06: **ALTERATIONS:** Alterations may be made to a building containing lawful nonconforming residential units when they will improve the livability thereof; provided, they will not increase the number of dwelling units or size or volume of the buildings. (1988 Code §40.03)
1123.07: **DAMAGE AND DESTRUCTION:** If, at any time, a nonconforming building, structure or use shall be destroyed to the extent of more than fifty percent (50%) of its fair market value, said value to be determined by the Council, then, without further action from the Council, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than fifty percent (50%) of its value may be restored to its former extent if the reconstruction is completed within twelve (12) months after the date of destruction. Estimate of the extent of damage or destruction shall be made by the Building Official. (1988 Code §40.03)

1123.08: **MOVING BUILDINGS:** No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the effective date hereof unless such movement shall bring the nonconformance into compliance with the requirements of this Title. (1988 Code §40.03)
1124.01  Purpose
1124.02  Definitions
1124.03  Allowance for Towers and Antennae by Zoning District
1124.04  Co-Location Requirements
1124.05  Siting and Design Requirements
1124.06  Procedural Requirements
1124.07  Nonconforming Wireless Telecommunication Antennae and Towers

1124.01: **PURPOSE:** The zoning regulation of wireless telecommunications facilities is intended to provide for the appropriate location, development and installation of telecommunications towers and antennae within the City of Mounds View (“City”). The provisions of this Code are intended to protect the health, safety and aesthetic concerns of the community by minimizing the adverse visual effects of towers and antennae through careful design, siting and screening; by avoiding potential damage from tower failure to adjacent properties through structural standards and setback requirements; and by maximizing the use of existing towers, structures or buildings to accommodate new telecommunications antennae in the City. (Ord. 588, 2-10-97)

1124.02: **DEFINITIONS:** The following words and terms, for purposes of this Chapter, shall be defined as follows:

Subd. 1. **ACCESSORY EQUIPMENT STRUCTURE:** A building or cabinet-like structure located adjacent to, or in the immediate vicinity of, a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services. (Ord. 588, 2-10-97)

Subd. 2. **ANTENNAE:** Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional “whip” antennae. (Ord. 588, 2-10-97)
Subd. 3. **ANTENNAE STEALTH**: Wireless telecommunication antenna designed to blend into the surrounding environment or integrated into the physical structure to which it is attached. (Ord. 588, 2-10-97)

Subd. 4. **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 sources, power amplifiers, and signal processing hardware, typically contained in a small building or cabinet. (Ord. 588, 2-10-97)

Subd. 5. **CO-LOCATION**: The location of wireless telecommunications equipment from more than one (1) provider on one (1) common tower, building or structure. (Ord. 588, 2-10-97)

Subd. 6. **TOWER**: Any ground-mounted, pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, to which a telecommunications antenna is attached or affixed. (Ord. 588, 2-10-97)

Subd. 7. **TOWER, LATTICE**: Three (3)- or four (4)-legged steel girdered structures typically supporting multiple communications users and services generally ranging from sixty feet (60’) to two hundred feet (200’) in height. (Ord. 588, 2-10-97)

Subd. 8. **TOWER, MONOPOLE**: Single pole design, approximately three feet (3’) in diameter at the base narrowing to approximately one and a half feet (1½’) at the top, generally ranging from twenty five (25) to one hundred twenty five feet (125’) in height. (Ord. 588, 2-10-97)

Subd. 9. **UTILITY POLE**: Pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of-way or boulevards. (Ord. 588, 2-10-97)

Subd. 10. **WIRELESS TELECOMMUNICATION SERVICES**: Licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. (Ord. 588, 2-10-97)
1124.03: ALLOWANCE FOR TOWERS AND ANTENNAE BY ZONING DISTRICT:

Subd. 1. Permitted Uses, All Districts: Wireless telecommunication towers and antennae shall be allowed in any district as a permitted use only as provided below: (Ord. 588, 2-10-97)

a. Water Tower: Wireless telecommunication antennae shall be permitted upon City-owned water towers provided the applicant has an approved lease agreement with the City and has obtained a building permit from the City and paid all applicable permit fees. (Ord. 588, 2-10-97)

b. Co-location on Existing Towers: Wireless telecommunication antennae shall be permitted to be attached to existing towers within the City in accordance with the applicable siting guidelines and design criteria in Section 1124.04, after the applicant has provided to the City a written statement of approval from the tower owner or lessor and has obtained a building permit from the City and paid all applicable permit fees. (Ord. 588, 2-10-97)

c. Utility Poles: Wireless telecommunication antennae shall be permitted to be attached to utility poles after the applicant has provided a written statement of approval from the utility pole owner or lessor and has obtained a building permit from the City and paid the necessary fees. The height of the antennae shall not exceed ten feet (10') and shall not extend more than six feet (6') above the pole. (Ord. 588, 2-10-97)

Subd. 2. Conditional Uses, Specific Districts: Wireless telecommunication towers and antennae shall be allowed with the approval of a conditional use permit in the zoning districts specified in the table below and in accordance with the co-location requirements stated in Section 1124.04, siting requirements and design criteria stated in Section 1124.05, and the procedural requirements stated in Section 1124.06. The procedure for review and action on conditional use permits shall be as stated in Section 1125.01. Conditional use permits are not required for towers and/or antennae used by the City for City purposes or public agencies for public safety purposes; or for repair, adjustment or replacement of the elements of a wireless telecommunication antenna array affixed to a tower, if the repair, replacement or adjustment does not reduce acceptable safety standards. The height limitations listed in the following table shall include all parts of the wireless telecommunication tower and antenna structure except for that space needed for lightening diffusion apparata. (Ord. 588, 2-10-97)
<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Height Limitations</th>
<th>With Co-location</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, R-3, R-4, R-5 (antennae only)</td>
<td>10 feet above the height of the roof, allowed only if mounted on educational facilities, religious institutions, government or public utility buildings; or in “upward thrusting architectural elements” such as church steeples, bell towers or smokestacks(^1)</td>
<td>N/A</td>
</tr>
<tr>
<td>B-1, B-2</td>
<td>75 Feet</td>
<td>95 Feet(^2)</td>
</tr>
<tr>
<td>B-3, B-4, PUD (Commercial PUDs only)</td>
<td>100 Feet</td>
<td>120 Feet(^2)</td>
</tr>
<tr>
<td>I-1, PUD (Industrial PUDs only)</td>
<td>150 Feet</td>
<td>N/A</td>
</tr>
<tr>
<td>CRP and City-Owned Land Zoned R-1</td>
<td>100 feet, allowed only if incorporated into new or existing facilities or structures, such as using the tower as a light standard for ball fields or parking areas, or into mature tree stands that provide a suitable screen for at least half the height of the tower.</td>
<td>120 Feet(^2)</td>
</tr>
</tbody>
</table>

(Amended, Ord. 829, 9-3-09)

1. In accordance with section 1124.05, subdivision 7 of this Code.
2. Co-location height bonus subject to applicant providing to the City proof of a signed lease arrangement, shared use agreement, or other like document.
3. For towers and antennae proposed in PUDs, the applicant shall file a request to amend the existing PUD final plan and/or adopted conditional use permit in accordance with Chapter 1120 and Section 1125.01 of this Code. Wireless telecommunication towers and antennae shall not be allowed in PUDs having residential uses. (Ord. 588, 2-10-97; Ord. 793, 1-30-08)
1124.04:  **CO-LOCATION REQUIREMENTS:**

Subd. 1. A proposal for a new wireless telecommunication tower shall not be approved unless the applicant documents to the satisfaction of the City that the antennae planned for the proposed tower cannot be accommodated on an existing or approved tower or commercial or industrial building within a one-half (½) mile radius, transcending municipal borders, due to one (1) or more of the following: (Ord. 588, 2-10-97)

a. The antenna would exceed the structural capacity of the existing or approved tower or commercial building. (Ord. 588, 2-10-97)

b. The antenna would cause interference with other existing or planned equipment at the tower or building. (Ord. 588, 2-10-97)

c. Existing or approved towers and commercial buildings cannot reasonably accommodate the antenna at a height necessary for the proposed antenna to function. (Ord. 588, 2-10-97)

d. Existing or approved towers and commercial buildings are outside of the documented search area. (Ord. 588, 2-10-97)

e. The owners or lessors of existing or approved towers and commercial buildings are unwilling to allow co-location upon their facilities or are unavailable to grant such an allowance. (Ord. 588, 2-10-97)

f. Approval cannot be obtained for co-locating upon an existing tower or antenna site which is within the documented search area but outside Mounds View municipal boundaries. (Ord. 588, 2-10-97)
Subd. 2. It is the City’s intent to encourage co-locating providers to share accessory equipment building space whenever possible and practical so as to minimize the number of necessary accessory buildings and their impact upon the surrounding community. An applicant co-locating on another provider’s tower shall incorporate its base transceiver station and all other equipment into an existing accessory equipment building or suitable principal structure, except as otherwise provided in this subdivision 2. If this requirement cannot be met due to insufficient space within the existing accessory building, security issues, competition or compatibility concerns, or for other reasons, one of the following options, ranked in preferential order, shall be utilized: (Ord. 588, 2-10-97)

a. The existing accessory building shall be expanded to a size sufficient to house the co-locator’s equipment. Such building expansion shall match the design and features of the existing accessory equipment building. The applicant shall obtain a building permit from the City prior to construction. (Ord. 588, 2-10-97)

b. A cement pad shall be constructed alongside and adjacent to the existing accessory equipment building upon which the co-locator’s equipment shall be attached. The applicant shall obtain a building permit from the City prior to construction. (Ord. 588, 2-10-97)

c. A separate building shall be constructed that conforms to all the requirements set forth in Section 1124.05 of this Code. (Ord. 588, 2-10-97)
1124.05: SITING AND DESIGN REQUIREMENTS: The requirements of this section apply to all wireless telecommunications towers and antennae erected, constructed, placed, or replaced in the City. All wireless telecommunication towers and antennae shall be designed and situated to be visually unobtrusive to minimize the impact upon the neighboring uses and shall conform to the following design and siting criteria: (Ord. 588, 2-10-97)

Subd. 1. Setbacks: The minimum setback from any property line or public right-of-way for a wireless telecommunications tower is thirty feet (30’) unless abutting a residential district, then at least half the height of the tower. Where placed on a lot improved with a principal building, the wireless telecommunication tower shall be located only in the rear yard or interior side yards not abutting streets. Wireless telecommunication towers shall not be placed between the principal building and any street abutting the property. Setbacks for accessory equipment structures associated with wireless telecommunication towers and antennae shall meet the requirements as outlined in Section 1104.01, subdivision 4 of the Zoning Code. (Ord. 588, 2-10-97)

Subd. 2. Accessory Equipment Structures: The base transceiver station and all other related equipment shall be housed in an existing building whenever possible. If an existing building is unavailable, a new accessory equipment building may be constructed according to Minnesota State Building Code requirements and shall be of the same or better construction, design and appearance as any principal structure or adjacent buildings. If the equipment is to be housed in a weather-proof cabinet-like structure in lieu of a building, it shall be mounted upon a suitable concrete pad. (Ord. 588, 2-10-97)

Subd. 3. Fencing: The wireless telecommunication antenna tower and/or accessory equipment structure shall be surrounded with an eight foot (8’) fence so as to prevent unauthorized entry and access to the equipment building or tower. Barbed wire, razor wire or electrified fences shall not be permitted. (Ord. 588, 2-10-97)
Subd. 4. Landscaping and Screening: The wireless telecommunication tower and/or accessory equipment building shall be landscaped and screened with a mixture of six-foot (6’) tall evergreens and one and one-half inch (1½”) caliper ornamental deciduous trees at a ratio of four (4) evergreens per every one (1) deciduous tree, spaced no less than eight (8) feet apart on center so as to achieve at least a fifty percent (50%) opaque screen. Trees may be clustered to create a more natural appearance to the screening. In addition to these landscape requirements, wireless telecommunication towers and/or accessory equipment buildings located on City-owned land or in the CRP zoning district shall include a mix of shrubbery and/or flowering perennials in order to enhance and complement the natural features and environmental value of the City’s parks and recreation areas. The landscaping plan shall be reviewed by the City Forester and approved by the City Council as part of a conditional use permit (CUP) or by the Director of Community Development and City Forester, if the wireless telecommunication tower or antennae is allowed as a permitted use. The City Council or Director of Community Development and City Forester, as applicable, may waive the landscaping and/or screening requirements upon request of the applicant if the existing landscaping and screening is deemed sufficient. (Ord. 588, 2-10-97; Ord. 793, 1-30-08)

Subd. 5. Color: The wireless telecommunication tower and antenna shall be of a neutral color such as light grey or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment. (Ord. 588, 2-10-97)

Subd. 6. Construction Type and Materials: The wireless telecommunication tower shall be of a monopole construction unless a variance is granted by the Board of Adjustment and Appeals. Guy-wired towers shall not be permitted. Metal towers shall be constructed of, or treated with, corrosive resistant materials. (Ord. 588, 2-10-97)

Subd. 7. Roof-Mounted Wireless Telecommunication Antennae: Roof-mounted wireless telecommunication antennae shall not be permitted on buildings with pitched-roofs, unless they are stealth antennae incorporated into upward thrusting architectural elements, such as a church steeple, spire or bell-tower, smokestack, etc. On flat roofs, the height of the antennae and mounting hardware may not be more than ten feet (10’) above the highest point of the roof to which the antennae is attached. (Ord. 588, 2-10-97)
Subd. 8. Structurally-Mounted Wireless Telecommunications Antennae: Telecommunication antennae mounted upon sides of buildings shall be attached flush against building side, not to protrude more than the depth of the antennae. Structurally mounted antennae not affixed to towers shall be made to blend into the design and contours of the structure, unless roof-mounted in accordance with Section 1124.05, subdivision 7 of this Code. (Ord. 588, 2-10-97)

Subd. 9. Prevention of Radiation: Wireless telecommunication antennae shall be subject to state and federal regulations regarding non-ionizing radiation and other health hazards related to such facilities. If the federal government adopts new, more restrictive standards, the antennae shall be made to comply or the antenna shall be removed by the owner or the City at the tower owner’s expense. The owner or operator of the tower shall pay any associated costs of compliance verification. (Ord. 588, 2-10-97)

Subd. 10. Lights: No wireless telecommunication tower or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the Federal Aviation Agency, the Federal Communications Commission or the City. This restriction against lights shall not apply to towers which have been combined with light standards for illumination of ball fields, parking lots, playgrounds, or other similar public uses, as provided in Section 1124.03, subdivision 2 for City-owned land and CRP districts. (Ord. 588, 2-10-97; Ord. 793, 1-30-08)

Subd. 11. Signs and Advertising: The use of any portion of a tower for signs or advertising, other than required warning signs, shall be prohibited. (Ord. 588, 2-10-97)

Subd. 12. Other Attachments: No antennae or tower shall have constructed thereon, or attached thereto, any platform, catwalk, crows’ nest, or like structure for the purpose of human support, except during periods of construction or repair. (Ord. 588, 2-10-97)

Subd. 13. Interference with Public Safety Telecommunications: No new or existing telecommunications service shall interfere with public safety telecommunications. (Ord. 588, 2-10-97)
PROCEDURAL REQUIREMENTS:

Subd. 1. Conditional Use Permit Requirements: Applicants proposing to erect wireless telecommunication towers and/or antennae that require a conditional use permit (CUP) as outlined in Section 1124.03, subdivision 2, shall provide at the time of application the following information: (Ord. 588, 2-10-97)

a. A notarized document from the property owner or lessor that allows the applicant to apply for a CUP and building permit to erect a wireless telecommunication tower and/or antenna. (Ord. 588, 2-10-97)

b. Demonstration of need, in accordance with Section 1124.06, subdivision 3 of this Code. (Ord. 588, 2-10-97)

c. A site plan which shows property lines, location of wireless telecommunication tower or antennae, setback distances, any accessory equipment structure, fencing and landscaping proposed. (Ord. 588, 2-10-97)

d. Sufficient information to show that construction, installation and maintenance of the wireless telecommunication tower and/or antenna will not create a safety hazard or damage to the property of other persons. (Ord. 588, 2-10-97)

e. Proof of insurance, in accordance with Section 1124.06, subdivision 4 of this Code. (Ord. 588, 2-10-97)

f. Any other information necessary for the City to evaluate the CUP. (Ord. 588, 2-10-97)
Subd. 2. Building Permits: Applicants proposing to erect wireless telecommunication towers and/or antennae shall obtain a building permit. The towers and antennae are subject to inspection by the City building official to determine compliance with Minnesota State Building Code construction standards. No building permit shall be issued by the City without prior approval of a CUP by the City Council if applicable. When no CUP is required, the applicant shall provide to the City all information as required by Section 1124.06, subdivision 1 of this Code at the time of application for building permits, in addition to that required by Section 1124.06, subdivision 2a below. Building permits shall not be required for the repair, replacement, adjustment and/or alteration of the elements of antenna arrays if such work does not reduce acceptable safety standards. (Ord. 588, 2-10-97)

a. A report and plan from a qualified and registered engineer or firm that specifies and includes the following: (Ord. 588, 2-10-97)

   (1) The tower height and design including a cross section and elevation.  (Ord. 588, 2-10-97)

   (2) The height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae.  (Ord. 588, 2-10-97)

   (3) The capacity of the tower, including the number and type of antennae that the tower can accommodate.  (Ord. 588, 2-10-97)

   (4) The steps that the applicant will take to avoid interference with established public safety telecommunications.  (Ord. 588, 2-10-97)

   (5) An engineer’s stamp and registration number.  (Ord. 588, 2-10-97)

Subd. 3. Demonstration of Need: The applicant shall provide a diagram showing the cell site configuration illustrating the coverage area of the proposed wireless telecommunication tower and/or antennae. This diagram shall demonstrate the frequency re-use and spacing needs of the wireless system in order to provide adequate coverage and capacity to areas that cannot be adequately served by locating the antenna on an existing structure. (Ord. 588, 2-10-97)
Subd. 4. Proof of Insurance: The applicant shall provide the City with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antennae or accessory equipment. Such proof shall be supplied to the City by the wireless telecommunication tower owner or lessee at the time of application and shall be made available to the City from time to time upon its request. (Ord. 588, 2-10-97)

Subd. 5. Removal of Abandoned or Damaged Towers: Any wireless telecommunication tower and/or antennae that is not used for one (1) year shall be deemed abandoned and the property owner shall remove the tower and/or antennae in the same manner and pursuant to the same procedures as for dangerous or unsafe structures established by Minnesota Statutes, sections 463.15 through 463.26. If the owner fails to remove the tower and/or antenna after one (1) year, it may be removed by the City with the costs of such removal assessed against the property owner of the tower site. (Ord. 588, 2-10-97)

Subd. 6. Violations: Deviations from the approved construction plans and CUP is a misdemeanor, punishable as provided in Section 104.01 of this Code. (Ord. 588, 2-10-97)
1124.07: NONCONFORMING WIRELESS TELECOMMUNICATION ANTENNAE AND TOWERS: Wireless telecommunication antennae and towers in existence as of the date of enactment of this Chapter that do not meet or comply with the provisions of this Chapter are subject to the following: (Ord. 588, 2-10-97)

Subd. 1. Existing towers may continue in use for their existing purpose but may not be replaced or structurally altered to an extent exceeding ten percent (10%) of the tower’s fair market value, as determined by the City, without meeting all standards in this Chapter. In no event shall any alteration have the effect of increasing or intensifying the level or extent of a tower’s nonconformity. Alterations shall be subject to Section 1124.06, subdivision 2 of this Code. (Ord. 588, 2-10-97)

Subd. 2. If such tower is damaged or destroyed to the extent of fifty percent (50%) or more of its fair market value, as determined by the City, due to any reason or cause whatsoever, the owner of the tower may choose to rebuild or remove the tower. In either case, the tower owner shall have one (1) year in which to obtain a building permit from the City and to complete the necessary work. If the owner chooses to rebuild the tower, the tower as reconstructed shall conform to all current and applicable regulations as specified by this Code. If a tower is damaged to an extent of less than fifty percent (50%) of its fair market value, the tower owner shall have one (1) year in which to obtain a building permit from the City and to repair or restore the tower to its former size, height and use. The location and physical dimensions shall remain as they were prior to the damage or destruction. If the tower is not repaired or restored within one (1) year from the date of the damage, the ability to repair or restore the tower shall lapse and may not be exercised, upon which time the tower shall be deemed abandoned. (Ord. 588, 2-10-97)

Subd. 3. Removal of Abandoned or Damaged Towers: Any tower and/or antenna that is not used for one (1) year shall be deemed abandoned and the property owner shall remove the tower and/or antennae in the same manner and pursuant to the same procedures as for dangerous or unsafe structures established by Minnesota Statutes, sections 463.15 through 463.26. If the owner fails to remove the tower and/or antenna after one (1) year, it may be removed by the City with the costs of such removal assessed against the owner of the tower site. (Ord. 588, 2-10-97)
CHAPTER 1125

ADMINISTRATION AND ENFORCEMENT

SECTION:

1125.01: Amendments and Conditional Uses
1125.02: Variances and Appeals
1125.03: Certificate of Occupancy
1125.04: Fees
1125.05: Enforcement of Provisions
1125.06: Violations and Penalties

1125.01: AMENDMENTS AND CONDITIONAL USES:

Subd. 1. Procedure:

a. Request for Amendments: Request for amendments of this Title, the Official Zoning Map or conditional use permits, as provided within this Title, shall be filed with the City Administrator on an official application form. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development or use. The City Administrator shall refer said application, along with all related information, to the Planning and Zoning Commission for consideration and a report and recommendation to the City Council. (Ord. 844, 5-20-10)

b. Planning and Zoning Commission Consideration: The Planning and Zoning Commission shall consider the request at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case, the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Administrator shall refer said application, along with all related information, to the City Planning and Zoning Commission at least ten (10) days prior to the regular meeting. (Amended, Ord. 844, 5-20-10)

c. Appearance by Applicant: The applicant or a representative thereof shall appear before the Planning and Zoning Commission in order to answer questions concerning the proposed amendment or conditional use.
d. Report and Recommendation: The amendment or conditional use application shall be referred to the City staff for a report and recommendation to be presented to the Commission. A preliminary draft to the City staff’s report and recommendations shall be given to the City Planning and Zoning Commission at least ten (10) days prior to the meeting at which said report and recommendations are to be presented. The final report and recommendations of the City staff are to be entered in and made part of the permanent written record of the Planning and Zoning Commission meeting.

e. Adverse Effects: The Planning and Zoning Commission shall consider possible adverse effects of the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following factors:

   (1) Relationship to Municipal Comprehensive Plan.

   (2) The geographical area involved.

   (3) Whether such use will tend to or actually depreciate the area in which it is proposed.

   (4) The character of the surrounding area.

   (5) The demonstrated need for such use.

f. Additional Information: The Planning and Zoning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Title.
g. Finding of Fact:

(1) The Planning and Zoning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Title. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.

(2) The City Council shall not grant a conditional use permit until it has received a report and recommendation from the Planning and Zoning Commission and the City staff or until sixty (60) days after the first regular Planning and Zoning Commission meeting at which the request was considered.

h. City Council Agenda: Upon receiving the report and recommendation of the Planning and Zoning Commission and the City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

i. Public Hearing: Upon receiving the report and recommendation of the Planning and Zoning Commission and the City staff, the City Council shall hold a public hearing in compliance with Minnesota Statutes, section 462.357, subdivision 3 and shall make a recorded finding of fact and shall impose any conditions it considers necessary to protect the public health, safety and welfare.

j. Four-Fifths Vote: Amendments of this Title, or to the Official Zoning Map that change all or part of an existing residential zoning district to either commercial or industrial shall require passage by a four-fifths (4/5) vote of the full City Council. All other amendments to this Title, to the Official Zoning Map or for a conditional use permit shall require passage by a three-fifths vote of the full City Council. (Amended, Ord. 837, 11-19-09)

k. Notification of Decision: The City Administrator shall notify the applicant of the Council’s decision, in writing. (Amended, Ord. 844, 5-20-10)

Subd. 2. Initiation of Amendments: The City Council or Planning and Zoning Commission may, upon its own motion, initiate a request to amend this Title or the Official Zoning Map. Any person owning real estate within the City may initiate a request to amend this Title or the Official Zoning Map as it affects the real estate owned by said person.
Subd. 3. Conditional Use Permit:

a. Purpose: The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety.

b. Criteria for Granting Conditional Use Permits: In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning and Zoning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.

5. The use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

6. The use is not in conflict with the Comprehensive Plan of the City.

7. The use will not cause traffic hazards or congestion.

8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
c. Additional Conditions: In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this Title, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

(1) Increasing the required lot size or yard dimension.

(2) Limiting the height, size or location of buildings.

(3) Controlling the location and number of vehicle access points.

(4) Increasing the street width.

(5) Increasing the number of required off-street parking spaces.

(6) Limiting the number, size, location or lighting of signs.

(7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent and nearby property.

(8) Designating sites for open space.

d. Records Kept: The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location and conditions imposed by the City Council, time limits, review dates and such other information as may be appropriate.

e. Reconsideration: Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning and Zoning Commission or City Council for at least six (6) months from the date of its denial and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning and Zoning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths (4/5) vote of the City Council.
f. Lapse of Conditional Use Permit by Nonuse: Whenever, within one year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested, in writing, and filed with the City Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning and Zoning Commission for a recommendation and to the City Council for a decision. (Amended, Ord. 844, 5-20-10)

g. Performance Bond:

(1) Upon approval of a conditional use permit, the City shall be provided with a surety bond, cash escrow, certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the Code of the City.

(2) The security shall be in the amount of the Director of Public Works/City Engineer’s or City Building Inspector’s estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the Director of Public Works/City Engineer and Building Inspector.

(3) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and codes of the City has been issued by the City Building Inspector.

(4) Failure to comply with the conditions of the conditional use permit and/or the codes of the City shall result in forfeiture of the security. (1988 Code §40.25; 1993 Code)
1125.02: **VARIANCES AND APPEALS:**

Subd. 1. **Board of Adjustment**\(^{56}\):

a. Composition: The Board of Adjustment and Appeals shall consist of all members of the Planning and Zoning Commission. All members shall serve without compensation.

b. Organization and Meetings: The Board of Adjustment and Appeals may elect a chairman from among its appointed members for a term of one (1) year, and the Board may create and fill such other offices as it may determine. The Board shall meet by order of its chairman, after notice, whenever an appeal has been properly presented to it. A two-thirds (2/3) vote of a properly convened Board meeting shall be required to grant the relief sought in the appeal.

c. Records: All written reports and recommendations to the Board of Adjustment and Appeals from the City staff shall be entered in and made part of the permanent written record of the Board’s meeting.

\(^{56}\) See also Chapter 402 of this Code.
Subd. 2. Criteria for Granting Variances: A variance to the provisions of the Zoning Code may be issued by the Board of Adjustment and Appeals, or in the case of an administrative variance, by the Director of Community Development as explained in Section 1125.02, subdivision 6, to provide relief to the landowner in those cases where the Code imposes practical difficulties to the property owner in the use of property owner’s land. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. No variances shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. A variance may be granted only in the event that all of the following circumstances exist: (Amended, Ord. 725, 2-9-04, Ord. 861, 9-22-11)

a. The variance is in harmony with the general purposes and intent of this Title. (Amended, Ord. 861, 9-22-11)

b. The variance is consistent with the comprehensive plan. (Amended, Ord. 861, 9-22-11)

c. The applicant proposes to use the property in a reasonable manner not permitted by this Title or the City Code. (Amended, Ord. 861, 9-22-11)

d. Unique circumstances apply to the property which do not apply to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since the enactment of this Title has had no control. The unique circumstances do not result from the actions of the applicant. (Amended, Ord. 861, 9-22-11)

e. The variance does not alter the essential character of the neighborhood. (Amended, Ord. 861, 9-22-11)

f. The variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (Amended, Ord. 861, 9-22-11)

g. The Board of Adjustment and Appeals may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Title or to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 861, 9-22-11)
Subd. 3. Appeals: If the Board acts in favor of the appellant, it, thereupon, shall issue an order to the administrative official involved setting forth the terms and conditions adopted. Said order shall be signed by the chairman and the City Administrator or secretary of the Board. If the Board denies the applicant’s relief, the applicant, within sixty (60) days from the decision of the Board, may appeal to the City Council for the relief sought. (Amended, Ord. 844, 5-20-10)

Subd. 4. Procedures:

a. Requests for a variance or appeal shall be filed with the City Administrator on an official application form. Such application shall be accompanied by a fee as outlined in Section 1125.04 of this Chapter. This fee shall not be refunded. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials necessary for the explanation of the request. (Amended, Ord. 844, 5-20-10)

b. Upon receiving said application, the City Administrator shall refer the application, along with all related information, to the Board of Adjustment and Appeals and City staff. (Amended, Ord. 844, 5-20-10)

c. After receiving the City staff’s report and recommendations concerning a request for variance or an appeal, the Planning and Zoning Commission, serving as the Board of Adjustment and Appeals, may set a date and hold a hearing on said request. The Board shall hear such persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than ten (10) days before the date of hearing to the person who filed the appeal or request, to all owners of property, according to the City assessment records, within three hundred fifty feet (350’) of the property to which the variance relates.

d. Failure of property owner to receive notice shall not invalidate any such proceedings as set forth within this Title.

e. The Planning and Zoning Commission, serving as the Board of Adjustment and Appeals, shall make a finding of fact and shall decide whether to approve or deny a request for a variance or an appeal within thirty (30) days after the public hearing on said request.
f. A variance of this Zoning Code or the granting of an appeal shall be by two-thirds (2/3) vote of the full Planning and Zoning Commission serving as the Board of Adjustment and Appeals.

g. The City Administrator shall notify the originator of the variance request or appeal of the Board of Adjustment and Appeals decision in writing. (Amended, Ord. 844, 5-20-10)
Subd. 5. Lapse of Variance or Appeal: Whenever, within one year after granting a variance or appeal, the work as permitted by the variance or appeal shall not have been completed, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals, such extension shall be requested, in writing, and filed with the City Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts, showing a good faith attempt to complete the work permitted in the variance or appeal. (1988 Code §40.26) (Amended, Ord. 844, 5-20-10)

Subd. 6. Administrative Variance Process: (Added, Ord. 725, 2-9-04)

a. Types: Property owners seeking relief from the Zoning Code may request an administrative variance, provided that the property is zoned R-1 or R-2 and either of the following is applicable: (Added, Ord. 725, 2-9-04; Amended, Ord. 756, 1-24-05)

(1) The request concerns setbacks; the variance amount is within twenty-five percent (25%) of code requirements; and approval of the variance does not result in a setback of less than five feet (5’); and (Added, Ord. 725, 2-9-04; Amended, Ord. 752, 9-13-04; Ord. 756, 1-24-05)

(2) The request is related to a pre-existing, non-conforming driveway or curb cut. (Added, Ord. 752, 9-13-04; Amended, Ord. 756, 1-24-05, Ord. 861, 9-22-11)

b. Review Procedures: The Director of Community Development will review administrative variance requests. In order to be approved, the variance request must meet the criteria as stated in Section 1125.02, Subdivision 2. If all of the criteria are met and approval is granted, the adjacent property owners must be notified by mail of the preliminary approval and allowed ten (10) days to respond to the decision. Absent any opposition from adjacent property owners, the Planning Commission shall review the administrative variance request at the following regularly scheduled meeting. (Ord. 725, 2-9-04, Amended, Ord. 861, 9-22-11)
c. Denial and Appeals: If the Director chooses to deny a request, or if either the adjacent neighbors or the Planning Commission disagrees with administrative approval of a variance request, the request is denied administratively and the applicant may choose to request a formal variance from the Planning Commission. (Ord. 725, 2-9-04)

d. Fees: Administrative variances fees are set according to the fee schedule adopted by City Council resolution. (Ord. 725, 2-9-04)
1125.03: CERTIFICATE OF OCCUPANCY:

Subd. 1. Application: A certificate of occupancy shall be obtained before:

a. Any building hereafter erected or structurally altered is occupied or used.

b. The use of any such building is altered.

Subd. 2. Procedure:

a. A certificate of occupancy shall be issued after the Building Inspector has found that the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Title and all applicable building codes 57.

b. Pending the issuance of such a certificate, the Building Inspector may issue a temporary certificate of occupancy for a period not exceeding six (6) months during the completion of the erection or alteration of such building. Such temporary certificate shall be issued only upon submission of satisfactory assurance to the Building Inspector that the erection or alteration work shall be completed within six (6) months. The temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or the occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Subd. 3. Building Permits: Applications for any kind of building permit shall contain such information as may be deemed necessary for the proper enforcement of the Code. The Building Inspector shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this Title. (1988 Code §40.27)

57 See Title 1000 of this Code.
1125.04: **FEES:**

Subd. 1. **Base Fee:** To defray administrative and other costs of processing applications for rezoning, variances or conditional use permits, a nonrefundable base fee shall be paid at the time an application is filed with the City. The minimum base fee shall be established by resolution approved by the City Council.

Subd. 2. **Deposit:**

   a. An additional deposit shall be paid to cover all costs of public notices, materials and staff or consultant time spent in review, research or preparation of material for said application in excess of the base fee. The applicant shall be given an estimate of these costs in excess of the base fee and shall deposit such amount with the City. An additional deposit shall be paid whenever the City Administrator determines that additional costs will be incurred beyond those initially estimated. No action on the application shall be taken by the City until such fees and deposits have been paid as required. (Amended, Ord. 844, 5-20-10)

   b. Any portion of the deposit not spent or encumbered shall be refunded to the applicant within thirty (30) days after consideration of the application is completed. Whenever an application is withdrawn prior to referral to the Planning and Zoning Commission, a refund shall be made of any portion of the deposit that has not been so spent or encumbered.

   c. No building permit or activity, for which purpose said application is intended, may be issued or allowed until an additional cost over and above the deposits has been paid. (1988 Code §40.28)

1125.05: **ENFORCEMENT OF PROVISIONS:** This Title shall be administered and enforced by the City Administrator or a designee as approved by the City Council, who is hereby designated as the Zoning Administrator. The Zoning Administrator may institute in the name of the City any appropriate actions or proceedings against a violator as provided by statute, Charter or Code. (1988 Code §40.29) (Amended, Ord. 844, 5-20-10)

1125.06: **VIOLATION AND PENALTIES:** Any person who violates any provision of the Code is guilty of a misdemeanor and shall, upon conviction thereof, be punished and fined as provided in Section 104.01 of this Code. Each day a violation is permitted to exist shall constitute a separate offense. (1988 Code §40.29; 1993 Code) (Amended, Ord. 838, 11-19-09)

*City of Mounds View*
CHAPTER 1126

INTERIM USES

SECTION:

1126.01: Interim Uses

1126.01: **INTERIM USES:** Pursuant to the authority of Minnesota Statutes, Section 462.3597, the Council by ordinance may allow interim uses of property in any district within the City, and may establish and impose conditions by ordinance, permit, or both, on any such interim use. (Ord. 657, 3-27-00)
CHAPTER 1127
(Added, Ord. 785, 12-10-07)

TREE PRESERVATION & LANDSCAPING

SECTION:

1127.01: Purpose
1127.02: Definitions
1127.03: General Tree Protection Requirements
1127.04: Tree Removal on Lots With Construction or Grading Permits
1127.05: Landscaping
1127.06: Plan Review Process
1127.07: Appeal Process
1127.08: Violation and Penalties

1127.01: **PURPOSE:** The purpose of this chapter is to identify trees and woodlots which are to be preserved in general and saved when development is occurring or at any point thereafter. It is the City’s goal to ensure that development is compatible with the natural environment and is accommodated without destroying desirable environmental features and natural amenities. It is not the City’s intent, however, to preserve significant trees or woodlots where substandard subdivision design, poor drainage, excess slope in streets and driveways or inefficient utility construction would result.
1127.02: **DEFINITIONS:** When used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

DRIP LINE: The imaginary line at the outer edge of a tree or shrub, the point where water would drip to the ground from the outermost branches or leaves.

HIGH VALUE TREES: Any tree from the list below.

- Birches (River & Paper)
- Black Walnut
- Catalpa
- Cherry
- All Firs
- Flowering Crabapples & Hawthorns
- Hackberry
- Hybrid American Elm
- Ironwood
- Japanese Tree Lilac
- All Lindens
- All Maples
- All Oaks
- Ohio Buckeye
- Pines (except Jack)
- All Spruce

ROOT ZONE: That area of effective tree rooting (out to the extent of the branches plus five feet (5’)).

SIGNIFICANT TREE: A significant tree is defined as any live healthy High Value tree measuring eight inches (8”) in diameter or greater, measured at four and one-half feet (4.5’) above the ground.

SPECIMEN TREE: Any High Value Tree over sixteen inches (16”) in diameter, or any other species over thirty inches (30”) in diameter.

TREE CROWN: The upper part of a tree, including the branches and leaves.

WOODLOT: An area of trees of significant or specimen size on at least twenty-five percent (25%) of the total lot area.
1127.03: **GENERAL TREE PROTECTION REQUIREMENTS.** Developers, landowners, and builders shall attempt to preserve the maximum number of significant and specimen trees on lots as possible by using creative design techniques for the location of structures and other improvements within property boundaries.

Subd. 1. Preservation Standards.

a. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.

b. Prior to the granting of a permit, the person requesting the permit shall demonstrate that there are no feasible or prudent alternatives to the removal of significant or specimen trees on the site.

c. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic.

d. Development including grading and contouring shall take place in such a manner that the root zone, as defined in Section 1127.02, of existing trees shall not be affected.

1127.04: **TREE REMOVAL ON LOTS WITH CONSTRUCTION OR GRADING ACTIVITY**

Subd. 1. Tree Plan Required. A tree plan, which would include a tree inventory, prepared by an arborist, landscape architect or forester, shall be submitted for any project in which any trees will be impacted as a result of said project. Tree inventories shall identify existing healthy significant trees, specimen trees, woodlots and smaller groups of non-significant trees within the limits of the proposed project area. The inventory should clearly indicate which trees would be lost as a result of the project and which trees would be saved. The tree inventory shall be submitted at the same time as any other required application submittals. This requirement may be waived at the discretion of the Community Development Director and the City Forester.

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58 Parcels in the R-1, Single Family Residential zoning district are exempt from the provisions of this Section.
Subd. 2. Replacement Standards. Replacement tree species shall be approved by the City Forester in accordance with Section 1127.05.

a. No additional plantings shall be required on lots less than one (1) acre where five (5) or more replacement and high value trees over eight inches (8”) in diameter would remain, or on lots one (1) acre or larger where ten (10) or more replacement and high value trees over eight inches (8”) in diameter would remain. For every significant tree removed, the permit holder or property owner shall plant a new tree on a one-to-one replacement basis, up to a maximum of five (5) new trees.

b. For every specimen tree removed, the permit holder or property owner shall plant a minimum of two (2) new trees, up to a maximum of five (5) new trees.

c. Replacement trees shall be planted no later than twelve (12) months beyond the date of tree removal. The owner or permit holder shall guarantee the survival of the replacement trees for two (2) full growing seasons beyond the year of planting. In cases where replacement cannot occur within the specified timeframe, an extension may be granted at the discretion of the City Forester and Community Development Director.

d. Replacement Quantity Reductions. The number of required replacement trees may be reduced when deemed appropriate at the sole discretion of the City Forester based on existing site conditions.

e. Exceptions. Replacement requirements shall not apply to trees lost as a result of utility trimming or maintenance, work conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, disease, storms or other acts of natural occurrence.

Subd. 3. Trees within development areas designated for preservation shall be protected from construction damage by placing a snow fence or flags in a perimeter five feet (5’) beyond the tree’s dripline, within which area no equipment shall traverse or materials, debris or fill shall be placed.

Subd. 4. Additional Removals. If, through the course of a development activity, it becomes necessary to remove additional trees beyond what was previously approved in the Tree Plan. It shall be the responsibility of the applicant to submit such request to the City in writing, explaining the reasons necessitating the additional removals, and obtain written approval of the Community Development Director or designee before proceeding.

City of Mounds View
1127.05  

**LANDSCAPING:**

Subd. 1. Applications for development in the R-3, R-4, B-1, B-2, B-3, B-4, I-1 and PUD districts shall be accompanied by a detailed landscape plan. The landscape plan should be developed in accordance with the site plan submitted for approval.

Subd. 2. Detailed landscape plans shall include the following information:

a. General: name and address of developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.

b. Site analysis: Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent on-site streets, location of all proposed buildings, topographic contours at two (2) foot contour intervals, location of parking areas, water bodies, proposed sidewalks, and percentage of site not covered by structures and impervious surfaces.

c. Landscape data: A planting schedule table shall include symbols, quantities, common names, botanical names, size of plant materials, root specifications, and special planting instructions.

d. Typical sections and details of fences, retaining walls, berms and other landscape improvements.

e. Typical sections of landscape islands and planter beds with identification of materials used.

f. Details of planting beds and foundation plantings.

g. Delineation of both sodded and seeded areas indicated in square footage.

h. Where landscape or inorganic materials are used to provide required screening from adjacent and neighboring properties, a cross section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.
Subd. 3. Number of plant materials required: In order to achieve an appropriate and complete quality landscaping of a site, the following minimum number of plant materials shall be provided as indicated below:

a. One (1) overstory deciduous shade tree for every two thousand (2,000) square feet of the total building footprint.

b. One (1) coniferous tree for every two thousand (2,000) square feet of building or one (1) coniferous tree for every two hundred (200) feet of site perimeter, whichever is greater.

c. One (1) understory shrub for every three hundred (300) square feet of building or one (1) shrub for every thirty feet (30’) of site perimeter, whichever is greater.

d. One (1) ornamental tree for every two thousand (2,000) square feet of building or one (1) ornamental tree for every two hundred feet (200’) of site perimeter, whichever is greater.

e. The number of plant materials required in Subdivision 3 a – d may be reduced by fifteen percent (15%) in each category in the I-1 districts.

f. In the event a site plan layout does not have adequate space to accommodate plant quantities as required herein, such quantities per species can be reduced, provided that total required height or caliper is maintained. The Community Development Director and City Forester must approve all changes.

Subd. 4. Minimum size of plantings and species requirements:

a. Only tree species from High Value Tree list or other tree species as approved by the City Forester shall be used.

b. Overstory deciduous – two and one-half inch (2 ½”) caliper.

c. Coniferous – six feet (6’) in height as measured from grade.

d. Shrubs – twenty-four inch (24”) plant (potted).

e. Ornamental trees – two inch (2”) caliper.
Subd. 5. Method of Installation: All deciduous and coniferous trees shall be ball and burlap and stakes and guyed per National Nurserymen’s Standards. All shrubs shall be potted.

Subd. 6. Use of Landscaping for Screening:

a. Where natural materials, such as trees or hedges are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve screening year round.

Subd. 7. Maintenance:

a. Property owners shall be responsible for the upkeep of all required plantings and landscape materials. Upon written notice from the City, a property owner shall be required to trim broken or damaged tree boughs, remove fallen trees or storm damaged trees and remove diseased trees as identified by the City Forester. Uprooted, damaged or diseased tree stumps shall be removed or ground down below grade.

b. It shall be the property owner’s responsibility to maintain the boulevard areas between the property and any adjacent street frontage.

1127.06: PLAN REVIEW PROCESS: All tree inventories, preservation plans and landscape plans shall be reviewed by the City Forester. The Parks and Recreation and Forestry Commission may also review such plans at the request of the Community Development Director or the City Forester. When such plans are required as part of a development application (e.g. development review, conditional use permit, minor or major subdivision) the Planning Commission and City Council shall have approval authority. For such plans submitted when no official planning action is necessary, the Community Development Director and City Forester shall retain administrative approval authority.

1127.07: APPEAL PROCESS: Administrative decisions by the City Forester and/or Community Development Director may be appealed to the City Council. An appeal shall be filed in writing no more than fourteen (14) days following the date of the administrative decision by the City. The appeal shall be scheduled for consideration by City Council at the next regularly scheduled City Council meeting which is at least seven (7) days from the date of the appeal.

59 Refer to Chapter 605, Tree Disease Control.
1127.08: VIOLATION AND PENALTIES: Except as provided herein, no significant or specimen tree shall be removed from any property in the City. Any violation of any provision of this Chapter shall constitute a misdemeanor offense. Property owners or permit holders having been cited for illegal tree removal may be fined up to seven hundred fifty dollars ($750) for each significant or specimen tree illegally removed. In addition to the punishment specified in this section, the City may enforce this Code by any other appropriate form of action which could include withholding a Certificate of Occupancy, forfeiture of all or part of a bond, escrow or financial guarantee and stoppage of the project.
CHAPTER 1128

RENEWABLE ENERGY SYSTEMS

1128.01: PURPOSE: The purpose of this chapter 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 these renewable energy systems shall be governed within the City.

1128.02: DEFINITIONS: When used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ACTIVE SOLAR ENERGY SYSTEM: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

BUILDING-INTEGRATED SOLAR SYSTEM: An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

CLOSED LOOP GROUND SOURCE HEAT PUMP SYSTEM: A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

FEEDER LINE: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
GEOTHERMAL ENERGY: Renewable energy generated from the interior of the earth and used to produce energy for heating buildings or serving building commercial or industrial processes.

GROUND MOUNTED PANELS: Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

GROUND MOUNTED WECS: Freestanding WECS mounted to the ground with footings or other apparatus.

GROUND SOURCE HEAT PUMP SYSTEM (GSHPs): A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. The energy must be used on-site.

HEAT TRANSFER FLUID: A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

RENEWABLE ENERGY SYSTEM: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

ROOF OR BUILDING MOUNTED SES: Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

ROOF PITCH: The final exterior slope of a building roof calculated by the rise over the run. typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.

SOLAR ACCESS: A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard Time on any day of the year.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
SOLAR COLLECTOR SURFACE: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY EASEMENT: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

SOLAR ENERGY SYSTEM (SES): An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR HOT WATER SYSTEM: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial purposes.

SOLAR MOUNTING DEVICES: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

WECS: A Wind Energy Conversion System which is an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to, power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy must be used on-site with excess energy distributed into the electrical grid.

WECS, Large: A Wind Energy Conversion System with a capacity over 100 kW.

WECS, Small: A Wind Energy Conversion System with a capacity of up to 100 kW.

WIND ENERGY SYSTEM: Kinetic energy present in wind motion that can be converted into electrical energy.
1128.03: **SOLAR ENERGY SOURCES AND SYSTEMS**

Subd. 1. Districts: Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

Subd. 2. General Standards:

   a. Height:

   (1) Roof or building mounted SES in residential districts shall extend no more than three (3) feet above the highest surface of the roof, and shall be setback at least one (1) foot from the exterior perimeter.

   (2) Roof or building mounted SES in commercial or industrial districts shall not exceed the maximum allowed height in that zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical equipment and are restricted consistent with other building-mounted mechanical devices.

   (3) Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.

   b. Placement:

   (1) Ground mounted SES shall be treated as accessory buildings for the purpose of maximum height, maximum lot area coverage, location and setback requirements.

   (2) Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences or landscaping.

   c. Notification. Prior to the installation of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.
d. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying an SES can be attached.

e. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.

f. Restrictions on SES Limited. No homeowners' agreement, covenant, common interest community or other contract between multiple property owners within a subdivision of Mounds View shall restrict or limit solar systems to a great extent that Mounds View's renewable energy ordinance.

g. Mounds View encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed, must be consistent with Minnesota Statutes, Chapter 500, Section 30.

Subd. 3. Abandonment: A SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

1128.04: GEOTHERMAL ENERGY SOURCES AND SYSTEMS

Subd. 1. Districts: Ground source heat pump systems (GSHPS) shall be allowed as an accessory use in all zoning districts.

Subd. 2. General Standards:

a. All components of GSHPS including pumps, borings and loops shall be setback at least five (5) feet from all lot lines.

b. Easements. All components of GSHPS shall not encroach on easements.
c. GSHPS are prohibited in surface waters and wetlands.

d. Only closed loop GSHPS utilizing Minnesota Department of Health approved heat transfer fluids are permitted.

Subd. 3. Abandonment: A GSHPS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

1128.05: WIND ENERGY CONVERSION SYSTEMS

Subd. 1. Districts: Wind Energy Conversion Systems (WECS) shall be allowed with approval of a conditional use permit in the following zoning districts and land use designations:

a. Industrial, 1-1, or Commercial or Industrial Planned Unit Development.

b. In all properties guided as Institutional in the City's Land Use Designations of the Comprehensive Plan.

Subd. 2. Ground Mounted WECS:

a. Number:

(1) Large WECS. One (1) large WECS shall be permitted on a lot of at least two (2) acres in size.

(2) Small WECS. One (1) small WECS shall be allowed on a single lot of one (1) to five (5) acres. All other larger parcels will be limited to one (1) small WECS per five (5) acres of land area.
b. Height:

(1) Large WECS shall have a total height, including tower and blade to its highest point of travel, of no more than one-hundred twenty five (125) feet.

(2) Small WECS shall have a total height, including tower and blade to its highest point of travel, of no more than sixty (60) feet.

c. Setbacks:

(1) Have a minimum setback distance from the base of the monopole of one (1) times the height from any property line, transmission line, electric substation, or other WECS. This setback requirement from a property line may be reduced if written permission is granted from the affected property owner.

(2) Have a minimum setback distance from the base of the monopole of 500 feet from any residential zoned property.

d. Shall not be located between a principal structure and a public street, unless the City determines that such a location would lessen the negative impacts of such a WECS on nearby properties.

Subd. 3. Roof Mounted WECS:

a. Number:

(1) Large Roof Mounted WECS. The maximum number of large roof mounted WECS shall be approved through the conditional use permit process in accordance with Chapter 1125.01 Subd. 3.

(2) Small Roof Mounted WECS. No more than three (3) roof mounted small WECS shall be installed on any rooftop.
b. Height:

(1) Large Roof Mounted WECS: Total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.

(2) Small Roof Mounted WECS: Total height of not more than twenty-five (25) feet, measured from the top of the roof to the blade tip at its highest point of travel.

c. Placement: Roof mounted WECS must be erected above the roof of a building or structure. The mounts associated with the WECS may extend onto the side of the building or structure.

Subd. 4. General Standards. The following provisions will apply to all WECS erected under the provisions of this ordinance:

a. 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, and maintain at least twenty (20) feet of clearance between their lowest point and the ground.

b. Rotor Safety. Each WECS shall be equipped with both a manual and automatic over speed controls to limit the blade rotation within design specifications.

c. Color and Finish. All wind turbines and towers shall be white, gray, or other non-obtrusive color. Finishes shall be matte or non-reflective.

d. 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.
e. Signs. The place of any signs, postings or advertisements shall be prohibited. WECS shall have a sign posted at the base of the tower and said shall contain the following information: Warning high voltage, Manufacturer's name, Emergency phone number, Emergency shutdown procedures.

f. Lighting. WECS shall not have no installed or accessory lighting, unless required by federal or state regulations.

g. Electromagnetic Interference. WECS shall be designed and constructed so as not to cause radio and television interference.

h. Noise Emission. Have a maximum noise production rating of fifty-five (55) dB fifty (50) dBA and shall conform to this standard under normal operating conditions as measured at any property line.

i. Utility Company Interconnection. Prior to the installation or erection of a WECS, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement. All connections shall be underground.

j. 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 data 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.

k. Compliance with National Electrical Code. WECS electrical equipment and connection shall be designed and installed in adherence to the National Electrical Code.

l. 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.
Subd. 5. 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 and 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 shall include the following supplemental information:

(1) A significant tree plan in conformance with Chapter 1127.04, Subd. 1, showing the loss of significant trees within the construction area for the WECS;

(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;

(3) The technical specifications for the WECS including, but not limited to, the type, height, blade length, operating parameters, the anticipated sound level and the property line, and lighting protection; and

(4) Clearance distance between the farthest extensions of the WECS blades to the property lines.

City of Mounds View
Subd. 6. 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 standards described in this subdivision;

(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.

Subd. 7. Abandonment: A WECS that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

(Ord. 883, 9-9-13)
CHAPTER 1129

COUNTY ROAD 10 CORRIDOR OVERLAY DISTRICT

SECTION:

1129.01  Purpose
1129.02  Permitted Uses
1129.03  District Area Defined
1129.04  Other Requirements
1129.05  Standards
1129.06  Existing Uses and Structures

1129.01  **PURPOSE:** The purpose of this District is to provide standards of development for land lying on either side of the major transportation corridor along County Road 10. The County Road 10 Corridor District is the primary gateway through the City. The aesthetic impacts from new developments and redevelopments must be evaluated to help ensure the long-term viability and success of the District. Accomplishing the purpose of the County Road 10 Corridor District requires particular concern for the site layout, building materials, site features and other related design elements. To that end, new development and redevelopment shall conform to the standards in this and related zoning requirements. In reviewing and approving land use applications, the City Council will make the final determination in the compatibility and consistency with all provisions in this and related sections of the Zoning Ordinance.

1129.02  **PERMITTED USES:** The overlay district provisions apply to any base zoning district set forth in this Title that exists within the defined overlay area.

1129.03  **DISTRICT AREA DEFINED:** The following area is hereby established as being within the County Road 10 Corridor Overlay District:

- All parcels having frontage on County Road 10.
- All parcels that are within 200 feet of the County Road 10 right-of-way.
1129.04 **OTHER REQUIREMENTS:** Any deviation from the requirements in this chapter shall comply with the procedures and criteria provided in Chapter 1125.02 of the City Code.

1129.05 **STANDARDS:** For development of properties within the County Road 10 overlay district, the following standards will be applied where these standards supersede requirements set forth in the B-1 (Neighborhood Business), B-2 (Limited Business), B-3 (Highway Business), B-4 (Regional Business), PUD (Planned Unit Development), R-3 (Medium Density Residential) and R-4 (High Density Residential) zoning districts. All other standards and requirements of the above-mentioned zoning districts shall continue to apply.

Subd. 1. **Construction Materials:**

   a. At least fifty (50) percent of all exterior wall finishes on any building will be comprised of a combination of at least two of the following materials:

      (1) Brick

      (2) Natural stone or cultured stone

      (3) Glass

      (4) Masonry stucco

      (5) Other comparable or superior material as approved by the City

   b. The remaining fifty (50) percent of all exterior wall finishes must be comprised of any combination of decorative or rock face concrete block, concrete panels, metal or wood. All building materials subject to approval of the City.

   c. Buildings may be constructed of primarily one of the materials listed in Subd. 1a, if the design exceeds the intent of the ordinance and is approved by the City.

   d. Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings, and wood sided buildings unless such metal buildings and wood sided buildings are enhanced on all elevations by the application of brick, decorative masonry, or decorative stucco surfaces in combination with decorative fascia overhangs and trim.

Subd. 2 **Architectural Design:** Each building design will be reviewed for at least the following considerations:

   a. Appropriate location of structures on the site considering the relationship to other site amenities, restrictions, adjacent land usage etc.
b. General layout, roof treatments, proportion and quality of exterior.

c. In the design of buildings or clusters of buildings, developers must orient projects so that the side(s) facing County Road 10 from the front of the project. Where front toward County Road 10 is not feasible due to the location of access roads and other site constraints, the project must be oriented and designed in such a manner so as to convey a pleasing appearance from County Road 10.

d. Screening of mechanical equipment, tanks, loading docks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

e. Drainage pipes on exterior building walls facing a street and/or County Road 10 must be integral to the design and non-apparent.

f. Exceptions to the architectural design standards set forth in this section may be granted by the City Administrator or designee, for structures of comparable design and building materials.

Subd. 3. Building and Parking Setback Requirements: Buildings and parking lots should have no more than a five (5) foot setback from County Road 10. The required setbacks for the other sides of the property will be determined by the City, based on the specific project and land usage.

Subd. 4. Off-Street Parking: The City will use the off-street parking requirements in Chapter 1121.13 as a guideline, and base the final determination of required spaces on the specific project and land usage.

Subd. 5. Landscaping:

a. Landscaping requirements shall be in accordance with Chapter 1127, Tree Preservation and Landscaping.

b. A minimum of fifteen (15) percent of the total area of each lot shall be devoted to landscaped open space.

c. All open areas of any lot not used for parking, driveways, or storage shall be landscaped with trees, shrubs, berms and planted ground cover.

Subd. 6. Signs: In accordance with Chapter 1010.
Subd. 7. Outdoor Storage and Dumpster Screening:

a. No outdoor storage shall be permitted unless such storage is visually screened from view from County Road 10 and all adjoining residential properties, with suitable solid fence constructed of masonry or wood at least six (6) feet in height. Screening shall be well maintained.

b. No dumpsters may be located on the sides of buildings fronting County Road 10, except if in the opinion of the City no other suitable location is reasonably available for such purpose and provided the dumpster area is developed in a manner so as to minimize its appearance from County Road 10.

c. All dumpsters shall be entirely screened by a masonry or solid wooden fence, with gate, or a comparable screening, at least six (6) feet in height.

1129.06 EXISTING USES AND STRUCTURES: Uses and structures in this District that were conforming prior to the effective date of this Ordinance will remain conforming upon adoption of this Ordinance.

Subd. 1. All subsequent additions, exterior alteration and accessory buildings constructed after the erection of an original building after the date of adoption of this ordinance, shall:

a. Be constructed of materials comparable to those used in the original construction, and,

b. Be designed in a manner conforming to the original structure's architectural design and appearance, and,

c. Meet all other standards set forth in this ordinance.

(Ord. 888, 7-28-14)