

APPENDIX Q
City Ordinances

 Rosemount, Minnesota: City Code

 PREFACE

 TITLE 1: ADMINISTRATION

 TITLE 2: BOARDS AND COMMISSIONS

 TITLE 3: BUSINESS REGULATIONS

 TITLE 4: STREETS AND PUBLIC PROPERTY

 TITLE 5: HEALTH AND SANITATION

 TITLE 6: FIRE PREVENTION AND PROTECTION

 TITLE 7: POLICE REGULATIONS

 TITLE 8: TRAFFIC AND MOTOR VEHICLES

 TITLE 9: BUILDING REGULATIONS

 TITLE 10: WATER RESOURCES MANAGEMENT

 CHAPTER 1: SURFACE WATER MANAGEMENT

 TITLE 11: ZONING REGULATIONS

 TITLE 12: SUBDIVISION REGULATIONS

 ORDINANCES PENDING CODIFICATION: Ordinances listed below have been passed by the city, but have not been i

TITLE 10 WATER RESOURCES MANAGEMENT

CHAPTER 1 SURFACE WATER MANAGEMENT

10-1-1: STATUTORY AUTHORIZATION:

This Chapter is adopted pursuant to Minnesota Statutes, section 462.351 (1990). (Ord. XI.20, 7-21-1998)

10-1-2: FINDINGS:

The City hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage. (Ord. XI.20, 7-21-1998)

10-1-3: PURPOSE:

The purpose of this Chapter is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects occasioned by poorly sited development or incompatible activities: by regulating land-disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land-disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land-disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas. (Ord. XI.20, 7-21-1998)

10-1-4: DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

APPLICANT: Any person who wishes to obtain a building permit, zoning or subdivision approval.

CITY: The City of Rosemount.

CITY ENGINEER: The professional engineer designated by the City as City Engineer or a representative thereof.

CONTROL MEASURE: A practice or combination of practices to control erosion, sediment transport and attendant pollution.

DETENTION FACILITY: A permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

FLOOD FRINGE: The portion of the flood plain outside of the floodway.

FLOOD PLAIN: The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOODWAY: The channel of the watercourse, the bed of water basins, and those portions of the adjoining flood plains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

HYDRIC SOILS: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

HYDROPHYTIC VEGETATION: Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

LAND-DISTURBING OR DEVELOPMENT ACTIVITIES: Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

PERSON: Any individual, firm, corporation, partnership, franchisee, association or governmental entity.

PUBLIC WATERS: Waters of the State as defined in Minnesota Statutes, section 103G.005, subdivision 15.

SEDIMENT: Solid matter carried by water, sewage, or other liquids.

STRUCTURE: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

WETLANDS: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three (3) attributes:

- A. Have a predominance of hydric soils;
- B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances support a prevalence of such vegetation. (Ord. XI.20, 7-21-1998)

10-1-5: SCOPE AND EFFECT:

A. Applicability:

1. Every applicant for a subdivision approval, or a permit to allow land-disturbing activities must submit a storm water management plan to the City Engineer. No subdivision approval, or grading permit to allow land-disturbing activities, shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this Chapter.

2. Every applicant for a subdivision approval, or a grading permit to allow wetland disturbing activities must submit a wetland assessment report to the City Engineer. No subdivision approval, or grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this Chapter and the Minnesota Wetland Conservation Act. This Chapter applies to all land, public or private, located within the City.

3. Every applicant for a building permit, subdivision approval, or a grading permit to allow land-disturbing activities must adhere to erosion control measure standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas" or as approved by the City Engineer or designated representative.

B. Exemptions: The provisions of this Chapter do not apply to:

1. Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date hereof;

2. Any land-disturbing activity for which plans have been approved by the Vermillion River Watershed Management Organization within six (6) months prior to the effective date hereof;

3. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;

4. Excavations and/or land-moving activities involving less than thirty eight (38) cubic meters (50 cubic yards) of soil;

5. Emergency work to protect life, limb, or property.

Waiver: The City Council, upon recommendation of the Utilities Commission, may waive any requirement of this Chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in this Chapter. The City Council may require as a condition of the waiver such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet said standards and requirements. (Ord. XI.20, 7-21-1998)

10-1-6: INCORPORATION BY REFERENCE:

The following are incorporated into this Chapter by reference:

A. The Rosemount Comprehensive Wetland Management Plan.

B. The Rosemount Stormwater Management Plan.

C. The Rosemount Stormwater Utility Policy.

D. The Minnesota Wetland Conservation Act. (Ord. XI.20, 7-21-1998)

10-1-7: DEVELOPMENT SITE STORM WATER MANAGEMENT PLAN APPROVAL PROCEDURES:

Application: A written application for storm water management plan approval, along with the proposed storm water management plan and grading plan, shall be filed with the City Engineer and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and

adequate evidence showing that the proposed use will conform to the standards set forth in this Chapter. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management and grading plans reviewed by the appropriate departments of the City.

Five (5) sets of clearly legible blue or black lined copies of all drawings on bond paper are required. Required information shall be submitted to the City Engineer and shall be accompanied by a receipt from the Finance Department evidencing the payment of all required fees for processing and approval as set forth in Section 10-1-9 of this Chapter, and a bond when required by subsection 10-1-8D of this Chapter in the amount to be calculated in accordance with that subsection.

Storm water management and grading plan drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 to 600 (100 millimeters = 60 meters, or 1 inch = 50 feet). Drawing sheets shall be 559 by 864 millimeters (22 by 34 inches).

B. Storm Water Management Plan: At a minimum, the storm water management plan shall contain the following:

1. Existing Site Map: A map of existing site conditions showing the site and immediately adjacent areas within 60 meters (200 feet), and including:

a. The names, addresses, telephone numbers, and fax numbers of the applicant, owner developer, surveyor, engineer and contact person.

b. The section, township and range, north point oriented either up or to the right, date and scale of drawing and number of sheets.

c. Plat names and block, lot and outlot boundaries for adjacent platted property and full property identification numbers for adjacent unplatted property.

d. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks.

e. Location and indication of demolition, relocation, or abandonment of existing structures, driveways, septic systems, alternate septic systems and wells.

f. Existing underground and overhead utilities, easements and right of ways.

g. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 0.5 meters (2 feet).

h. Existing topographic contours extending beyond the site 60 meters (200 feet) or enough to completely show the limits of drainage basins not fully contained within the proposed plat limits.

i. A delineation of all streams, rivers, ponds, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources (include MNDNR number and Ordinary High Water Level), the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, and/or the United States Army Corps of Engineers.

j. The City's most recent Storm Water Management Plan district number along with normal and high water levels for ponds.

k. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects.

l. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable.

m. Vegetative cover such as brush, grass and trees, including tree diameters, and clearly delineating any vegetation proposed for removal.

n. The 10- and 100-year flood plains, flood fringes and floodways.

2. Site Grading Plan: Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 to 600 (100 millimeters = 60 meters, or 1 inch = 50 feet). Drawing sheets shall be 559 by 864 millimeters (22 by 34 inches). A site grading and construction plan shall include:

a. The section, township and range, north point oriented either up or to the right, date, revision number, scale of drawing and number of sheets.

b. Signature and Minnesota registration number of the professional land surveyor or professional engineer under whose supervision the plan was prepared.

c. Proposed septic systems, alternative septic systems and wells.

d. Locations and dimensions of all proposed land-disturbing activities and any phasing of those activities.

e. Locations and dimensions of all temporary soil or dirt stockpiles.

f. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of Section 10-1-12 of this Chapter.

g. Schedule of anticipated starting and completion date of each land-disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Chapter.

h. Provisions for maintenance of the construction site erosion control measures during construction.

i. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 0.5 meters (2 feet).

j. Existing topographic contours extending beyond the site 60 meters (200 feet) or enough to completely show the limits of drainage basins not fully contained within the proposed plat limits.

k. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining

features.

l. All lot corner elevations and bench marks utilized.

m. The proposed footprint and intended use of any structures or driveways to be constructed on the site.

n. A delineation of all streams, rivers, ponds, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources (include MNDNR number and Ordinary High Water Level), the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, and/or the United States Army Corps of Engineers.

o. The City's most recent Storm Water Management Plan district number along with pond storage volume and normal and high water levels for ponds.

p. Emergency overflow routes from all low points, elevation of high point along overflow route and directional flow arrows.

q. A drainage plan of the developed site delineating 10-year and 100-year design drainage area/watershed and hydrologic/hydraulic calculations verifying location and capacity of all overland drainage routes.

r. Access routes for maintenance to all inlets, outlets, manholes, and lift stations at ponding areas proposed.

s. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used.

t. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development.

u. Locations and dimensions of all permanent erosion control measures.

v. Any other information pertinent to the particular project which in the opinion of the applicant or the City Engineer is necessary for the review of the project.

3. Waiver: Any or all of the above plan requirements in this subsection B may be waived by the City Engineer. (Ord. XI.20, 7-21-1998)

10-1-8: PLAN REVIEW PROCEDURE:

- A. Process: Storm water management plans meeting the requirements of Section 10-1-7 of this Chapter shall be submitted by the City Engineer to the Utilities Commission for review in accordance with the standards of Section 10-1-9 of this Chapter. The Commission shall recommend approval, recommend approval with conditions, or recommend denial of the storm water management plan. Following Utilities Commission action, the storm water management plan shall be submitted to the City Council at its next available meeting.
- B. Duration: Approval of a plan submitted under the provisions of this Chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the City

Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the City Engineer may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the City Engineer within fifteen (15) days. The City Engineer shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved.

- C. Conditions: A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this Chapter are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance to the City or other public entity of certain lands or interests therein.
- D. Performance Bond: Prior to approval of any storm water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with subsection B of this Section.

The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City as may be designated by resolution of the City Council. (Ord. XI.20, 7-21-1998)

10-1-9: APPROVAL STANDARDS:

No storm water management plan which fails to meet the standards contained in this Section shall be approved by the City Council.

- A. Storm Water Management Plan: The most recent version of the City's Storm Water Management Plan is hereby adopted by reference and all storm water management plans shall be consistent with it.
- B. Site Erosion Control: Erosion control measures specified in grading plans must meet all requirements of Section 10-1-12 of this Chapter.
- C. Wetlands: Plans must meet all requirements for wetlands contained in Section 10-1-11 of this Chapter.
- D. Comprehensive Wetland Management Plan: The most recent version of the City's Comprehensive Wetland Management Plan is hereby adopted by reference and all storm water management plans shall be consistent with it.
- E. Storm Water Management Criteria For Permanent Facilities:
 - 1. An applicant shall install or construct, on or for the proposed land-disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the 10-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land-disturbing or development activity.
 - 2. The applicant shall give consideration to reducing the need for storm water management

facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

3. The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:

- a. Natural infiltration of precipitation on-site;
- b. Flow attenuation by use of open vegetated swales and natural depressions; and
- c. Storm water detention facilities.

4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection E1 of this Section. Justification shall be provided by the applicant for the method selected.

F. Design Standards: Storm water detention facilities constructed in the City shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas", and shall contain, at a minimum, the following design factors:

1. A permanent pond surface area equal to two percent (2%) of the impervious area draining to the pond or one percent (1%) of the entire area draining to the pond, whichever amount is greater.

2. An average permanent pool depth of one to three (3) meters (4 to 10 feet).

3. A permanent pool length-to-width ratio of three to one (3:1) or greater.

4. A minimum protective shelf centered on the normal water level, extending three (3) meters (10 feet) into the permanent pool with a slope of ten percent (10%), beyond which slopes should not exceed twenty five percent (25%).

5. A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of five (5) meters (16.5 feet).

6. Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 100-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan.

7. All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.

G. Steep Slopes: No land-disturbing or development activities shall be allowed on slopes of twenty five percent (25%) or more.

H. Retaining Walls: Retaining walls shall not be allowed in any City drainage, ponding or utility easement.

I. Catch Basins: Newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material as specified by the City Engineer. Such basins shall be cleaned when they are half filled with material or as resources allow.

J. Drain Leaders: All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

Structures: The lowest floor of any structure adjacent to a storm water ponding area shall be one meter (3 feet) above the 100-year flood event water level of the pond.

L. Inspection And Maintenance: All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The City may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water management facilities.

M. Models/Methodologies/Computations: Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the City Engineer. Plans, specification and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

N. Watershed Management Plans/Groundwater Management Plans: Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes sections 103B.231 and 103B.255, respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with State law.

O. Easements:

1. If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

2. Easements are required for all landlocked ponding areas to the basin's 100-year storm high water level elevation.

3. Easements are required for all outleted basins, swales, ditches, and overflow routes to the basin's 100-year storm high water level elevation.

4. If the storm sewer is to be installed less than three (3) meters (10 feet) deep within private property, the easement shall be a minimum of six (6) meters (20 feet) wide. If the storm sewer is three (3) meters (10 feet) or greater, the easement shall be twice as wide as the depth.

5. Easements necessary for maintenance vehicle access are required for all of the above where not directly available on a public road. (Ord. XI.20, 7-21-1998)

10-1-10: SURFACE WATER RELATED FEES:

.. Storm Water Utility:

1. Utility Established: The City does hereby establish the Rosemount Storm Water Utility for the purpose of managing City-owned storm water facilities, the collection of storm water connection

charges, utility user fees and expenditures necessary to own and operate this utility as expressly allowed under Minnesota Statutes, sections 412.321 through 412.391.

2. Operation And Administration: The operation and administration of the Rosemount Storm Water Utility will be the responsibility of the Utilities Commission as established in Title 2, Chapter 4 of this Code.

3. Rules And Regulations: Establishment of operational standards, user fees and other rules and regulations established for the purpose of operating this utility are established in the "Storm Water Utility Policy" adopted here by reference and may be amended by City Council resolution as is deemed necessary by the Council.

4. Effect, User Fees: The Rosemount Storm Water Utility will be established on April 1, 1992, with the first user fees collected in July 1992.

B. Processing And Approval Fee: All applications for storm water management plan approval shall be accompanied by a processing and approval fee determined by the City Council. An applicant may also be required to pay a storm water trunk area charge and/or a storm water connection charge in order to fund the development and maintenance of community storm water management facilities designed to serve multiple land-disturbing and development activities undertaken by one or more persons, including the applicant. (Ord. XI.20, 7-21-1998)

10-1-11: WETLANDS:

A. Every applicant for a subdivision approval, or a grading permit to allow wetland disturbing activities must submit a wetland assessment report to the City Engineer. No subdivision approval, or grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this Chapter and the Minnesota Wetland Conservation Act. This Section applies to all land, public or private, located within the City.

B. Utilization and development impacts to wetlands shall be consistent with the City's Comprehensive Wetland Management Plan. The most recent version of the City's Comprehensive Wetland Management Plan is hereby adopted by reference and all development shall be consistent with it.

C. Impacts To Wetland:

1. Concentrated runoff discharge into wetlands shall be consistent with the storm water management guidelines within the Rosemount Comprehensive Wetland Management Plan.

2. A protective buffer strip of natural vegetation of width prescribed by the Rosemount Comprehensive Wetland Management Plan shall surround all wetlands.

3. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:

a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

e. Compensating for the impact by replacing or providing approved substitute wetland resources or environments. (Ord. XI.20, 7-21-1998)

10-1-12: EROSION CONTROL:

A. Permit Applications: Every applicant for a building permit, subdivision approval, or a grading permit to allow land-disturbing activities must adhere to erosion control measure standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas" or as approved by the City Engineer.

Proposed erosion control measures may be approved by the City Engineer as part of a grading plan review toward grading or building permit approval. Erosion control may be specified by the City Engineer as part of a site survey for individual building permits. Erosion control may also be specified by the City Engineer as needed and deemed appropriate during the construction and post-construction periods separate from the above.

B. Site Dewatering: Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

C. Waste And Material Disposal: All waste and unused building materials (including garbage, debris, cleaning wastes, waste water, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

J. Tracking: Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

E. Drain Inlet Protection: All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas".

F. Site Erosion Control:

1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 900 square meters (10,000 square feet) in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.02 m³/s (0.5 feet³/s) across the disturbed area for the 1-year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subsection F3a and F3b or F3a and F3c of this Section.

a. All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding

or sodding or by mulching or covering or other equivalent control measure.

b. For sites with more than four (4) hectares (10 acres) disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least one meter (3 feet) of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of one meter (3 feet). The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

c. For sites with less than four (4) hectares (10 acres) disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.

4. Any soil or dirt storage piles containing more than eight (8) cubic meters (13 cubic yards) of material should not be located with a downslope drainage length of less than eight (8) meters (26.2 feet) from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than eight (8) meters (26.2 feet) of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

5. All temporary erosion control devices, including silt fence, gravel, hay bales or other measures, shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within thirty (30) days of the establishment of permanent vegetative cover on the disturbed area. (Ord. XI.20, 7-21-1998)

10-1-13: LAWN FERTILIZER REGULATIONS:

- A. Use Of Impervious Surfaces: No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainageways, or within wetland buffer areas.
- B. Lawn Fertilizer Content: Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent (1/2%) by weight of phosphorus, or granular fertilizer which contains more than three percent (3%) by weight of phosphorus, unless the single application is less than or equal to one-tenth (1/10) pound of phosphorus per one thousand (1,000) square feet. Annual application amount shall not exceed one-half (1/2) pound of phosphorus per one thousand (1,000) square feet of lawn area.
- C. Buffer Zone: Fertilizer applications shall not be made adjacent to any water body or wetland to a distance which is the larger of: five (5) meters (16.5 feet) or any buffer width as specified for individual wetlands in the Rosemount comprehensive wetland management plan. (Ord. XI.20, 7-21-1998)

10-1-14: PENALTY:

- A. Violation of any provision of this chapter is a misdemeanor and is subject to the penalty as

described in title 1, chapter 4 of this code. (Ord. XII.21, 6-15-2004)

B. The city may issue a stop work order halting all development work, grading, land disturbing activity and/or building construction for noncompliance with this chapter. (Ord. XI.20, 7-21-1998)

.0-1-15: OTHER CONTROLS:

In the event of any conflict between the provisions of this chapter and the provisions of any other city ordinance adopted by the city council, the more restrictive standard prevails. (Ord. XI.20, 7-21-1998)

10-1-16: SEVERABILITY:

The provisions of this chapter are severable. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application. (Ord. XI.20, 7-21-1998)

TITLE 11 ZONING REGULATIONS

PREFACE

This zoning and subdivision code of the city of Rosemount, as supplemented, contains ordinances up to and including ordinance B-169, passed April 4, 2006. Ordinances of the city adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the city office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers, Inc.
Coeur d'Alene, Idaho

CHAPTER 1 PURPOSE AND INTERPRETATION

11-1-1: TITLE:

This title shall be known as the *CITY OF ROSEMOUNT ZONING ORDINANCE* except as referred to herein as "this title". (Ord. B, 9-19-1989)

11-1-2: PURPOSE:

It is the purpose of this title to protect and promote public health, safety and general welfare, which may be met through the following objectives:

- A. To assist in the implementation of the city of Rosemount comprehensive guide plan upon which this title is based.
- B. To promote the orderly development and compatibility of residential, commercial, industrial, agricultural, recreational and public uses.
- C. To promote the orderly transition of rural to urban uses.
- D. To prevent the premature extension of city utilities and services.
- E. To prevent overcrowding of the land and structures.
- F. To prevent congestion in public rights of way.
- G. To protect natural resources in the city and promote reforestation and the replacement of other replenishable resources.
- H. To promote agricultural preservation.
- I. To promote a safe, effective pedestrian and vehicular circulation system. (Ord. B, 9-19-1989)

11-1-3: INTERPRETATION; RULES OF CONSTRUCTION:

Clarification on the provisions of this title or questions on the procedures or applicability of this title

should be directed to the community development department or other city departments as may be appropriate. Further clarification or interpretation of this title shall be accomplished according to the procedures of the board of appeals and adjustments as set forth in section 11-12-2 of this title.

- additional clarity and consistency in the understanding and application of this title the following shall apply:

- A. Use of the masculine gender includes the feminine and neuter genders unless otherwise specifically noted.
- B. Grammatical use or references made in the singular shall include the plural and the plural shall include the singular, unless such use or reference is otherwise specifically stated.
- C. Sentence construction or phraseology in the present tense, and similarly, references in the future tense may include the present.
- D. The word "shall" is used to mean mandatory; whereas, the word "may" is permissive and does not imply obligation.
- E. Whenever in any zoning district a use is neither specifically allowed nor specifically prohibited, the use shall be considered prohibited unless the city council determines that the proposed use is very similar to an allowed use in which case the proposed use shall be deemed allowed.
- F. The catchlines of this title are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (Ord. B, 9-19-1989)

11-1-4: DEFINITIONS:

For the purpose of this title, certain words contained herein shall be defined as follows:

AM RADIO ANTENNA: That portion of any communication equipment located on the exterior or outside of any structure used for continuous or standby transmission or reception of AM radio waves.

ACCESSORY BUILDINGS: A subordinate building or structure on the same lot with a principal or main building.

ACCESSORY STRUCTURE: A structure, with or without a roof and/or walls, detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building.

ACCESSORY USE: A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

AGRICULTURAL STAND: A booth or stall located on a farm from which farm products raised exclusively on that farm are sold to the general public.

AGRICULTURE: The use of the land for agricultural purposes, including farming, dairying, pasturage, horticulture, storage, animal and poultry husbandry and accessory uses and buildings. The care and keeping of agricultural animals is also subject to the regulations for the care and keeping of animals within the city contained in title 7, chapter 4 of this code.

ALLEY: A public right of way which affords a secondary means of access to abutting property.

ALTERATIONS: Any modification, additions, or change in construction or type of occupancy; any enlargement of a building, either horizontally or vertically; or the moving of a structure from one location to another.

APARTMENT: One or more rooms with private bath and kitchen facilities for lease comprising an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

APARTMENT, ACCESSORY: An apartment that is secondary and incidental to a principal use or building.

ATTORNEY: The city attorney of Rosemount, Minnesota, or his designated representative.

BARN: The largest accessory building on a property, constructed before 1940, for the exclusive storage of agricultural products and/or farm animals and larger than one thousand two hundred (1,200) square feet, with a gabled or gambrel roof.

BASEMENT: A portion of a building located partly underground, having more than fifty percent (50%) of its floor to ceiling height below the average grade of the adjoining ground. Split level, split entry and earth sheltered homes shall be construed to satisfy basement requirements.

BOARDING HOUSE: A building other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals and lodging are provided for not less than three (3) nor more than eight (8) persons.

BUILDING: Any structure having a roof which may provide shelter or enclosure for persons, animals or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and ridge level for gable, hip and gambrel roofs.

BUILDING LINE: That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

BUILDING, PRINCIPAL: A building in which is conducted the main or primary use of the lot on which it is located.

CAR WASH, ACCESSORY: An accessory building or part of a principal building equipped with mechanical equipment for washing autos (not a conveyor system) which is accessory to a gasoline station and comprises only one normal service bay of the gas station.

CAR WASH, PRINCIPAL USE: A principal building or use which is equipped with a conveyor system and other mechanical equipment and facilities for washing motor vehicles.

CEMETERY: A parcel of land intended for the burial of human dead. A marker or memorial is erected at each gravesite for permanent remembrance of the deceased. Cemeteries may include columbariums, crematories, mausoleums, mortuaries, and chapels when operated in conjunction with and within the boundary of such cemetery.

CERTIFIED ENGINEER: An engineer who is licensed by the Minnesota board of architecture, engineering, land surveying, landscape architecture and interior design.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CITY: The city of Rosemount, Dakota County, Minnesota.

CITY ENGINEER: The professional engineer employed by the city of Rosemount.

CLEAR CUTTING: The removal of an entire stand of trees.

CLUB, LODGE: A nonprofit organization catering exclusively to members and their guests.

CLUSTER HOUSING: The grouping of housing units which results in higher density clusters while maintaining approximately the same overall allowable site density. Cluster housing shall include townhouses, zero lot line houses, row houses and similar housing types.

CLUSTER HOUSING, SINGLE-FAMILY DETACHED: Single-family detached dwellings that are placed on lots that are smaller than district requirements in order to achieve environmental protection or other public objectives. The net density of the cluster area may be higher, provided that the gross density of the total site is within applicable standards.

COLUMBARIUM: A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.

COMMERCIAL GREENHOUSE: A structure in which vegetables and flowers are grown indoors from seed exclusively for sale at wholesale to retailers and jobbers. Exterior storage is prohibited. Accessory sales are prohibited.

COMMERCIAL OUTDOOR RECREATION: A commercial recreational use available to the general public that depends upon a natural, relatively undeveloped setting.

COMMERCIAL USE ANTENNA: A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures directly or indirectly related to wireless personnel communication services and cellular services.

COMMERCIAL USE ANTENNA TOWER: Any pole, spire, or lattice structures, or combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting materials.

COMMISSION: The planning commission of the city of Rosemount.

COMMISSIONER: The commissioner of the department of natural resources.

COMPREHENSIVE PLAN: A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the city and including a land use plan, a community facilities plan and a transportation plan which has been prepared and adopted by the city of Rosemount.

CONDOMINIUM: A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION: The community association which administers and maintains the common property and common elements of a condominium.

CONGREGATE HOUSING: Apartments with communal dining facilities and services, such as housekeeping, organized social and recreational activities, and transportation.

CONSTRUCTION DEBRIS: Waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

CONSTRUCTION DEMOLITION WASTE FACILITY: A facility that accepts and land disposes of only construction debris in accordance with an approved permit by the state of Minnesota, Dakota County and all other applicable local, state and federal laws.

CONSTRUCTION MATERIALS: Materials that are commonly used in the construction, repair, remodeling or landscaping of a building or building site. Examples of such materials include, but are not limited to, plywood, brick, concrete, tools, roofing materials, dumpsters, and landscaping items.

CONVENIENCE STORE, MOTOR FUEL STATION: A motor fuel station that offers for sale a limited amount of food and household products, which are in addition to those typically supplied at a motor fuel station.

COUNCIL: The city council of the city of Rosemount.

CREMATORIUM/CREMATORY: Where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

DAYCARE CENTER: A use defined by chapter 462, Minnesota statutes, which is operated for profit for the daytime only care of children and adults.

DECORATIVE FENCE: A fence made of high quality, long lasting and ornamental materials including finished aluminum, wrought iron, brick and the like, but not including wood, unfinished metal, vinyl, PVC, chainlink, wire, barbed wire or like materials.

DENSITY: The number of dwelling units per acre of land. Gross density is based on the total land area of the development site excluding existing public streets or highways. Net density is based on the total land area of the development site excluding wetlands, parks, existing public streets or highways, other land that will remain permanently undeveloped, but including newly platted streets.

DISTRICT: An area of land for which there are uniform regulations governing the use of the buildings and premises.

DWELLING: Any building or portion thereof, which is designed or used exclusively for residential purposes but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins or trailer coaches.

DWELLING, MULTIPLE-FAMILY: A residential building, or portion thereof, containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls, each unit on a separate lot, and each unit having at least two (2) walls exposed to the outdoors, such as duplexes, twin homes, triplexes, quad homes, and townhomes. This definition shall not include units which are joined to one another by floor or ceiling.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling on a single lot with street frontage that is not attached to any other dwelling by any means, including roof, wall, or floor.

DWELLING, TWO-FAMILY: A building on a single lot containing two (2) dwelling units, each which is

totally separated from the other by an unpierced wall extending from ground to roof.

EQUAL DEGREE OF ENCROACHMENT: A method of determining the location of floodway boundaries so that the hydraulic capacity of floodplain lands on each side of a stream are calculating proportionate increases in flood stages.

ESSENTIAL SERVICE FACILITIES: Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, water pumping or storage facilities, gas regulation stations, sewer lift or pumping facilities, traffic signals, hydrants, electrical substations and switching stations, or other associated equipment and accessories in conjunction therewith, including associated equipment enclosure buildings (but not including any other buildings or commercial use antenna towers), which systems are owned and operated by public utilities or by municipal or other governmental agencies for the purpose of providing an essential service to the public.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons not so related, living together as a single housekeeping unit using common cooking and kitchen facilities.

FENCE: Any partition, structure or wall, or gate erected as a dividing marker, barrier or enclosure and located along the boundary or within the required yard. All fences are subject to building permit review and approval.

FINISHED PRODUCT: The end result of a manufacturing process that is ready for utilization or consumption by the ultimate consumer.

FLOOD: A temporary rise in stream flow or stage that results in inundation of areas adjacent to the channel.

FLOOD FREQUENCY: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOODPLAIN: The areas adjoining a watercourse, which have been or hereafter may be covered by the regional flood.

FLOODPLAIN CONDITIONAL USE: A specific type of structure or land use that may be allowed in the floodplain, but only after an in depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: a) certain conditions as detailed in the zoning ordinance exist and b) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

FLOODPROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOODWAY: The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and/or store the regional flood discharge.

FLOOR AREA: The sum of the gross horizontal areas of the floors of a building or dwelling unit, measured from the exterior walls, or from the centerline of party walls separating buildings, excluding basements.

FUNERAL HOME: A building that provides facilities for funerals; a chapel for funeral services; rooms

for viewing the remains in caskets (slumber rooms, reposing rooms, viewing rooms, visitation rooms) before final services or cremation; rooms for preparation of bodies (embalming, cosmetic treatment and clothing of the deceased); display rooms and storage for caskets; garages for hearses and other equipment; and administrative offices. A funeral home may include family living quarters for the general director/owner.

GARAGE, PRIVATE: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats and similar vehicles which are owned and used by the occupants of the building to which it is accessory.

GARAGE/YARD SALE: The temporary display and sale of goods within the garage and/or driveway of a residence.

GASOLINE STATION, FULL SERVICE: A structure plus an area of land that is used or designed for the supply of motor vehicle fuels. For the purpose of this title, this term shall also mean an area or structure used for greasing, changing the oil, washing or repairing automobiles when such uses are accessory to the principal gasoline station use.

GASOLINE STATION, SELF-SERVICE: A structure plus an area of land that is designed for the supply of motor vehicle fuels, where no other automobile services are provided and the fuel is pumped only by the customer.

GROSS FLOOR AREA (GFA): For the purpose of computing required parking, gross floor area is the floor area for the building excluding accessory garages, underground parking, areas not enclosed by exterior walls, mechanical rooms, patios, decks, restrooms, elevator shafts, or stairwells.

GROUP USABLE OPEN SPACE: Open space associated with a multiple-family development that is part of a required yard, is relatively free of buildings and is available for recreational usage by the residents.

GUESTROOM: A room or group of rooms occupied, arranged or designed for occupancy by one or more guests for compensation.

HAZARDOUS WASTE: Substances listed as "hazardous" or "toxic" in the comprehensive environmental response compensation act, 42 USC section 9601 et seq., the resource conservation and recovery act, 42 USC section 6901 et seq., and regulations interpreting such acts, Minnesota statute section 116.06, subdivision 13 and regulations interpreting such statute or any other federal, state or local law regulating toxic or hazardous substances.

HOME OCCUPATION: A gainful occupation conducted in a residential building which is clearly secondary and incidental to the principal residential use of said building and generates no appreciable increase in traffic at any time over that customarily associated with a residential use. This occupation shall be carried on only by the dwelling's occupants. There shall be no stock in trade stored on the premises or over the counter retail sales.

HOMEOWNERS' ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOTEL: A building containing eight (8) or more guestrooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guestroom, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

IMPERVIOUS SURFACE: A surface that allows very little or no penetration of water or moisture into the soil or ground. Examples include concrete, asphalt, and various compacted materials including aggregate, limestone and recycled bituminous. Buildings, rooftops, patios and driveways and any other structure shall be included for the purpose of calculating maximum lot coverage. Exception: Trucks will not be considered when calculating lot coverage percentage.

INTERIM USE: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

JUNKED VEHICLE: Any vehicle, as defined in this section, which does not have lawfully affixed or attached thereto an unexpired state registration or license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

LANDSCAPE NURSERY: Land or greenhouses used to grow from seed or seedlings flowers, trees and shrubs exclusively for sale at wholesale to contractors, jobbers and retailers. Flowers, trees and shrubs grown outdoors must be grown bare root in the ground and may not be grown aboveground in planters and the like. Exterior storage is prohibited. Accessory sales are prohibited.

LIGHT MANUFACTURING: The compounding, processing, packaging, treatment, or assembly of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

LOT: A separate parcel, tract, or area of land undivided by any public street or approved private road, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this title for such building, use or development.

LOT AREA: The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by street rights of way.

LOT, CORNER: A lot which has at least two (2) contiguous sides abutting upon a street for their full length.

LOT COVERAGE: The percent of the lot covered with structures, paved and other impervious surfaces.

LOT DEPTH: The mean distance between the front and rear lot lines. In order to allow flexibility in determining lot depth for parcels of unusual configuration, lot depth can be measured by averaging side property lines or by measuring a straight perpendicular line extending from the front line to the rear lot line and passing through the building zone, subject to determination by the community development director or the director's designee. In no case would the perpendicular line passing through the building zone be less than the minimum lot depth standard.

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

LOT LINE: The lines bounding a lot as herein described.

LOT LINE, REAR: Any boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length, the rear lot line shall be a line ten feet (10') in length within the lot, connecting the side lot lines and parallel to the front lot line.

LOT OF RECORD: A lot which is part of a subdivision or plat, an auditor's subdivision or a registered

land survey; or a parcel of land not so platted, for which a deed has been recorded in the Dakota County recorder's office prior to October 19, 1972.

LOT, THROUGH: A lot where opposite lot lines abut two (2) parallel streets and which is not a corner lot.

LOT WIDTH: The width measured along the front yard setback line.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on the site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that the term herein includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the state of Minnesota and complies with the standards established under this title.

MANUFACTURED HOME PARK: Any premises on which two (2) or more occupied manufactured homes are located.

MANUFACTURING, CUSTOM: The production and sale on the premises of hand manufactured products involving only the use of hand tools and domestic mechanical equipment.

MANUFACTURING, GENERAL: All manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to: sawmills; refineries; commercial feedlots; acid; cement; explosives; flour, feed, and grain milling or storage; meatpacking and slaughterhouses; coal or tar asphalt distillation; rendering of fat, grease, lard or tallow; alcoholic beverages; poisons; exterminating agents; glue or size; lime; gypsum; plaster of Paris; tanneries; automobile parts; paper and paper products; glass; chemicals, crude oil and petroleum products including storage; electric power generation facilities; vinegar works; junkyard; auto reduction yard; foundry forge; casting of metal products; rock, stone, cement products; and all uses permitted in the IG general industrial district.

MANUFACTURING, LIMITED: All uses which include the compounding, processing, packaging, treatment or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere. Such uses include, but are not limited to: lumberyards; machine shops; products assembly; sheet metal shops; plastics; electronics; general nonalcoholic beverages; signs and displays; printing; publishing; fabricated metal parts; appliances; clothing; textiles and used auto parts.

MAUSOLEUM: A building or structure designed with vaults to hold many caskets or crematory urns. The size of a mausoleum could range from an elaborate grave marker for a single burial to a building erected to house entire families as an alternative to family grave plots.

MEDIUM MANUFACTURING: The compounding, processing, packaging, treatment, or assembly of certain products from processed or unprocessed raw materials, where the finished product is noncombustible and nonexplosive. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users, but is not offensive or obnoxious. Odors produced on site shall not have a material negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on site. Examples include, but are not limited to, the production of the following: glass products made from manufactured glass; clay and pottery products; food and beverages; candy and other confectionery

products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semifinished metals.

MEMORIAL PARK: A cemetery developed with gravesite monuments that are flush with the ground face.

MINERAL EXTRACTION: The extraction of sand, gravel, rock or other such material from the land.

MIXED USE DEVELOPMENTS: Development of one tract of land that will include two (2) or more complementary and integrated uses. All uses will be approved under the planned unit development (PUD) process.

MONTESSORI SCHOOL: A school for children where the fundamental aim is self-education.

MORTUARY: An establishment with facilities for preparation of the deceased for burial but not for cremation, for the viewing of the deceased and for funerals.

MOTEL: A building or group of attached or detached buildings under common ownership containing eight (8) or more guest or sleeping rooms which is used or intended to be used primarily for the accommodation of transient automobile travelers. This term shall include buildings designated as auto courts, tourist courts, motor courts, motor hotels and similar names.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment.

MULTIPLE-FAMILY DWELLING: See definition of Dwelling, Multiple-Family.

NONCONFORMING USE: A building or use of land which does not conform to the regulations of the district or zone in which it is situated.

NONHAZARDOUS INDUSTRIAL WASTE: Solid waste generated from an industrial or manufacturing process. Nonhazardous industrial waste shall not include: liquid wastes not processed at the facility; sewage sludge, including treated or digested sewage sludge; PCBs; infectious waste; household garbage or refuse; nonhazardous industrial waste that is economically feasible to recycle; radioactive or nuclear waste; rendering or slaughterhouse waste; or hazardous waste.

NONHAZARDOUS INDUSTRIAL WASTE CONTAINMENT FACILITY: A facility that accepts and land disposes of only nonhazardous industrial waste. The facility may accept nonhazardous industrial liquid waste if such liquids are processed to ensure no free liquids are land disposed. A facility shall include containment cells and all other appurtenances necessary for its operation.

NURSERY SCHOOL: A school for children of preschool age.

NURSING HOME: An extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

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

OFFICE SHOWROOM: A facility in which the handling of information or the performing of administrative services is conducted as the principal use; including services provided to persons both on site and off site on a walk-in or appointment basis. Up to fifty percent (50%) of the gross floor area of the structure may be used for the display of merchandise and equipment, and its sale to a customer where delivery of purchased merchandise is made directly to the ultimate consumer from a warehouse.

OFFICE WAREHOUSE: A building with gross floor area consisting of at least fifteen percent (15%) finished office space, in addition to warehousing and distribution uses including storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

OFFICES, BUSINESS: A building(s) in which business of a nonretail nature and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and including multiple-tenant office buildings.

OFFICES, PROFESSIONAL: A building in which professional and management duties and services are carried out, including medical and dental clinics and offices; psychiatrists' and psychologists' offices; architectural, engineering, planning and legal offices; and similar uses.

OPEN SPACE: Any unoccupied space open to the sky on the same lot with a building.

ORDINARY HIGH WATER LINE (OHWL): A line delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

OVERLAY DISTRICT: An area within a zoning district that has an additional set of restrictions governing permitted uses with the intent of preserving natural amenities or resources; or, an area within a district or subdistrict that permits a use or uses, based upon meeting specified criteria, which may not be allowed or permitted elsewhere in the district because of the absence of said criteria.

OVERSIZED RECREATION VEHICLE: A recreation vehicle twenty three feet (23') or more in length or six thousand five hundred (6,500) pounds or more in empty weight.

PASSENGER VEHICLE: A motor vehicle which meets the criteria for "passenger" class registration and license plate as established by the Minnesota department of public safety.

PERFORMANCE STANDARD: A criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PLANNED UNIT DEVELOPMENT: An area to be planned, developed, operated and/or maintained as a single entity and containing one or more land uses or building types, which allows variances from the strict interpretation of this title in order to achieve other community or design objectives.

PRINCIPAL USE OR STRUCTURE: The main use to which the premises are devoted and the principal purpose for which the premises exist.

PRIVATE PROPERTY: Any real property within the city which is privately owned and which is not public property as defined in this section.

PROTECTED WATERS: Any waters of the state which serve a beneficial public purpose, as defined

in Minnesota statutes 1976, section 103G.005. However, no lake, pond or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated as protected waters for the purposes of shoreland management.

PUBLIC HEARING: An official public meeting for which notice has been published in the official newspaper.

PUBLIC PROPERTY: Any street or highway and includes the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

PUBLICATION: A notice placed in the official newspaper.

REACH: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

RECREATION VEHICLE: Any vehicle which meets the criteria for "recreation" class registration and license plate, DNR registration, or trailer registration used for conveyance of recreation vehicles as established by the Minnesota department of public safety, Minnesota department of natural resources, or this title, including, but not limited to: travel trailers, stock car trailers, campers, motor homes, tent trailers, vehicles converted to motor homes, boat trailers, snowmobiles, snowmobile trailers, boats, personal watercraft, all-terrain vehicles, and all-terrain vehicle trailers.

RECYCLING OPERATION: An area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron, and other metals, paper, rags, bottles and lumber.

REGIONAL FLOOD: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" as used in the flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION: An elevation not less than one foot (1') above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this title are required to be elevated or floodproofed.

RESIDENTIAL FACILITIES: A residential use defined by chapter 462, Minnesota statutes, which provides twenty four (24) hour housing for the mentally retarded and physically handicapped and foster care patients.

RIGHT OF WAY: A street, alley or easement permanently established for the passage of persons and vehicles including the traveled surface of lands adjacent that are formally dedicated to such usage.

ROOMERS: An individual other than a member of the family occupying a dwelling unit who, for rent, is furnished sleeping accommodations, meals, personal care or other services.

SALES LOT: An outdoor area, not enclosed within a building, that may include allowed temporary structures, used for temporary display of merchandise for sale, which display is not the principal use of the property but is in compliance with the requirements of the zoning district in which it is located. Examples of such use include seasonal display and sale of Christmas trees, gardening or nursery products, consumer fireworks, or other similar goods.

SELF-SERVICE STORAGE FACILITY: Real property that is designed and used only for renting or leasing individual storage space in the facility under the following conditions:

- A. The occupants have access to their individual storage space only for the purpose of storing and removing their personal property;
- B. The owner does not issue a warehouse receipt, bill of lading, or other document of title for the personal property stored in the storage space; and
- C. The property has two (2) or more individual storage spaces. The term does not include a garage used principally for parking motor vehicles or any property of a financial institution that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the financial institution's customers.

SELF-SERVICE STORAGE FACILITY STORAGE SPACE: An enclosure, cubicle, or room that is fully enclosed and equipped with a door designed to be locked for security by the occupant.

SEMIFINISHED PRODUCT: The end result of a manufacturing process that will become a raw material for an establishment engaged in further manufacturing.

SETBACK: The minimum horizontal distance between a lot line and a building line or use.

SHOPPING CENTER: A group of unified commercial establishments located on a single land parcel and consisting of not less than four (4) distinct business entities which share or jointly use parking facilities.

SHORE IMPACT ZONE: Lands located adjacent to and within one hundred feet (100') of the OHWL of public water.

SHORELAND: Lands located within one thousand feet (1,000') of the OHWL of a lake, pond or flowage and within three hundred feet (300') of a river or stream or the landward extent of a floodway designated by ordinance and the zoning map on such river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward from the OHWL for lesser distances.

SIDEWALK SIGNS: A portable sign for temporary placement on a sidewalk in the public right of way, intended for a building or business located adjacent to the right of way with no front yard or a front yard that will not accommodate a permanent freestanding sign as permitted by this title.

SOLAR COLLECTOR: A device, structure or part thereof that transfers direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply. To be utilized in a cost effective manner the collector should be oriented to within twenty two and one-half degrees ($22\ 1/2^\circ$) true south.

SPENT BAUXITE: A nonhazardous industrial waste, consisting primarily of aluminum oxide, aluminum silicate and silica material.

SPENT BAUXITE DISPOSAL FACILITY: A facility that accepts and land disposes of only spent bauxite. A facility shall include containment cells, leachate collection systems, monitoring systems and other appurtenances necessary for its operation.

STREET: A public thoroughfare which affords the principal means of access to abutting property.

STREET LINE: The legal line of demarcation between a street and abutting land.

STRUCTURE: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

TOWER: A structure upon which communication equipment is mounted or attached and including support devices such as cables, braces, etc.

TOWNHOME: A building on a single lot in a row of not less than two (2) units in which each unit has at least two (2) walls exposed to the outdoors; no unit is located over another unit; and each unit is separated from any other unit by one or more vertical common fire resistant walls. In no case shall any unit have in excess of two (2) party walls.

TRANSIENT MERCHANT: Any person, individual, copartnership, or corporation, either as principal or agent, who engages in, does or transacts any temporary and transient business in this state, either in one locality or in traveling from place to place in this state, selling goods, wares and merchandise; and who for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, vehicle, trailer, tent or other portable shelter, or vacant lot for the exhibition and sale of such goods, wares and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two (2) or more sellers or exhibitors.

TRANSMISSION FACILITIES: Essential service facilities consisting of overhead electric lines in excess of thirty five (35) kV and supporting structures or natural gas transmission pipelines in excess of two hundred (200) pounds per square inch.

USE: The purpose or activity for which the land or building thereof is designed, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this title.

USE, PERMITTED BY PUD: A use which is permitted only if the PUD procedure is used and a plan is normally approved by the city.

USE, PERMITTED BY RIGHT: A use which is unconditionally permitted in the district under which it is listed.

USE, PUBLIC OR INSTITUTIONAL: A government, nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land use for public purpose, or a use owned or operated by a nonprofit, religious or eleemosynary institution and providing educational, cultural, recreational, religious or similar types of public programs.

VEHICLE: Any vehicle which is self-propelled or designed to be pushed or pulled and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, trailers, boats, planes and gliders.

WETLAND ALTERATION: Any activity that will change or diminish the course, current, or cross section of a public water.

WETLANDS: Swamps, marshes or drainage basins as defined in "U.S. Fish And Wildlife Circular No. 39" (1971 edition). For the purposes of shoreland/wetland regulations, wetland types 3, 4 and 5, of at least two and five-tenths (2.5) acres in size, will be regulated.

YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located. On a corner lot the narrowest street dimension shall be the front yard.

YARD, INTERIOR SIDE: A side yard which is not adjacent to a street.

YARD OR SETBACK: A required open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided for herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

YARD, REAR: A yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

YARD, STREET SIDE: A side yard which is adjacent to a street.

ZERO LOT LINE HOUSING: Single-family detached dwellings located on individual lots which are designated to have no setback from one or more lot lines.

ZONING DISTRICT: See definition of District. (Ord. B, 9-19-1989; Ord. B-1, 12-5-1989; Ord. B-1, 12-28-1989; Ord. B-4, 5-15-1990; Ord. B-1, 5-24-1990; Ord. B-13, 9-17-1991; Ord. B-20, 5-19-1992; Ord. B-20, 5-28-1992; Ord. B-21, 6-16-1992; Ord. B-25, 2-2-1993; Ord. B-32, 9-21-1993; Ord. B-35, 1-25-1994; Ord. B-32, 2-11-1994; Ord. B-35, 2-11-1994; Ord. B-40, 4-29-1994; Ord. B-43, 7-5-1994; Ord. B-60, 5-7-1996; Ord. B-59, 5-24-1996; Ord. B-64, 8-23-1996; Ord. B-72, 11-5-1996; Ord. B-74, 11-5-1996; Ord. B-90, 7-15-1997; Ord. B-96, 12-2-1997; Ord. B-97, 1-6-1998; Ord. B-114, 3-6-2001; Ord. B-129, 6-3-2003; Ord. B-131, 7-15-2003; Ord. B-137, 3-1-2004; Ord. B-138, 5-18-2004; Ord. B-141, 7-20-2004; Ord. B-153, 4-1-2005; Ord. B-155, 6-7-2005; Ord. B-163, 11-15-2005; Ord. B-167, 4-4-2006)

CHAPTER 2 GENERAL PROVISIONS

11-2-1: SCOPE AND INTERPRETATION:

These provisions apply to all districts.

A.Scope: No structure, or part thereof, shall be erected, converted, enlarged, reconstructed, altered or moved and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this title.

B.Interpretation: In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. (Ord. B, 9-19-1989)

C.Abrogation And Greater Restrictions: It is not intended by this title to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this title imposes greater restrictions, the provisions of this title shall prevail. All other ordinances inconsistent with this title are hereby repealed to the extent of the inconsistency only. (Ord. B-25, 2-2-1993)

11-2-2: LOT PROVISIONS:

A.Lots Of Record:

1. No lot of record shall be reduced in size below the district requirements of this title.

2. A lot of record shall be deemed a buildable lot even though the lot area and/or dimensions are less than those required for the district provided as follows:

- a. It fronts on a public street.
- b. Minimum requirements for private or public utility service are met.
- c. Evidence must be presented that the lot in question met minimum requirements for the division of property under ordinance regulations in effect at the time of the division of property.

B. One Building Per Lot: Except for PUD, or a multiple-family project, not more than one principal building shall be located on a lot. (Ord. B, 9-19-1989)

11-2-3: SEWER AND WATER; SINGLE-FAMILY DWELLINGS:

Single-family dwellings which are not connected to the municipal sewer system shall be permitted only when the requirements for private on site sewer systems have been satisfied. (Ord. B, 9-19-1989)

11-2-4: ATTACHED DEVELOPMENTS:

A. Requirements: All attached developments which share the ownership of common open spaces or other facilities (i.e., driveways or utility services) shall be required to have condominium association documentation consistent with state statutes.

B. Single-Family Attached Dwellings: Single-family attached dwellings without common open space or shared facilities shall have FHA party wall, maintenance or comparable agreements consistent with state statutes. (Ord. B, 9-19-1989)

11-2-5: ROOFTOP MECHANICAL SYSTEMS:

All outside rooftop mechanical systems shall be completely screened from public streets and R districts. (Ord. B, 9-19-1989)

11-2-6: REQUIRED YARDS AND OPEN SPACE:

A. Reduction: No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this title. If the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

B. Relative To Other Buildings: No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building. (Ord. B, 9-19-1989)

11-2-7: STREET ACCESS REQUIRED:

Every building hereafter erected shall be located on a lot having frontage on a public street as defined herein. (Ord. B, 9-19-1989)

11-2-8: PRIVATE STREETS AND UTILITIES:

streets and utilities not located within a public right of way must be maintained by the owner. (Ord. B, 9-19-1989)

11-2-9: OUTDOOR STORAGE:

Except as specifically authorized by this title, all equipment, merchandise, materials, supplies, unlicensed vehicles, junk vehicles, trash and junk, and finished and unfinished products shall be stored within structures as defined herein. This provision does not apply to clothesline poles, lawn furniture, picnic tables and playground equipment as associated with residential use. Construction materials may be stored outdoors only during construction, and such materials must be for use in construction on the property on which they are stored. (Ord. B-114, 3-6-2001)

A. Storing Or Parking Junked Vehicle Prohibited: It is unlawful for any person to park, store or leave any junked motor vehicle, whether attended or not, upon any public or private property within the city, or for any person, as an owner of or an occupant having control of private property within the city to permit the parking, storing or leaving of any junked vehicle upon such private property, unless such junked vehicle is within an enclosed building or structure lawfully situated upon private property or is so parked, stored or left upon private property lawfully zoned and operated as a recycling operation.

B. Woodpiles: Firewood shall not be stored in the front yard or nearer the front lot line than the principal building or less than five feet (5') from a lot line. Firewood shall be stacked on an impervious surface or be elevated at least four inches (4") off the ground. Stacks shall not exceed six feet (6') in height. (Ord. B, 9-19-1989)

C. Recreation Vehicles: See section 8-2-5 of this code for regulations pertaining to the storage of recreation vehicles. (Ord. XII.20, 7-20-2004)

D. Trash And Junk: All solid waste material, debris, refuse, garbage, junk or similar material shall be kept within tightly closed containers designed for such purpose. The containers shall be kept in an enclosed area between days of scheduled pickup. (Ord. B, 9-19-1989)

-2-10: ANIMALS:

The care and keeping of animals within the city is subject to the regulations contained in title 7, chapter 4 of this code. (Ord. B-153, 4-1-2005)

11-2-11: TEMPORARY BUILDINGS:

A. Construction Office, Temporary: Temporary buildings incidental to construction work on the premises shall be permitted provided they receive a building permit and such buildings are removed upon completion or abandonment of said construction.

B. Sales Office, Temporary: All temporary sales offices shall conform to the following performance standards:

1. All temporary sales offices shall receive a building permit.
2. The temporary sales office shall be removed within thirty (30) days of the certificate of occupancy for the development's model unit or leasing office, or within six (6) months of the issuance of the building permit for the temporary sales office, whichever occurs first. If requested in writing prior to expiration of the original six (6) month period, six (6) month extensions may be granted by staff. Said extensions shall also expire within six (6) months or thirty (30) days of the certificate of occupancy for the development's model unit or leasing office, whichever occurs first
3. Each development project shall be limited to one temporary sales office.
4. All temporary sales offices shall be required to meet the standards of the current Minnesota state building code and Americans with disabilities act (ADA).

5. All temporary sales offices shall meet the setback standards as required for any structure within the applicable zoning district.

6. Temporary sales offices shall have skirting around the entire base of the unit.

7. Prior to use by the public, all temporary sales offices shall provide at least six (6) off street parking stalls for every one thousand (1,000) square feet of gross floor area. In addition, the surface of the parking area shall at a minimum consist of class V crushed rock. Should the temporary sales office exist longer than one year, the off street parking area shall be paved. Each parking stall shall be delineated by a concrete parking stop, sign or landscape planter.

8. Temporary sales offices shall be permitted only for residential subdivisions for which a final plat has been approved by the city council. Additionally, a temporary sales office shall be located on the property for which the final plat was approved. No off site temporary sales offices will be permitted.

9. All temporary sales trailers shall have access from a public or private paved street. (Ord. B-145, 11-3-2004)

C.Allowed By Interim Use Permit: Temporary buildings are allowed by the interim use permit in section 11-4-16, "IG General Industrial District", of this title. (Ord. B-144, 10-19-2004)

D.Sales Lots: Temporary structures allowed by interim use permit associated with sales lots that are in compliance with all building code, fire code, zoning ordinance, this code, county ordinance, or state statute applicable to transient merchants, temporary structures, or sales lots. (Ord. B-155, 6-7-2005)

11-2-12: SATELLITE DISHES AND SOLAR COLLECTORS:

Satellite dishes and solar collectors shall be permitted in all districts and subject to the setback requirements in subsection 11-5-2C1 of this title. (Ord. B-33, 10-19-1993)

11-2-13: GARAGE SALES:

Temporary garage sales shall comply with the following requirements:

A.The sale shall not be more than four (4) successive days in duration.

B.Not more than three (3) such sales are permitted on the premises in a calendar year.

C.There shall be at least one month between sales on the same premises. (Ord. B, 9-19-1989)

11-2-14: TEMPORARY DWELLINGS:

The use and occupancy of a manufactured home, tent, RV or other temporary dwelling for the purpose of living quarters is not permitted in any district. (Ord. B, 9-19-1989)

11-2-15: SINGLE-FAMILY DETACHED DWELLING REQUIREMENTS:

All single-family detached dwellings shall be constructed according to the following minimum standards:

A.All single-family detached dwellings shall have a minimum width of twenty four feet (24') in both

directions and shall have, prior to issuance of a certificate of occupancy, a minimum gross finished floor area (excluding garage space) as follows:

1. In the RR rural residential and RL very low density single-family residential districts, one thousand two hundred (1,200) square feet.
2. In the R-1 low density residential district, one thousand (1,000) square feet.
3. In the R-1A low density residential district, nine hundred eighty (980) square feet.

B.All single-family detached dwellings shall have a permanent frost free foundation or equal, in accordance with the applicable building code.

C.Main roofs shall have a minimum pitch, as follows:

1. In the AG agricultural, RR rural residential, and RL very low density single-family residential districts, a five to twelve (5:12) minimum pitch per definition of the applicable building code.
2. In the R-1 low density residential and R-1A low density residential districts, a three to twelve (3:12) minimum pitch per definition of the applicable building code.

D.Roofs shall be shingled with asphalt, wood, tiles or other comparable materials similar in appearance as approved by the applicable building code.

E.Except for earth sheltered homes, all exterior vertical surfaces of a single-family dwelling and accessory structures shall be treated as a front and have an equally attractive, or the same, fascia. Any exterior building finish shall consist of a combination of the following materials: wood, brick, natural stone, aluminum and glass, steel, or vinyl siding. Steel siding with exposed panels exceeding sixteen inches (16") in width, shall not be permitted. (Ord. B-96, 12-2-1997)

F.All single-family dwellings shall be required to provide at least two (2) attached enclosed garage parking spaces no less than four hundred forty (440) square feet in area and no less than twenty feet (20') wide in either direction. The maximum allowable size for attached garages is one thousand (1,000) square feet in area.

Any single-family dwelling permit for properties receiving preliminary plat, lot division or registered land survey approvals after the effective date hereof, shall include certificates of survey providing for the location of an attached third garage stall, whether or not construction is intended. The area allotted for the third stall shall be a minimum of ten feet (10') wide and twenty feet (20') long. The combined area for the required two (2) stall attached garage and the proposed third stall shall not exceed one thousand (1,000) square feet. (Ord. B-142, 9-21-2004)

11-2-16: HOME OCCUPATIONS:

A.Home occupations shall be conducted solely by persons residing in the residence.

B.All business activity and storage shall take place within structures.

C.There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the premises.

D.No sign, display or device identifying the occupation shall be used.

E.The occupation shall not be visible or audible from any property line.

F.Said occupation shall not involve the retail sale or rental of products on the premises.

G.Unless completely enclosed within an approved structure, no vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes such as a van or three-quarter ton truck.

H.Only on site off street parking facilities normal for a residential use shall be used.

I.The conduct of an occupation or the use of substances which may be hazardous to or may in any way jeopardize the health, safety or welfare of neighbors and neighboring property shall not be permitted. (Ord. B, 9-19-1989)

11-2-17: ESSENTIAL SERVICE FACILITIES:

Essential service facilities are permitted uses in all zoning districts except electrical substations and switching stations are prohibited in all residential (R) and public/institutional (P) districts. Essential service facilities shall be subject to all of the applicable district development standards as well as any overlay district standards with the following additional standards:

A.Every fenced enclosure is subject to the principal building setback or yard criteria of the district in which it is located.

B.Electrical substations and switching stations located on any lot or parcel which is adjacent to a lot or parcel in a residential (R), commercial (C), and/or public institutional (P) district or use must provide mechanical or vegetative screening in the yard adjacent to a public right of way or such lot or parcel in the R, C, or P district. Screening consisting of earthen berm, landscaping, and/or wall having ninety percent (90%) opacity to a height not less than six feet (6') in height shall be provided within the yard adjacent to a public right of way or such lot or parcel in the R, C, or P district. Screening shall not be required in yards that are adjacent to wastewater treatment facilities.

C.An application for transmission facilities shall be required to be submitted to the city, including information related to the proposed design, proposed siting, and alternative sites together with such application fee as may be approved from time to time by the city council. All transmission facilities shall be required to receive a permit from the city, except for those that are less than or equal to one-fourth (1/4) mile in length. No application shall be considered until a public hearing has been held by the planning commission. A notice of such hearing shall be published at least ten (10) days prior to the hearing, and notices shall be mailed to each property owner within three hundred fifty feet (350') of the affected property, except when located in agricultural (AG), agricultural preserve (AG-P) and rural residential (RR) districts which shall require mailed notice to each property owner within one-fourth (1/4) mile. The city council shall consider the recommendation of the planning commission and either approve or deny the application.

D.The application for transmission facilities must be approved based upon the following findings:

1. The proposed siting complies with the city's comprehensive guide plan.
2. To the extent possible, the proposed siting is within or adjacent to existing public rights of way, private utility easements or other designated corridors for transportation or transmission facilities.
3. The proposed siting is necessary based upon a need and locational analysis.
4. Impacts, including, but not limited to, noise and views, are identified and mitigated.

5. The proposed siting will not create hazards to the health, safety and general welfare of surrounding property owners or natural environment. (Ord. B-90, 7-15-1997)

11-2-18: SINGLE-FAMILY ATTACHED DWELLINGS AND TOWNHOME REQUIREMENTS:

All single-family attached dwellings shall be constructed according to the following minimum standards:

- A. Building Site: A maximum of six (6) dwelling units may be attached per building, except where buildings are adjacent to RR, RL, R-1 and R-1A zoning districts; such buildings shall be limited to a maximum of four (4) dwelling units per building.
- B. Basements: All dwelling units within the development shall have a permanent frost free foundation or equal, in accordance with the applicable building code.
- C. Single-Family Attached Dwelling Frontage: No frontage requirement on a public street or road is necessary for single-family attached development; however, access to a public street is required via common open space fronting the right of way.
- D. Setback Requirements For Single-Family Attached Dwelling Development: The following setbacks shall be required for townhome development:

| | Principal Structure | Accessory Structure (Attached Or Detached) | Parking Lot |
|---|---------------------------|--|---------------------------|
| Any front, rear or side along a principal arterial highway | 60 feet | 40 feet | 40 feet |
| Any front, rear or side along a minor arterial highway | 50 feet | 30 feet | 30 feet |
| Any front, rear or side along a collector street | 40 feet | 20 feet | 20 feet |
| Any front, rear or side along a local street | 30 feet | 20 feet | 20 feet |
| Interior side or rear lot line | 20 feet | 10 feet | 10 feet |
| Any front, rear or side of building along a private roadway | 20 feet from back of curb | 20 feet from back of curb | 15 feet from back of curb |

E. Minimum Distance Between Townhome Structures: In addition to the setback requirements of subsection D of this section, the following minimum distances shall be maintained between structures:

1. A minimum of twenty feet (20') shall be maintained between side walls of end unit townhomes between adjacent rows of townhome units.
2. Where the rear of a row of townhome dwelling units faces the rear of an adjoining row of townhome dwelling units, the minimum distance between structures shall be sixty feet (60').
3. Where the rear of a row of townhomes faces the side wall or front of an adjoining row of townhomes, the minimum distance between the structures shall be forty feet (40').
4. Off street parking areas provided within the common area for the use of all of the homeowners

shall maintain a minimum setback of fifteen feet (15') from adjacent townhome dwelling units.

F. Minimum Separation: Single-family attached dwellings shall have a minimum separation of twenty feet (20') between buildings.

G. Single-Family Attached Dwelling Parking Requirements: Each dwelling unit shall have a minimum of two and one-half (2 1/2) car parking spaces available for each dwelling unit's use. Two (2) enclosed garage car parking spaces, no less than four hundred forty (440) square feet in area, shall be provided on the dwelling unit lot and the remaining requirements provided for within the overall townhome development. The development shall provide the remaining one-half (1/2) space per unit in the common space, which will be accessible to all dwellings.

H. Design Of Garage And Accessory Structures: Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building. Garage spaces required to satisfy off street parking requirements shall be attached to the townhome dwelling unit. A minimum of one hundred fifty (150) cubic feet of storage space, exclusive of parking spaces provided, shall be provided within the garage.

I. Design Of Streets And Parking Areas:

1. All parking and driving surfaces shall be surfaced with concrete or asphalt, and shall be defined by continuous concrete perimeter curbing.

2. All internal private roadways shall be a minimum twenty eight feet (28') wide face to face.

J. Exterior Vertical Surface Design: All exterior vertical surfaces of a townhome dwelling and accessory structures shall be treated as a front and have an equally attractive or the same fascia. At least fifty percent (50%) of any exterior building finish shall consist of a combination of materials which are noncombustible, nondegradable and maintenance free (for example, base brick, natural stone, glass and aluminum, steel or vinyl siding) or those comparable in grade and quality. No exterior building finish shall be sheet aluminum, asbestos, iron, steel, corrugated aluminum or untreated block.

K. Vertical Wall Surface Alignments: No more than two (2) adjacent unit exterior walls may occupy the same vertical plane. All townhome structures containing three (3) or more dwelling units shall have minimum offsets of four feet (4') between one of the units and the adjacent property.

L. Single-Family Attached Platted Additions:

1. Density: All single-family attached developments shall be built in platted additions to the city and shall have a maximum net density not to exceed six (6) dwelling units per acre. Said land shall be platted before a building permit is issued. For the purpose of this section, "plat" is defined in accordance with Minnesota statutes, section 505.01, et seq., as amended. Minimum single-family attached development lot size shall be one-half (1/2) acre.

M. Single-Family Attached Dwelling Open Space Requirements:

1. Recreational Space: All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation. At least twenty percent (20%) of the open/green space, excluding required setback areas, shall be reserved for playgrounds and/or passive recreational space. Park lands shall be graded and seeded by the developer.

2. Streets And Lanes: The developer of each townhome development shall be responsible for building and developing of the open space into finished, graded and fully developed areas

consisting of paved streets having a minimum of five (5) ton axle load bituminous surfacing and common paved parking areas, in accordance with section 11-6-1, "Off Street Parking Requirements", of this title.

Requirements Of Homeowners' Association: The declaration of covenants for a homeowners' association shall be approved by the city and shall contain the following:

1. Duties Of Homeowners' Association: The open space and common areas shall be maintained and cared for by the developer of the single-family attached project until a homeowners' association is formed to maintain open space and common areas. This single-family attached homeowners' association shall be responsible for the care and maintenance of all open space and common areas of this single-family attached project and also for the maintenance and appearance of the exterior of each unit.

2. Homeowners' Charges: The homeowners' association shall levy charges to each owner for the maintenance cost, operating costs and improvement costs for the open space, parks, and green areas and also for the parking and bituminous surfaced areas which are not publicly owned and maintained. In addition, the homeowners' association will assume the responsibility to maintain the exterior of the building and also their front and rear yards in an acceptable condition which is compatible to the neighboring property. This condition shall be so kept that it will not cause a blighting of the area or a general deterioration of the single-family attached development. The homeowners' association will cause blighted properties to be repaired, restored, and maintained as necessary to a proper standard for the area.

3. Failure To Organize Homeowners' Association: In the event that the developer or owner of the single-family attached project is unable to organize the property owners into an association for the maintenance of the open space and single-family attached project after twelve (12) months from the completion of the construction, the council will call for a public hearing of all persons so concerned and ask for the creation of such an association. If no association is formed or if the association ceases to function any time after it is formed, the council will order such maintenance work and restoration of the area and then will assess such costs, together with a reasonable supervision charge, to the property owners in the single-family attached project or the individual property owner receiving the individual benefit.

4. Declaration Of Covenants: The council may require that the declaration of covenants include provisions to meet the minimum requirements of this section or to satisfy conditions of city approval, may be enforced by the city, and may not be amended or released without city council approval. (Ord. B-96, 12-2-1997)

11-2-19: MANUFACTURED HOME PARK REQUIREMENTS:

All parks shall be constructed according to the following minimum standards:

A. Permitted Uses:

Community building, management office, private recreation facilities.

Condominium style manufactured home parks.

Home occupations subject to requirements established in section 11-2-16 of this chapter.

Manufactured homes and accessory structures.

Public and institutional uses required by the resident population.

B. Required Conditions:

1. Manufactured homes not meeting single-family dwelling requirements are permitted only in planned manufactured home parks. The PUD procedure is required for all park proposals.
2. Manufactured home parks must be serviced by public sewer and water systems.
3. Manufactured homes must have a full basement or must be affixed to a permanent frost free foundation with a completely enclosed crawl space.
4. Only manufactured homes certified as meeting current HUD "manufactured home construction and safety standards" shall be permitted, unless evidence is furnished that manufactured homes meeting prior HUD codes have been updated to meet current construction and safety standards and upon inspection have been found safe and fit for residential occupancy.
5. Publicly owned and maintained streets and utilities must be designed and constructed according to minimum city specifications for other residential developments.

C. Site/Design Requirements:

1. Minimum site area for manufactured home parks is forty (40) acres.
2. Manufactured home parks shall have at least one property line abutting a collector or arterial street, as defined by the comprehensive guide plan.
3. All structures within manufactured home parks shall be set back a minimum of fifty feet (50') from all adjacent property lines. Said setback area shall be provided with a dense combination of earthen berms and plant materials, specific plans for which must be approved by the planning commission.
4. Dedication for parks and recreational uses shall be determined according to the requirements of title 12 of this code. The city council shall determine whether land or cash in lieu of land shall be required, and, in the case of land dedication, whether the land shall be publicly or privately owned and maintained.
5. Streets and utilities in manufactured home parks under single ownership shall be privately constructed, owned and maintained.
6. Privately owned utilities shall be designed and constructed to meet the minimum specifications of the Minnesota department of health and the Minnesota pollution control agency.
7. Private streets shall be constructed to meet minimum city specifications and shall be paved to a minimum width of thirty two feet (32') where on street parking is permitted. Where parking is permitted on one side only and signs are posted, the minimum street width shall be twenty four feet (24').
8. The city council shall determine whether streets and utilities in condominium style manufactured home parks may be publicly owned and maintained.
9. All manufactured home parks shall be designed with a minimum of two (2) access points on public thoroughfares, providing full ingress and egress at each location.
10. Each manufactured home park shall provide a storm shelter or shelters of sufficient capacity to safely protect all of the residents of the park in case of a storm emergency. In lieu thereof, the

planning commission may approve basement shelters within each unit provided the minimum standards for safety are assured.

11. The outdoor storage of recreation vehicles shall not be permitted except as provided for in subsection 11-4-8D of this title. (Ord. B-96, 12-2-1997)

CHAPTER 3 ZONING DISTRICTS

11-3-1: ESTABLISHMENT OF DISTRICTS:

For the purpose of this title, the city of Rosemount, Minnesota, is hereby divided into the following zoning districts:

- AG Agricultural district
- AG-P Agricultural preserve district
- RR Rural residential district
- RL Very low density single-family residential district
- R-1 Low density residential district
- R-1A Low density residential district
- R-2 Moderate density residential district
- R-3 Medium density residential district
- R-4 High density residential district
- C-1 Convenience commercial district
- C-2 Community commercial district
- C-3 Highway service commercial district
- C-4 General commercial district
- BP Business park district
- LI Light industrial district
- IG General industrial district
- WM Waste management district
- P Public and institutional district
- FP Floodplain district
- IP Industrial park district

(Ord. B, 9-19-1989; amd. Ord. B-25, 2-2-1993; Ord. B-35, 1-25-1994; Ord. B-169, 4-4-2006)

11-3-2: ZONING DISTRICTS MAP:

The boundaries of these districts are hereby defined and established on a map entitled "zoning map city of Rosemount, Minnesota", dated September 19, 1989, which map and all explanatory matter thereon is hereby made a part of this title. (Ord. B, 9-19-1989)

11-3-3: INTERPRETATION OF ZONING DISTRICTS MAP:

Where uncertainty exists with respect to the boundaries of any districts indicated on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets or highways shall be construed as following the centerlines of said streets or highways.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city boundary lines shall be construed as following such boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.
- F. Boundaries following the shoreline of a stream, lake or other body of water shall be construed to follow the ordinary high water elevation (OHWE) and in the event of change in the shoreline shall be construed as moving with the OHWE.
- G. Boundaries indicated as approximately following the centerline of streams, rivers, canals or other bodies of water shall be construed to follow such centerlines.

Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the board of appeals and adjustments. (Ord. B, 9-19-1989)

CHAPTER 4 DISTRICT USE REGULATIONS

11-4-1: AG AGRICULTURAL DISTRICT:

A. Purpose And Intent: This district is primarily established to encourage the long term continuation of agricultural and related uses in the city in areas which are both suitable for agriculture and are not planned for urban development. (Ord. B, 9-19-1989)

B. Permitted Uses:

Agriculture, including accessory and related uses.

Commercial greenhouses and landscape nurseries.

Commercial livestock, furbearing animals, and fowl; dairy farming; and commercial horse stables provided:

1. The site shall not be less than twenty (20) acres in size;
2. All structures shall be located a minimum of seventy five feet (75') from all residential property

lines.

Essential service facilities.

Keeping of horses, provided:

1. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
2. Subject to the regulations regarding the care and keeping of horses within the city contained in title 7, chapter 4 of this code.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B, 9-19-1989; amd. Ord. B-153, 4-1-2005)

C. Accessory Uses:

Agricultural product stands.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation, customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B, 9-19-1989; amd. Ord. B-141, 7-20-2004)

D. Conditional Uses:

AM radio antennas and supporting towers and related accessory structures. This use may be permitted only on properties situated in that part of the city north and east of State Trunk Highway 55.

Cement or concrete production provided the site has an approved mineral extraction permit in compliance with section 11-10-4, "Mineral Extraction", and section 11-10-7, "Conditional Use Permits", of this title. In addition to these sections, the performance standards outlined in subsection 11-10-4J of this title shall apply.

Commercial outdoor recreation.

Golf courses, including accessory and related uses.

Kennels, provided:

1. The site shall not be less than twenty (20) acres in size.

2. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.

3. Subject to the regulations regarding the care and keeping of animals within the city contained in title 7, chapter 4 of this code.

Mineral extraction, provided the site is east of State Trunk Highway 52 on properties situated within one-half (1/2) mile of County State Aid Highway 42.

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Transmission facilities greater than one-fourth (1/4) mile in length. (Ord. B, 9-19-1989; amd. Ord. B-132, 8-7-2003; Ord. B-153, 4-1-2005)

E. Uses Permitted By PUD:

None. (Ord. B, 9-19-1989)

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area: 2.5 acres.

2. Minimum lot width: Three hundred feet (300').

3. Minimum front yard setback:

a. Principal structure: Fifty feet (50').

b. Accessory structure: Fifty feet (50').

c. Surface parking, excluding driveways: Fifty feet (50').

4. Minimum side yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure: Thirty feet (30').

c. Surface parking, including driveways: Five feet (5').

5. Minimum rear yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure: Thirty feet (30').

c. Surface parking, excluding driveways: Five feet (5').

6. Maximum gross density: One dwelling unit/forty (40) acres.

7. Maximum building height:

a. Principal structure: Fifty feet (50').

b. Accessory structure: Seventy five feet (75'). (Ord. B-96, 12-2-1997)

-4-2: AG-P AGRICULTURAL PRESERVE DISTRICT:

A.Purpose And Intent: This district is expressly established to allow landowners to comply with the requirements of the metropolitan area agricultural preserves act, Minnesota statutes, chapter 473H. (Ord. B-96, 12-2-1997)

B.Permitted Uses:

Agriculture, including accessory and related uses.

Commercial livestock, furbearing animals, and fowl; dairy farming; and commercial horse stables provided:

1. The site shall not be less than twenty (20) acres in size;
2. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
3. Subject to the regulations regarding the care and keeping of horses within the city in title 7, chapter 4 of this code.

Essential service facilities.

Keeping of horses, provided:

1. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
2. The maximum number of horses shall not exceed one per two (2) acres. Subject to the regulations regarding the care and keeping of horses within the city in title 7, chapter 4 of this code.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-153, 4-1-2005)

C.Accessory Uses:

Agricultural product stands.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation, customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-141, 7-20-2004)

D. Conditional Uses:

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Uses Permitted By PUD:

None.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area: Forty (40) acres.
2. Minimum lot width: Three hundred feet (300').
3. Minimum front yard setback:
 - a. Principal structure: Fifty feet (50').
 - b. Accessory structure: Fifty feet (50').
 - c. Surface parking, excluding driveways: Fifty feet (50').
4. Minimum side yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
 - c. Surface parking, excluding driveways: Five feet (5').
5. Minimum rear yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
 - c. Surface parking, excluding driveways: Five feet (5').
6. Maximum gross density: One dwelling unit/forty (40) acres.
7. Maximum building height:
 - a. Principal structure: Fifty feet (50').

b. Accessory structure: Seventy five feet (75'). (Ord. B-96, 12-2-1997)

11-4-3: RR RURAL RESIDENTIAL DISTRICT:

Purpose And Intent: It is the purpose of this district to provide for a large lot rural residential lifestyle which is separate from and not in conflict with commercial agricultural activities. Within these districts, public sewer and water systems are not available and on site systems shall meet the city's minimum requirements. (Ord. B, 9-19-1989)

B. Permitted Uses:

Commercial horse stables, provided:

1. Lot is not less than twenty (20) acres;
2. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
3. Subject to the regulations regarding the care and keeping of horses within the city contained in title 7, chapter 4 of this code.

Essential service facilities except electrical substations and switching substations.

Keeping of horses, provided:

1. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
2. The maximum number of horses shall not exceed one per two (2) acres. Subject to the regulations regarding the care and keeping of horses within the city contained in title 7, chapter 4 of this code.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-153, 4-1-2005)

C. Accessory Uses:

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation, customarily associated with a residence. Swimming pools subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-141, 7-20-2004; Ord. B-145, 11-3-2004)

D. Conditional Uses:

Commercial greenhouses and landscape nurseries.

Golf courses, including accessory and related uses.

Kennels, provided:

1. The site shall not be less than twenty (20) acres in size.
2. All structures shall be located a minimum of seventy five feet (75') from all residential property lines.
3. No outdoor keeping of animals or dog runs shall be permitted.
4. Subject to the regulations regarding the care and keeping of animals within the city contained in title 7, chapter 4 of this code.

Public parks, owned and operated by a governmental unit, including recreational structures and facilities.

Transmission facilities greater than one-fourth (1/4) mile in length. (Ord. B-96, 12-2-1997; amd. Ord. B-153, 4-1-2005)

Uses Permitted By PUD:

None.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area:

- a. Platted land: 2.5 acres.
- b. Unplatted land: Five (5) acres.

2. Minimum lot width:

- a. Platted land: Two hundred feet (200').
- b. Unplatted land: Three hundred feet (300').

3. Minimum front yard setback:

- a. Principal structure: Forty feet (40').
- b. Accessory structure: Forty feet (40').
- c. Surface parking, excluding driveways: Forty feet (40').

4. Minimum side yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
 - c. Surface parking, including driveways: Five feet (5').
5. Minimum rear yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
 - c. Surface parking, excluding driveways: Five feet (5').
6. Maximum gross density: One dwelling unit/five (5) acres.
7. Maximum building height:
 - a. Principal structure: Thirty five feet (35').
 - b. Accessory structure: Thirty five feet (35'). (Ord. B-96, 12-2-1997)

11-4-4: RL VERY LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT:

Purpose And Intent: The purpose of this district is to allow low density residential development within the metropolitan urban service area while minimizing negative environmental impacts on areas with greatest physical amenities (rolling topography, forest, wildlife habitat, water bodies). Single-family detached dwelling cluster development will be encouraged as a tool to protect unique physical features and restrict development to the most suitable locations. The twenty thousand (20,000) square foot minimum lot size will accommodate larger homes than the R-1 (10,000 square foot minimum lot size) district, will mandate increased structure separation and will allow for more selective siting of homes. The lower maximum density of one dwelling unit per acre will result in preservation of natural amenities within the context of providing urban services.

B. Permitted Uses:

Essential service facilities except electrical substations and switching stations.

Licensed child daycare, for twelve (12) or fewer persons. Unlicensed facilities subject to the requirements of customary home occupations in section 11-2-16 of this title.

Residential facilities, licensed by the state of Minnesota, serving six (6) or fewer persons.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B-96, 12-2-1997)

C. Accessory Uses:

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation, customarily associated with a residence. Swimming pools subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-141, 7-20-2004; Ord. B-145, 11-3-2004)

D. Conditional Uses:

Golf courses, including accessory and related uses.

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Uses Permitted By PUD:

(11) Single-family detached dwelling cluster developments with a net density up to 2.5 dwelling units per acre in concentrations of residential units intended to minimize impact on ponds, lakes, wetlands, woodlands, floodplains, significant trees and woodlands, steep slopes and other natural or unique features elsewhere in the district. Such areas may be included within conservation easements or other forms of public or private open space. All developments including common open space are required to have homeowners' associations in accordance with subsection 11-2-18N of this title.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area: Twenty thousand (20,000) square feet.

2. Minimum lot width: One hundred ten feet (110').

3. Minimum lot depth: One hundred eighty feet (180').

4. Minimum front yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure: Thirty feet (30').

c. Surface parking, excluding driveways: Thirty feet (30').

5. Minimum side yard setback:

- a. Principal structure: Fifteen feet (15').
 - b. Accessory structure: Fifteen feet (15').
 - c. Surface parking, including driveways: Fifteen feet (15').
6. Minimum rear yard setback:
- a. Principal structure: Thirty feet (30').
 - b. Accessory structure:
 - (1) One hundred twenty (120) square feet or less: Fifteen feet (15').
 - (2) Larger than one hundred twenty (120) square feet: Thirty feet (30').
 - c. Surface parking, excluding driveways: Five feet (5').
7. Maximum gross density: One dwelling unit/acre.
8. Maximum building height:
- a. Principal structure: Thirty five feet (35').
 - b. Accessory structure: Eighteen feet (18').
9. Maximum lot coverage: Thirty percent (30%). (Ord. B-96, 12-2-1997)

11-4-5: R-1 LOW DENSITY RESIDENTIAL DISTRICT:

A.Purpose And Intent: This is a low density residential district that is intended to accommodate newer single-family detached housing development within the metropolitan urban service area. Dwelling units within this district are intended to be connected to the public sewer and water systems. (Ord. B-22, 9-24-1992; amd. Ord. B-96, 12-2-1997)

B.Permitted Uses:

Essential service facilities except electrical substations and switching stations.

Licensed child daycare for twelve (12) or fewer persons. Unlicensed child daycare shall comply with the requirements for customary home occupations in section 11-2-16 of this title.

Residential facilities, licensed by the state of Minnesota, serving six (6) or fewer persons.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B, 9-19-1989)

C.Accessory Uses:

Cemeteries, accessory to churches and places of worship.

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-141, 7-20-2004; Ord. B-145, 11-3-2004)

D. Conditional Uses:

Child daycare, Montessori schools, and nurseries, within churches, places of worship, and elementary and secondary educational institutions.

Churches and places of worship regardless of religious affiliation. Churches and places of worship must have direct access to or be within three hundred feet (300') of a collector, minor arterial or principal arterial street.

Elementary and secondary educational institutions and facilities.

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Uses Permitted By PUD:

Single-family detached dwelling cluster developments. All developments including common open space are required to have homeowners' associations in accordance with subsection 11-2-18N of this title.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area:

- a. Interior lots: Ten thousand (10,000) square feet.
- b. Corner lots: Twelve thousand (12,000) square feet.

2. Minimum lot width:

- a. Interior lots: Eighty feet (80').
- b. Corner lots: Ninety five feet (95').

3. Minimum lot depth: One hundred twenty five feet (125').
4. Minimum front yard setback:
 - a. Principal structure, including garage: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
 - c. Established principal and accessory structures: Where forty percent (40%) or more of the lots on any block are developed with buildings, if the average front yard is less than the required front yard, the average or twenty feet (20'), whichever is greater, shall be the required front yard.
5. Minimum side yard setback:
 - a. Principal structure: Ten feet (10').
 - b. Accessory structure: Ten feet (10'). (Ord. B-96, 12-2-1997)
 - c. Surface parking, including driveways: Five feet (5'). (Ord. B-114, 3-6-2001)
6. Minimum rear yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structure:
 - (1) One hundred twenty (120) square feet or less: Five feet (5').
 - (2) Larger than one hundred twenty (120) square feet: Thirty feet (30'). (Ord. B-96, 12-2-1997)
 - c. Surface parking, excluding driveways: Five feet (5'). (Ord. B-114, 3-6-2001)
7. Maximum gross density: 2.5 dwelling units/acre.
8. Maximum building height:
 - a. Principal structure: Thirty five feet (35').
 - b. Accessory structure: Eighteen feet (18').
9. Maximum lot coverage: Thirty percent (30%). (Ord. B-96, 12-2-1997)

11-4-6: R-1A LOW DENSITY RESIDENTIAL DISTRICT:

A. Purpose And Intent: This is a low density residential district that is intended to preserve the character of existing single-family neighborhoods platted on or before 1979 within the metropolitan urban service area. Dwelling units within this district are intended to be connected to the public sewer and water systems. (Ord. B-22, 9-24-1992)

Permitted Uses:

Essential service facilities except electrical substations and switching stations.

Licensed child daycare for twelve (12) or fewer persons. Unlicensed child daycare shall comply with the requirements for customary home occupations in section 11-2-16 of this title.

Residential facilities, licensed by the state of Minnesota, serving six (6) or fewer persons.

Single-family detached dwellings, subject to section 11-2-15 of this title. (Ord. B-96, 12-2-1997)

C. Accessory Uses:

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Recreation vehicle storage, subject to section 8-2-5 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-141, 7-20-2004; Ord. B-145, 11-3-2005)

D. Conditional Uses:

Child daycare, Montessori schools, and nurseries, within churches, places of worship, and elementary and secondary educational institutions.

Churches and places of worship regardless of religious affiliation. Churches and places of worship must have direct access to or be within three hundred feet (300') of a collector, minor arterial or principal arterial street.

Elementary and secondary educational institutions and facilities.

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Uses Permitted By PUD:

Single-family detached dwelling cluster developments. All developments including common open space are required to have homeowners' associations in accordance with subsection 11-2-18N of this title.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area:
 - a. Interior lots: Ten thousand (10,000) square feet.
 - b. Corner lots: Twelve thousand (12,000) square feet.
2. Minimum lot width:
 - a. Interior lots: Eighty feet (80').
 - b. Corner lots: Ninety five feet (95').
3. Minimum lot depth: One hundred twenty five feet (125').
4. Minimum front yard setback:
 - a. New principal structure, including garage: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
 - c. Established principal and accessory structures: Where forty percent (40%) or more of the lots on the same side of the block where the structure is located are developed with buildings, if the average front yard is less than the required front yard, the average or twenty feet (20'), whichever is greater, shall be the minimum required front yard.
5. Minimum side yard setback:
 - a. Principal structure, including garage:
 - (1) Single story: Five feet (5').
 - (2) Two-story: Ten feet (10').
 - b. Accessory structure: Five feet (5'). (Ord. B-96, 12-2-1997)
 - c. Surface parking, including driveways: Five feet (5'). (Ord. B-114, 2-6-2001)
6. Minimum rear yard setback:
 - a. Principal structure: Twenty five feet (25').
 - b. Accessory structure:
 - (1) One hundred twenty (120) square feet or less: Five feet (5').
 - (2) Larger than one hundred twenty (120) square feet: Twenty five feet (25'). (Ord. B-96, 12-2-1997)
 - c. Surface parking, excluding driveways: Five feet (5'). (Ord. B-114, 3-6-2001)
7. Maximum gross density: 2.5 dwelling units/acre.
8. Maximum building height:

a. Principal structure: Thirty five feet (35').

b. Accessory structure: Eighteen feet (18').

9. Maximum lot coverage: Thirty percent (30%). (Ord. B-96, 12-2-1997)

11-4-7: R-2 MODERATE DENSITY RESIDENTIAL DISTRICT:

A.Purpose And Intent: This is a low to medium density residential district which is located within the metropolitan urban service area and is primarily, but not exclusively, intended to accommodate attached single-family dwellings. Dwelling units within this district are intended to be connected to the public sewer and water systems.

B.Permitted Uses:

Essential service facilities except electrical substations and switching stations.

Licensed child daycare for twelve (12) or fewer persons. Unlicensed child daycare shall comply with the requirements for customary home occupations in section 11-2-16 of this title.

Residential facilities, licensed by the state of Minnesota, serving six (6) or fewer persons.

Single-family attached dwellings, subject to section 11-2-18 of this title.

Single-family detached dwellings, subject to section 11-2-15 of this title.

Two-family dwellings. (Ord. B-96, 12-2-1997)

C.Accessory Uses:

Cemeteries accessory to churches and places of worship.

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private detached garages.

Private outdoor recreation customarily associated with a residence. Swimming pools shall be subject to section 5-3-1 of this code.

Roomers, a maximum of two (2) per dwelling unit.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-145, 11-3-2004)

D.Conditional Uses:

Child daycare, Montessori schools, and nurseries, within churches, places of worship, and

elementary and secondary educational institutions.

Churches and places of worship regardless of religious affiliation. Churches and places of worship must have direct access to or be within three hundred feet (300') of a collector, minor arterial or principal arterial street.

Community playfields/athletic complexes owned and operated by a government unit, including recreational facilities and structures consistent with the public area.

Elementary and secondary educational institutions and facilities.

Public parks, owned and operated by a government unit, including recreational facilities and structures consistent with the public area.

Recreation vehicle storage. Recreation vehicle storage accessory to multiple-family development shall be subject to subsection 11-4-8D of this title.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Uses Permitted By PUD:

Manufactured home parks, subject to section 11-2-19 of this title.

Mixed use developments.

Single-family detached dwelling cluster developments.

Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area:

- a. Single- and two-family: Twelve thousand (12,000) square feet.
- b. Multiple-family, including townhomes: Eighteen thousand (18,000) square feet.

2. Minimum lot width:

- a. Single- and two-family: One hundred feet (100').
- b. Multiple-family, including townhomes: One hundred twenty feet (120').

3. Minimum lot depth:

- a. Single- and two-family: One hundred twenty feet (120').
- b. Multiple-family, including townhomes: One hundred fifty feet (150').

4. Minimum front yard setback:

- a. Principal structure: Thirty feet (30').
- b. Accessory structure: Thirty feet (30').

c. Surface parking, excluding single- and two-family driveways: Thirty feet (30').

d. Established principal and accessory structures: Where forty percent (40%) or more of the lots on the same side of the block where the structure is located are developed with buildings, if the average front yard is less than the required front yard, the average or twenty feet (20'), whichever is greater, shall be the minimum required front yard.

5. Minimum side yard setback:

a. Principal structure:

(1) Single-family and two-family: Ten feet (10').

(2) Multiple-family, including townhomes: Thirty feet (30').

b. Accessory structure: Ten feet (10').

c. Surface parking:

(1) Single- and two-family, including driveways: Five feet (5').

(2) Multiple-family, including townhomes: Ten feet (10').

6. Minimum rear yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure:

(1) Single- and two-family:

(A) One hundred twenty (120) square feet or less: Five feet (5').

(B) Larger than one hundred twenty (120) square feet: Thirty feet (30').

(2) Multiple-family, including townhomes: Ten feet (10').

c. Surface parking:

(1) Single- and two-family, excluding driveways: Five feet (5').

(2) Multiple-family, including townhomes: Ten feet (10').

7. Maximum gross density: Six (6) dwelling units/acre.

8. Maximum building height:

a. Principal structure: Thirty five feet (35').

b. Accessory structure: Eighteen feet (18').

9. Maximum lot coverage:

- a. Two-family dwellings: Thirty percent (30%).
- b. Single-family detached dwellings: Forty percent (40%).
- c. Single-family attached dwellings: Seventy percent (70%). (Ord. B-96, 12-2-1997)

11-4-8: R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT:

A.Purpose And Intent: This is a medium to high density residential district which is intended to be located within or near the Rosemount central business district (CBD) where streets and utilities are sufficient in capacity to accommodate higher density development and where shopping and recreational facilities are available within close walking or driving distance. Housing types include apartments, condominiums and townhouses. It is intended that this district provide a blend of housing, recreation and open space opportunities.

B.Permitted Uses:

Apartments.

Assisted living care facilities.

Condominiums.

Congregate housing.

Essential service facilities except electrical substations and switching stations.

Licensed child daycare for twelve (12) or fewer persons. Unlicensed child daycare shall comply with the requirements for customary home occupations in section 11-2-16 of this title.

Nursing and retirement homes.

Residential facilities, licensed by the state of Minnesota, for six (6) or fewer persons.

Single-family attached dwellings, subject to section 11-2-18 of this title.

Two-family dwellings. (Ord. B-96, 12-2-1997)

C.Accessory Uses:

Cemeteries, accessory to churches and places of worship.

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private outdoor recreation, customarily associated with a multiple-family development, provided:

1. They are no nearer the front lot line than the principal structure;
2. They are set back from lot lines the distance required for accessory structures.

3. Swimming pools shall be subject to section 5-3-1 of this code.

Roomers, at a maximum of two (2) per dwelling unit.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-145, 11-3-2004)

D. Conditional Uses:

Child daycare, Montessori schools, and nurseries, within churches, places of worship, and elementary and secondary educational institutions.

Churches and places of worship regardless of religious affiliation. Churches and places of worship must have direct access to or be within three hundred feet (300') of a collector or minor arterial or principal arterial street.

Community playfields/athletic complexes owned and operated by a government unit, including recreational facilities and structures.

Elementary and secondary educational institutions and facilities.

Public parks, owned and operated by a governmental unit, including recreational facilities and structures consistent with the public area.

Recreation vehicle storage accessory to the multiple-family development, provided all storage shall be within a building or a central storage area, or be subject to the following requirements:

1. Outdoor storage shall not be within a required yard;
2. If not stored within a building, the storage area shall be screened from view as required by subsection 8-2-5G1 of this code.
3. Temporary storage of oversize recreation vehicles is allowed pursuant to a permit under subsection 8-2-5F of this code.

Transmission facilities greater than one-fourth (1/4) mile in length. (Ord. B-96, 12-2-1997; amd. Ord. B-141, 7-20-2004)

E. Uses Permitted By PUD:

Manufactured home parks, subject to the requirements of subsection 11-4-7E of this title.

Mixed use developments.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area: Twenty two thousand five hundred (22,500) square feet.
2. Minimum lot width: One hundred fifty feet (150').
3. Minimum lot depth: One hundred fifty feet (150').

4. Minimum front yard setback:

- a. Principal structure: Thirty feet (30').
- b. Accessory structure: Thirty feet (30').
- c. Surface parking: Thirty feet (30').
- d. Established principal and accessory structures: Where forty percent (40%) or more of the lots on the same side of the block where the structure is located are developed with buildings, if the average front yard is less than the required front yard, the average or twenty feet (20'), whichever is greater, shall be the minimum required front yard.

5. Minimum side yard setback:

- a. Principal structure: Thirty feet (30').
- b. Accessory structure: Ten feet (10').
- c. Surface parking: Ten feet (10').

6. Minimum rear yard setback:

- a. Principal structure: Thirty feet (30').
- b. Accessory structure: Ten feet (10').
- c. Surface parking: Ten feet (10').

7. Maximum gross density: Twelve (12) dwelling units/acre.

8. Maximum building height:

- a. Principal structure: Thirty five feet (35').
- b. Accessory structure: Eighteen feet (18').

9. Maximum lot coverage: Seventy five percent (75%).

10. GUOS per unit: Five hundred (500) square feet. (Ord. B-96, 12-2-1997)

11-4-9: R-4 HIGH DENSITY RESIDENTIAL DISTRICT:

A.Purpose And Intent: This is an exclusively high density residential district which is primarily intended to accommodate high rise apartments and condos and senior citizen housing. It is the intent of this title that this district be within or adjacent to the Rosemount CBD to provide for the maximum convenience and accessibility for residents.

R Permitted Uses:

Apartments.

Assisted living care facilities.

Condominiums.

Congregate housing.

Essential service facilities except electrical substations and switching stations.

Licensed child daycare for twelve (12) or fewer persons.

Nursing and retirement homes.

Residential facilities, licensed by the state of Minnesota, for six (6) or fewer persons. (Ord. B-96, 12-2-1997)

C. Accessory Uses:

Cemeteries accessory to churches and places of worship.

Construction office, temporary.

Gazebos and screened porches.

Home occupations, subject to section 11-2-16 of this title.

Private outdoor recreation, customarily associated with a multiple-family development, provided:

1. They are no nearer the front lot line than the principal structure;
2. They are set back from lot lines the distance required for accessory structures.
3. Swimming pools shall be subject to section 5-3-1 of this code.

Sales office, temporary.

Satellite dishes and solar collectors, subject to section 11-2-12 of this title. (Ord. B-96, 12-2-1997; amd. Ord. B-145, 11-3-2004)

D. Conditional Uses:

Child daycare, Montessori schools, and nurseries, within churches, places of worship, and elementary and secondary educational institutions.

Churches and places of worship regardless of religious affiliation. Churches and places of worship must have direct access to or be within three hundred feet (300') of a collector or minor arterial or principal arterial street.

Community playfields/athletic complexes owned and operated by a government unit, including recreational facilities and structures.

Elementary and secondary educational institutions and facilities.

Public parks owned and operated by a government unit, including recreational facilities and structures.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Uses Permitted By PUD:

Manufactured home parks, subject to the requirements of subsection 11-4-7E of this chapter.

Mixed use developments.

F. Minimum Lot Requirements And Setbacks: (See also subsection 11-5-2C, "Supplementary Yard Regulations", of this title.)

1. Minimum lot area: Twenty two thousand five hundred (22,500) square feet.

2. Minimum lot width: One hundred fifty feet (150').

3. Minimum lot depth: One hundred fifty feet (150').

4. Minimum front yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure: Fifty feet (50').

c. Surface parking: Thirty feet (30').

5. Minimum side yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure: Ten feet (10').

c. Surface parking: Ten feet (10').

6. Minimum rear yard setback:

a. Principal structure: Thirty feet (30').

b. Accessory structure: Ten feet (10').

c. Surface parking: Ten feet (10').

7. Maximum gross density: Forty (40) dwelling units/acre.

8. Maximum building height:

a. Principal structure: Thirty five feet (35').

b. Accessory structure: Eighteen feet (18').

9. Maximum lot coverage: Seventy five percent (75%).

10. GUOS per unit: Five hundred (500) square feet. (Ord. B-96, 12-2-1997)

11-4-10: C-1 CONVENIENCE COMMERCIAL DISTRICT:

A. Purpose And Intent: The purpose of the convenience commercial district is to provide residential neighborhoods with convenience shopping and personal services that could serve the daily and weekly needs of the adjoining residents. Convenience commercial districts typically occupy a small area at the intersection of two (2) collector streets, or streets of higher classification, and provide a gateway into the neighborhood. These convenience commercial centers are meant to provide services and goods only for the surrounding neighborhoods and are not intended to serve the entire community. Zoning standards are intended to promote compatibility in form, function and style. The district is intended to be compatible within a residential neighborhood context. Therefore, the number of permitted uses is limited and the scale of uses is comparatively small.

B. Permitted Uses: The following uses are permitted uses in the C-1 district:

Essential service facilities.

Neighborhood retail establishments, no larger than two thousand five hundred (2,500) square feet per tenant or use, including convenience, small grocery, bakery, meat, dairy stores, fruit or vegetable markets, or other neighborhood retail establishments.

Offices, business and professional, no larger than two thousand five hundred (2,500) square feet per tenant, including accounting, architectural, dental, law, medical, real estate, or tax services.

Personal services, no larger than two thousand five hundred (2,500) square feet per tenant or use, including barber and beauty shops, laundry services, photography, shoe repair, and tailor, but excluding funeral service and crematory facilities, massage, body piercing, tanning booths, tattoo and pawn shops. (Ord. B-117, 9-18-2001)

C. Accessory Uses: The following uses shall be permitted accessory uses:

Accessory apartments provided they are located above the first floor.

Construction office, temporary.

Fences as regulated by this title.

Off street parking as regulated by this title, but not including semitrailer trucks. (Ord. B-117, 9-18-2001; amd. Ord. B-145, 11-3-2004)

D. Conditional Uses: The following uses are conditional uses in the C-1 district, and are subject to the conditional use permit provisions outlined in this title:

Child daycare services.

1. Licensed daycare facilities must meet the following conditions:

a. Pick up and drop off areas shall be located on the site, and shall be designed to avoid interfering with traffic and pedestrian movements.

b. Outdoor recreational area shall be located and designed in a manner which mitigates visual and noise impacts on any abutting residential parcels.

c. Such facilities shall obtain all applicable state, county, and city licenses.

Eating establishment as part of multi-tenant or mixed use building. These establishments include such places as restaurants and cafeterias and places for the sale and consumption of soft drinks, juices, ice cream and beverages of all kinds, provided the following conditions are met:

1. The gross floor area of the restaurant shall not exceed three thousand (3,000) square feet.
2. Drive-up window service and exterior loudspeakers shall not be permitted.

Educational services, as part of a multi-tenant or mixed use building, including arts and crafts, dance and music instruction and self-defense and similar individual or small group educational services.

Multiple parcels, tenants, buildings provided that the uses are specified as permitted accessory or conditional uses in the C-1 district.

Self-service gasoline sales, accessory to convenience stores, subject to the following:

1. Fuel pumps shall be installed on pump islands located not closer than thirty five feet (35') from any property line.
2. A protective canopy accessory structure located over pump islands may be located on the property, provided that adequate visibility both on and off site is maintained. The canopy shall be consistent with the principal building in design and character.
3. Lighting shall be recessed or shielded so as to have no direct source of light visible from adjacent land or the public right of way.
4. Parking of vehicles on public right of way shall be prohibited.
5. If a gasoline service station site includes an accessory car wash, the site shall be planned so as not to permit water from a car wash to run into a public street or accesses thereto.
6. Vehicular access points shall create minimum conflict with through traffic movement and shall be subject to the approval of the city.
7. Off street parking, stacking and circulation shall be provided subject to the regulations in this title.
8. Screening and landscaping are subject to regulations of this title.
9. Not adjoining residential districts.

Teen center.

1. Outdoor recreational areas shall be located and designed in a manner that mitigates visual and noise impacts on adjacent areas.
2. Recreational areas shall be designed to avoid interfering with traffic and pedestrian movements.
3. Such facilities shall adhere to city curfews.
4. Bicycle parking spaces must be provided and shall be located in a clearly designated, safe and convenient location.

E. Minimum Lot Requirements And Setbacks:

1. Minimum lot area: Twenty thousand (20,000) square feet.
2. Minimum lot width: One hundred fifty feet (150').
3. Minimum lot depth: One hundred twenty five feet (125').
4. Maximum lot coverage: Seventy five percent (75%).
5. Minimum front yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structure: Thirty feet (30').
6. Minimum side yard setback:
 - a. Principal structure: Ten feet (10').
 - b. Accessory structure: Ten feet (10').
7. Minimum rear yard setback:
 - a. Principal structure: Ten feet (10').
 - b. Accessory structure: Ten feet (10').
8. Parking setbacks:
 - a. Minimum front yard setback: Twenty feet (20').
 - b. Minimum rear yard setback: Ten feet (10').
 - c. Minimum side yard setback: Ten feet (10').
 - d. When there exists an easement for a shared private roadway or drive, the required setback is ten feet (10') from the easement.
9. Buffer yard: Where a C-1 convenience commercial district abuts a residential district, any new development shall include a required buffer strip on the side and rear yards not less than thirty feet (30') in width. This strip shall contain no structures, shall not be used for parking, off street loading or storage, and shall be landscaped. Landscaping shall include sod or seeded grass, and planting of trees and shrubbery. A screen wall or fence not less than fifty percent (50%) opaque, nor less than three feet (3') in height shall be erected to provide sufficient screening of the commercial parking.
10. Maximum building height:
 - a. Principal structure: Thirty five feet (35').
 - b. Accessory structure: Eighteen feet (18').

11. Maximum lot coverage: Seventy five percent (75%).

12. District size:

- a. Minimum: One acre.
- b. Maximum: Three (3) acres.

F. Additional Design Standards:

1. Access And Parking:

a. Curb cuts within a single proposed site shall not be spaced closer than one hundred thirty feet (130'). Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities. Incentives, such as reduction in parking requirements may be provided at the discretion of the city council.

2. Buildings:

a. The exterior wall surfaces of all buildings within the C-1 convenience commercial district shall be constructed of brick, natural stone or rock or an equivalent or better, excluding all doors and windows. Prohibited materials for exterior wall finishes are rock face block, masonry concrete, metal and wood, and tip up concrete panels. Nearth tone brick shall be limited to architectural accents.

3. Pedestrian Circulation:

- a. Concrete sidewalks five feet (5') in width shall be provided on all commercial property.
- b. Clear and well lighted walkways shall connect building entrances to adjacent public sidewalks and to any parking facilities located on the site.

4. Lighting:

- a. Lighting shall be consistent in character throughout the entire property site, in both design and bulb type.
- b. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- c. Light directed upward is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare.
- d. The level of lighting shall not exceed 0.5 lumens at any residential property line or 1.0 lumen at any nonresidential property line.
- e. The maximum height for exterior lighting is twenty feet (20').
- f. All nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. (Ord. B-117, 9-18-2001)

11-4-11: C-2 DOWNTOWN COMMERCIAL DISTRICT:

A. Purpose And Intent: The purpose of this district is to encourage a viable downtown area.

Rosemount's downtown is intended to serve the entire city and be a diversified commercial center that offers the full range of comparison goods, sales and services, cultural, civic, and entertainment opportunities, financial and professional offices, and public uses. Although this district relies on automobile traffic, the needs of pedestrians and bicyclists are deemed equally important. Pedestrian and bicycle linkages, landscaping, and appropriate amenities are important components of this district. The pedestrian orientation of buildings adjacent to sidewalks encourages parking in the rear yards and enhances the traditional character exemplified by historical central business districts. Zoning standards are intended to promote compatibility in form, function and style. (Ord. B-117, 9-18-2001)

B. Permitted Uses: The following uses are permitted uses in the C-2 district:

Business services and offices, including accounting, advertising, auditing, commercial art, computer services, mailing, photocopying, photography, and public relations.

Communications businesses.

Eating and drinking establishments, excluding drive-through facilities.

Essential service facilities.

Financial institutions, excluding currency exchanges.

General repair services, including appliance repair, furniture reupholstery and repair, jewelry, clock and watch repair, radio repair, small electronics repair, and television repair, but excluding uses that involve hazardous materials or corrosives or result in hazardous wastes or noxious fumes in its processes; automobile and related equipment services and other licensed vehicles such as snowmobiles, motorcycles and ATVs and repair establishments.

Membership organizations, including clubs, lodges, trade associations, unions, political and religious organizations.

Museums and art galleries.

Personal services, including barber and beauty shops, laundry services, shoe repair and photography, excluding body piercing, tattoo and pawn shops.

Professional services, including architects and attorney offices, dental and medical clinics, financial services, insurance providers, and real estate businesses.

Public or governmental services, including libraries, city offices, auditoriums, public administration buildings and civic centers.

Public parking lots and transit stations.

Public parks, owned and operated by a government unit, including recreational facilities and structures consistent with the public area.

Retail sales, including books and stationery, clothing, drug, gifts and novelties, groceries, furniture and hardware, hobby, jewelry, and sporting goods stores, or other retail establishments of a community nature, but excluding used parts and pawn shops, automobile and related equipment sales, services, parts sales and gasoline and fuel sales. New auto parts sales are allowable provided that auto parts sales activity results in no more than ten percent (10%) of store revenue

or comprises no more than ten percent (10%) of the floor space.

Veterinary clinic, not including outdoor runs or kennels. Subject to the regulations regarding the care and keeping of animals within the city contained in title 7, chapter 4 of this code. (Ord. B-117, 9-18-2001; amd. Ord. B-153, 4-1-2005)

C. Accessory Uses: The following uses shall be permitted accessory uses:

Accessory apartments, provided they are located above the first floor.

Construction office, temporary.

Fences, as regulated by this title.

Off street parking, as regulated by this title, but not including semitrailer trucks.

Outdoor sales and display of merchandise, provided that:

1. Merchandise must consist only of finished products.
2. Outdoor sales shall be conducted by the owner or lessee of the premises or with the written consent of the owner or lessee.
3. Disassembled merchandise parts may be displayed outdoors only when new products are customarily sold unassembled and are intended for customer purchase and assembly.
4. There shall be no display of automobiles or recreation vehicles.
5. Only merchandise that is normally manufactured, sold, or stored by the occupant on the premises shall be sold and/or promoted.
6. Sales activity shall be conducted on a paved surface and provided the activity does not interfere with parking.
7. Truck and trailer parking. Except while loading, unloading, or rendering a service in a designated loading area, no commercial trucks, truck-tractor, or semitrailer combinations are permitted to be parked and/or stored longer than forty eight (48) hours. Semitrailers may not be used for outdoor sales.

Outdoor seating areas, accessory to permitted or conditional uses.

Satellite dishes and solar collectors.

Signs, as regulated by this title. (Ord. B-117, 9-18-2001; amd. Ord. B-145, 11-3-2004)

D. Conditional Uses: The following uses are conditional uses in the C-2 district, and are subject to the conditional use permit provisions outlined in this title:

Child and adult daycare services:

1. Licensed daycare facilities must meet the following conditions:
 - a. Pick up and drop off areas shall be located on the site, and shall be designed to avoid interfering with traffic and pedestrian movements.

b. Outdoor recreational areas shall be located and designed in a manner that mitigates visual and noise impacts on any abutting residential parcels.

c. Such facilities shall provide proof of all applicable state, county, and city licenses.

2. Adult daycare services, subject to the following conditions:

a. All outdoor leisure/recreation areas shall be located and designed to minimize visual and noise impacts on adjacent areas.

b. When a center is located in a multifunctional organization, the center may share a common space with the multifunctional organization if the required space available for use by participants is maintained while the center is operating.

c. Provide proof of state, federal, and other governmental licensing agency approval.

Custom manufacturing, with accessory retail sales and display.

1. The size of a custom manufacturing facility shall be no greater than ten thousand (10,000) gross square feet.

2. Such uses shall be prohibited on property abutting a residential district.

Funeral services and mortuaries, must provide adequate off street parking as regulated in this title. In the case of shared parking between abutting uses, a reduction of up to ten percent (10%) in the number of required parking spaces may be approved.

Indoor amusement and recreation services, including video arcades subject to the following restrictions:

1. Any arcade with fifteen (15) or more machines shall have an adult supervisor on duty during all hours of operation.

2. No arcade shall be operated within five hundred feet (500') of a school, church or residence unless it is an integral part of a shopping center and does not have an entrance except from within the shopping center.

Multiple parcels, tenants, buildings, provided that the uses are specified as permitted, accessory or conditional uses in the C-2 district. (Ord. B-117, 9-18-2001)

E. Interim Uses: The following uses shall be permitted interim uses:

Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance, provided that:

1. The owner and/or operator of the outdoor sales lot shall have written permission of the property owner of the property on which the sale or event is located and shall have said written permission available for inspection if requested.

2. No portion of the sales lot or any advertising for the event shall take place within any public right of way or intersection sight triangle. A minimum ten foot (10') setback, or the minimum parking setback for the applicable zoning district if it provides for a greater setback, shall be maintained from all property lines and no portion of the use shall take place within one hundred feet (100') of any property line of any residential use or residentially zoned property.

3. Any signage for the outdoor sales lot or event shall comply with the temporary signage requirements contained in chapter 8 of this title.
4. Any temporary structure, including tents and membrane structures, associated with the outdoor sales lot or event shall comply with all applicable building codes and permit requirements.
5. Hours of operation shall be subject to the requirements of title 3, chapter 5 of this code.
6. Adequate off street parking, with a surface in compliance with subsection 8-2-21 of this code, shall be provided for both the principal and interim use ensuring that no obstruction or interference occurs with existing traffic patterns.
7. No parking related to the outside sales lot or event shall be permitted on adjacent parcels without the prior written consent of the adjacent parcel owner. Said written permission shall be available for inspection if requested.
8. A detailed site plan showing the outdoor sales lot area and dimensions, access and egress to the site, all structures, setbacks, signage, parking, and any other information requested to approve the outdoor sales lot shall be submitted for approval with application materials required for an interim use permit and an outdoor sales lot in title 3, chapter 5 of this code.
9. Outdoor sales lots for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, title 6, chapter 4 of this code, and all other applicable zoning, city code, fire code, county ordinance, or state statutes.
10. The period during which the permitted use may continue will be specified by the city council, but in no case will be longer than sixty (60) days. (Ord. B-155, 6-7-2005)

F. Minimum Lot Requirements:

1. Maximum building height:

- a. Principal structure: Seventy five feet (75').
- b. Accessory structure: Eighteen feet (18').

2. Buffer yard: Where a C-2 downtown commercial district abuts a residential district, a ten foot (10') wide buffer yard shall be required. This buffer shall contain no structures, shall not be used for parking, off street loading or storage, and shall be landscaped. Landscaping shall include sod or seeded grass and planting of trees and shrubbery. A screen wall or fence not less than fifty percent (50%) opaque, nor less than three feet (3') in height shall be erected to provide sufficient screening of the commercial parking. Berming and/or landscaping may substitute for the fence. (Ord. B-117, 9-18-2001; amd. Ord. B-155, 6-7-2005)

G. Additional Design Standards:

1. Buildings:

- a. The exterior wall surfaces of all buildings within the C-2 central business commercial district shall be constructed of one hundred percent (100%) brick or an equivalent, excluding all doors and windows. Nonearth tone brick shall be limited to architectural accents.

(1) Exception: Temporary structures allowed by an interim use permit associated with sales

lots that are in compliance with all building code, fire code, zoning ordinance, this code, county ordinance, or state statute applicable to transient merchants, temporary structures, or sales lots. (Ord. B-155, 6-7-2005)

2. Pedestrian Circulation:

- a. Concrete sidewalks, five feet (5') in width, shall be provided on all commercial property along any collector or arterial street.
- b. Clear and well lighted walkways shall connect building entrances to adjacent public sidewalks and to any parking facilities located on the site.

3. Lighting:

- a. Lighting shall be consistent in character throughout the entire property site, in both design and bulb type.
- b. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- c. Light directed upward is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare.
- d. The level of lighting shall not exceed 0.5 lumens at any residential property line or 1.0 lumen at any nonresidential property line.
- e. The maximum height for exterior lighting is twenty feet (20').
- f. All nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.

4. Landscaping:

- a. Landscape buffers are required between commercial uses and residential districts. They are also to be used to promote pedestrian safety and be located between sidewalks, walkways and parking lots in the event of new construction or redevelopment. Landscaping shall include boulevard and ornamental trees, shrubs and may also include such features as benches and bicycle parking facilities. Landscaped "islands" will be encouraged as a means of reducing large expanses of asphalt. (Ord. B-117, 9-18-2001; amd. Ord. B-155, 6-7-2005)

11-4-12: TRADITIONAL DOWNTOWN OVERLAY DISTRICT:

A. Purpose And Intent: The purpose of the traditional downtown overlay district is to encourage high quality commercial and institutional redevelopment in Rosemount's core downtown area. The overlay district encompasses an area of long standing, diverse commercial and institutional activity. The overlay district is intended to preserve and enhance the variety of modes of travel used in the traditional downtown, including automobile traffic and pedestrian and bicycle travel. The traditional downtown overlay district encourages a pedestrian oriented scale and style of development, with sidewalks in front of buildings, minimal or no front setbacks, building height limits, parking in the rear of buildings and other standards. It encourages building quality through architectural standards. The intent of these standards is to encourage development of a style and scale that are compatible with the predominant uses and structures in the traditional downtown.

B.Scope: The overlay district includes all commercially zoned property north of lower 147th Street and the public and institutional district north of 145, west of Highway 3, south of 143rd Street.

C.Permitted Uses: The permitted uses shall be the same as those in the C-2 downtown commercial district with the following exceptions:

1. Essential service facilities are permitted, but power substations are not permitted uses.
2. Municipal parking lots are permitted, but transit stations with off street parking in excess of four (4) stalls and/or off street bus maneuvering areas and/or structures totaling more than one hundred fifty (150) square feet are not permitted.

D.Accessory Uses: The accessory uses shall be the same as those in the C-2 downtown commercial district with the following exceptions:

1. Fences, as regulated by this title. No person shall cause a fence to be placed in the public right of way without a written permit from the city of Rosemount.

E.Conditional Uses: The conditional uses shall be the same as those in the C-2 downtown commercial district with the following exceptions:

Custom manufacturing, with accessory retail sales and display.

1. The size of a custom manufacturing facility shall be no greater than five thousand (5,000) square feet.
2. Such uses shall be prohibited on property directly abutting a residential district.

Hotels with the following conditions:

1. The hotel shall not exceed twenty four (24) sleeping rooms.
2. The sleeping rooms shall have entry from the interior of the hotel and shall not have direct entry from the exterior of the hotel.
3. Hotels and bed and breakfasts (B&Bs) shall be no closer than three hundred feet (300') from churches and schools.

Multiple-family dwellings with the following conditions:

1. No ground floor or street level building space shall be used for residential purposes or accessory uses thereto in any multiple-family structure within one hundred fifty feet (150') of Trunk Highway 3.
2. There shall be a minimum of one and one-half (1 1/2) underground, heated parking stalls for each dwelling unit.

Multiple parcels, tenants, buildings, provided that the uses are specified as permitted, accessory or conditional uses in the C-2 downtown commercial district, subject to the conditional use permit provisions outlined in this title.

Townhomes with the following conditions:

1. No ground floor or street level building space shall be used for residential purposes or

accessory uses thereto in any townhome within one hundred fifty feet (150') of Trunk Highway 3.

2. There shall be a minimum of two (2) tuck under or below grade attached garage stalls for each townhome.

F. Minimum Lot Requirements:

1. Maximum building height: Fifty feet (50') excluding architectural appurtenances as defined elsewhere in this title.

G. Additional Design Standards: The building and site design standards shall be the same as in the C-2 downtown commercial district with the following additions:

1. Building exteriors are required to include architectural enhancements to create visual contrast and interest, such as lintels, cornices, inset doorways, beveled corners, parapet walls, etc.

2. All rooftop mechanical equipment shall be screened by a raised parapet wall or with comparable and compatible exterior building materials. The city administrator or a designee may deem it unnecessary to screen minor, incidental rooftop equipment, which equipment shall be of a color to match the roof. Metal cabinets used to enclose and protect rooftop equipment shall not substitute as screening.

3. Exposed roof materials shall be similar to, or architecturally equivalent to, a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, standing seam metal roof or better.

4. Garish or brightly colored (i.e., orange, bright yellow, or fluorescent colors) building materials or accents (such as cloth or metal awnings, trim, banding, walls, entries or any portion of a building) shall be minimized and in no case shall such materials or accents exceed five percent (5%) of any building elevation or wall area.

5. Brick or stone exteriors shall not be painted during the life of the exterior materials. (Ord. B-117, 9-18-2001)

11-4-13: C-3 HIGHWAY COMMERCIAL DISTRICT:

A. Purpose And Intent: The purpose of the highway service commercial district is to provide areas for business and retail services that require a large amount of outdoor storage and/or passing motorists. This is a highly specialized district located in an area that has volumes of traffic with high visibility. Zoning standards are intended to promote compatibility in form, function and style.

B. Permitted Uses: The following uses are permitted uses in the C-3 district:

Child and adult daycare.

Communications businesses.

Eating and drinking establishments without drive-through facilities.

Essential service facilities.

Financial institutions without drive-through facilities.

General repair services, including appliance repair, furniture reupholstery and repair, jewelry,

clock, watch, radio, small electronics, small engine, and television repair. All general repair service shall be conducted in a closed building.

Hotels and motels.

Indoor amusement and recreation services, including video arcades subject to the following restrictions:

1. Any arcade with fifteen (15) or more machines shall have an adult supervisor on duty during all hours of operation.
2. No arcade shall be operated within five hundred feet (500') of a school, church, or residence unless it is an integral part of a shopping center and does not have an entrance except from within the shopping center.

Personal services, including barber and beauty shops, fitness centers, funeral services and mortuaries, laundry services, shoe repair, photography, video rental and the like.

Professional services and offices, including architects and attorney offices, dental and medical clinics, financial services, insurance providers, real estate businesses and the like.

Public parking lots and transit stations.

Public parks, owned and operated by a government unit, including recreational facilities and structures consistent with the public area.

Retail sales, including automobile parts, books and stationery, clothing, drug, gifts and novelties, groceries, furniture and hardware, hobby, video sales, jewelry, and sporting goods stores or the like. All retail sales shall be conducted in a closed building.

Theaters.

Veterinary services, not including outdoor runs or kennels.

C. Accessory Uses: The following uses shall be permitted accessory uses:

Off street parking for a permitted, conditional or interim use.

Outdoor seating or dining areas for ten (10) or fewer seats, accessory to permitted or conditional uses, subject to:

1. The site shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.
2. The outdoor seating or dining area shall be located on private property along the front, side or rear of the principal building but shall not be located within a required setback or on a side that abuts any residential use or district.
3. The outdoor seating or dining area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.
4. Patrons shall not be served food or beverages outside, except that employees may refill beverage containers in the seating area. At no time shall the seating area be used for the

consumption of alcoholic beverages.

5. The outdoor seating or dining area shall be equipped with refuse containers. The business owner shall ensure that the area is properly maintained and litter free.

6. No public address system shall be audible from a noncommercial or nonindustrial use or district.

Satellite dishes and solar collectors.

D. Conditional Uses: The following uses are conditional uses in the C-3 district, and are subject to the conditional use permit provisions outlined in this title:

Automotive repair subject to:

1. The site and building(s) shall be designed to limit the effects of this use on adjacent properties and public rights of way. No automotive repair use shall be located on a site abutting any residential use or district.

2. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building, except minor maintenance, including tire inflation, adding oil, wiper replacement and the like. All overhead vehicle doors on the building shall remain closed except when a vehicle is entering or exiting the building.

3. Gasoline pumps/sales shall require an additional conditional use permit subject to the performance standards outlined in this subsection for nonservice station retail facilities having gasoline pumps.

4. Outdoor storage of parts, materials, and equipment is prohibited.

5. Automotive repair uses shall designate on a site plan separate areas for customer parking and storage of inoperable vehicles awaiting repair or repaired vehicles awaiting pick up. These areas shall meet the design standards outlined in section 11-6-1, "Off Street Parking Requirements", of this title and be screened as follows:

a. Customer parking areas shall meet the applicable screening standards outlined in this title including, but not limited to, section 11-6-1, "Off Street Parking Requirements", of this title and this section.

b. Inoperable vehicles awaiting repair or repaired vehicles awaiting pick up shall be stored behind the principal building. Landscaping and berming shall be a secondary source for screening said vehicles. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. Stacking areas shall have a minimum ninety percent (90%) opacity screen to a height of six feet (6').

c. Junk or unlicensed vehicles awaiting repair or pick up shall be stored completely inside a closed building in accordance with the performance standards outlined in section 11-2-9 of this title.

6. Parking of vehicles on public right of way shall be prohibited.

7. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust, or other particulate matter in compliance with Minnesota pollution control standards and applicable fire and building codes.
8. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota fire code.
9. No public address system shall be audible from a noncommercial or nonindustrial use or district.

Commercial car washes (drive-through, mechanical and self-service) provided that:

1. The site and building(s) shall be designed to limit the effects of the washing operation on adjacent properties and public rights of way. No car wash use shall be located abutting any residential use or district.
2. The principal building shall be the primary source for screening the stacking and exiting areas from adjacent properties and/or rights of way. Landscaping and berming shall be a secondary source for screening the stacking and exiting areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. Stacking areas shall have a minimum ninety percent (90%) opacity screen to a height of six feet (6') while exiting areas shall have a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').
3. All overhead vehicle doors on the building shall remain closed except when a vehicle is entering or exiting the building.
4. Commercial car washes shall have a minimum of six (6) stacking spaces per wash stall. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.
5. Stacking lanes shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.
6. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

Drive-through facilities for restaurants, banks, and other similar uses.

1. The site and building(s) shall be designed to limit the effects of the drive-through on adjacent properties and public rights of way. No use with a drive-through window shall be located abutting any residential use or district.
2. Drive-through facilities shall have a minimum six (6) stacking spaces per drive-through window. Fast food uses operating more than one window per individual drive aisle shall meet the stacking requirements for a single drive-through facility. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.
3. The principal building shall be the primary source for screening the drive-through facility and stacking and exiting areas from adjacent properties and/or rights of way. Landscaping and

berming shall be a secondary source for screening drive-through, stacking or exiting areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. Stacking areas shall have a minimum ninety percent (90%) opacity screen to a height of six feet (6') while exiting areas shall have a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').

4. Stacking lanes, order board intercom, and service window shall be designed and located to minimize noises, emissions, and headlight glare upon adjacent properties and public rights of way.

5. Stacking lanes shall not interfere with circulation through any required parking, loading, maneuvering or pedestrian area.

6. No public address system shall be audible from a noncommercial or nonindustrial use or district.

7. In addition to the freestanding sign allowed by the sign ordinance, fast food uses may display menu signs related to drive-through facilities, provided that:

a. Not more than one menu sign per defined drive-through aisle is allowed.

b. Individual menu signs shall be single sided with an area not to exceed thirty two (32) square feet including both menu information and sign cabinet.

c. The height of the menu sign(s) shall not exceed eight feet (8') including its base or pole measured from grade to the top of the structure.

d. The menu sign(s) shall not encroach into any parking setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair visibility or obstruct circulation.

Landscape and horticultural services.

1. A principal structure must be built on site.

2. Landscape and horticultural services are subject to the performance standards outlined in this subsection for outdoor display/storage or sales.

Lumber and construction materials businesses.

1. A principal structure must be built on site.

2. Lumber and construction material yards are subject to the performance standards outlined in this subsection for outdoor display/storage or sales.

Motor and recreation vehicle, trailer, boat, or agricultural machinery sales or rental.

1. The site and building(s) shall be designed to limit the effects of the sales or rental use on adjacent properties. No sales or display area shall be located on a site abutting any residential use or district.

2. A minimum building floor area of twenty percent (20%) of the lot area shall be required. All overhead vehicle doors on the building shall remain closed except when a vehicle is entering or exiting the building.
3. The outdoor sales or display area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area.
4. The maximum area permitted for outdoor sales or display shall not exceed three and one-half (3.5) square feet of outdoor storage area to each one square foot of enclosed ground floor principal building area.
5. The outdoor sales or display area shall conform to the principal building setback requirements of this district and meet the off street parking and loading performance standards outlined in chapter 6 of this title.
6. Junk vehicles are prohibited.
7. Any repair, assembly, disassembly or maintenance of vehicles shall require an additional conditional use permit subject to the performance standards outlined in this subsection for automotive repair.
8. Outdoor storage of parts, materials, and equipment is prohibited.
9. Landscaping and berming shall be a primary source for screening outdoor sales and display area from adjacent rights of way. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. The screening source (landscaping and berming or walls and/or decorative fencing) shall provide a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').
10. All necessary city or state licenses/permits shall be obtained and remain in good standing.
11. All exterior lighting shall conform to the C-3 district standards and applicable sections of this title.
12. No public address system shall be audible from a noncommercial or nonindustrial use or district. Playing of music or advertisements from the public address system is prohibited.
13. Tents, rooftop parking, ramps or similar vertical devices for elevated displays are prohibited.
14. Signs shall conform to the performance standards outlined in this title as well as the standards listed below:
 - a. Pennants, balloons, streamers, pinwheels or other attention attracting devices are prohibited.
 - b. No freestanding light poles shall be uses as temporary sign supports, as flagpoles or to connect flags, streamers, or pennants.
 - c. No graphics shall be painted on the building or windows.
 - d. Open hoods of vehicles, windshields, car windows, trunks, roofs or the like shall not be

used for individual letters or other signage.

e. No vehicle or trailer shall be parked in such a manner as to advertise the site location, or to promote or advertise a sale or event.

Nonservice station retail facilities having gasoline pumps.

1. The site and building(s) shall be designed to limit the effects of this use on adjacent properties and public rights of way. No gasoline pumps shall be located on a side abutting any residential use or district.
2. The principal building shall be the primary source for screening the gasoline pumps from adjacent properties and/or rights of way. Landscaping and berming shall be a secondary source for screening gasoline pumps. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. The secondary source of screening (landscaping and berming or walls and/or decorative fencing) shall provide a minimum ninety percent (90%) opacity screen to a height of four feet (4').
3. Stacking for gas pumps shall be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.
4. Stacking areas shall be designed and located to minimize noises, emissions, and headlight glare upon adjacent properties and shall not interfere with circulation through any required parking, loading, maneuvering or pedestrian area.
5. Fuel pumps shall be installed on pump islands. Pump islands shall be elevated six inches (6") above the traveled surface of the site and shall conform to the applicable principal building setback. Additionally, there shall be sufficient area around the pump island(s) to allow for safe and efficient movement of vehicles through the site, with a minimum twenty four feet (24') between pump rows, measured curb face to curb.
6. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations that do not conflict with circulation, access and other activities on the site.
7. A protective canopy structure may be located over the pump islands, subject to the following standards:
 - a. The edge of the canopy shall maintain setbacks as required for the principal building.
 - b. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site. The canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.
 - c. The canopy shall not exceed eighteen feet (18') in height and must provide at least fourteen feet (14') of clearance to accommodate a semitrailer passing underneath. The height of the canopy may be increased should the city council determine the architectural design enhances the site and/or is more consistent with the principal building.
 - d. The canopy fascia shall not exceed three feet (3') in vertical height.

e. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination shall not exceed one hundred fifteen (115) foot-candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.

f. Signage may be allowed on a canopy, however such signage will apply towards the allowable sign area for the principal building and/or ground sign.

8. No public address system shall be audible from a noncommercial or nonindustrial use or district.

9. The sale, storage, or display of vehicles is prohibited.

10. No outside storage, display, or services shall be allowed except as follows:

a. Propane sales limited to twenty (20) pound capacity tanks may be located outside provided the tanks are secured in a locker and the use meets all state building and fire codes.

b. Sale or display of goods shall be allowed on the private sidewalk immediately in front of the principal building, provided that a minimum four foot (4') clearance is maintained for pedestrian access and that the display does not exceed four feet (4') in height and is maintained in an orderly fashion. Display shall not block the handicap accessible route.

c. Sale or display of goods shall be allowed in an area underneath the canopy adjacent to the pump island provided that the display does not exceed three feet (3') in height or extend beyond the concrete base of the pump island. This area shall be maintained in an orderly and safe fashion and in accordance with applicable state fire code regulations.

11. Any repair, assembly, disassembly or maintenance of vehicles shall require an additional conditional use permit subject to the performance standards outlined in this subsection for automotive repair.

12. A car wash facility shall require an additional conditional use permit subject to the performance standards outlined in this subsection for commercial car washes.

Outdoor amusement and recreation services, subject to the following restrictions:

1. No outdoor amusement and recreation service shall be located on a site abutting any residential use or district.

2. The site and building(s) shall be designed to limit the effects of this use on adjacent properties and public rights of way.

3. All improvements except landscaping shall conform to the setback requirements for principal buildings in the district.

4. No public address system shall be audible from a noncommercial or nonindustrial use or district.

Outdoor display/storage or sales, subject to the following:

1. Outdoor display/storage or sales related to motor and recreation vehicle, trailer, boat, or agricultural machinery sales or rental shall be subject to those standards identified elsewhere in this chapter specific to such use.

2. The site and building(s) shall be designed to limit the effects of outdoor display/storage or sales on adjacent properties and public rights of way.
3. Outdoor display/storage or sales is limited to an area equal to forty five percent (45%) of the gross floor area of the principal building.
4. Outdoor display/storage or sales may be allowed in the following locations:
 - a. Outdoor display/storage or sales of goods shall be allowed on the private sidewalk immediately in front of the principal building, provided that a minimum four foot (4') clearance is maintained for pedestrian access and that the display does not exceed four feet (4') in height and is maintained in an orderly fashion. The outdoor display/storage or sales shall not block the handicap accessible route.
 - b. At the pump island of an automobile convenience facility, as specified in this subsection for nonservice station retail facilities having gasoline pumps.
 - c. Within an enclosure constructed of materials compatible to the building's architecture such as decorative fencing or a building wall, provided that:
 - (1) The display area shall be clearly identified on the approved site plan for the project and shall meet all applicable building setbacks.
 - (2) The enclosure shall provide a minimum ninety percent (90%) opacity screen.
 - (3) The display area shall be surfaced with concrete or an approved equivalent to control dust.
 - (4) The sales and display area shall not take up, or interfere with access to, any required parking, loading, maneuvering or pedestrian area.
 - (5) Displayed merchandise shall be maintained in a neat and orderly fashion.
 - (6) The square footage of the outdoor display area(s) shall be included in calculation of required off street parking for the use.
5. No public address system shall be audible from a noncommercial or nonindustrial use or district.
6. Outdoor sales shall only be conducted by the owner or lessee of the premises.
7. Only merchandise that is normally manufactured, sold, or stored by the occupant on the premises shall be sold and/or promoted.

Outdoor seating or dining areas for eleven (11) or more seats.

1. The site and outdoor seating or dining area shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.
2. The seating area shall be located in a controlled or cordoned area acceptable to the city with at least one opening to an acceptable pedestrian walk.
3. When a liquor license is granted, an uninterrupted enclosure is required and the enclosure shall only have access through the principal building.

4. The seating area shall be located on private property along the front, side or rear of the principal building, but shall not be located within a required setback or on a side abutting any residential use or district.
5. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.
6. The seating area shall not be permitted within two hundred feet (200') of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.
7. No public address system shall be audible from a noncommercial or nonindustrial use or district.

Self-service storage facilities, subject to the following restrictions:

1. All storage shall be maintained in the storage space and there shall be no outdoor storage of any products, equipment or other material within the storage facility; provided, however, open storage for licensed, operable recreation vehicles shall be permitted, provided the amount is not more than twenty five percent (25%) of the area occupied by buildings.
2. The perimeter of the storage facility shall be entirely enclosed by a combination of buildings and decorative fencing. Chainlink, barbed wire or wood privacy fencing shall not be permitted as decorative material, except as may otherwise be approved by the city council. For the purposes of calculating foundation planting requirements, the decorative fencing of the perimeter shall be used in lieu of the building perimeter calculation.
3. All storage space openings shall be oriented internally to the facility and shall not directly face a public street or adjoining property.
4. Green space, planting clusters and berming shall be strategically designed and located around openings between storage facility structures.
5. The self-service storage facility shall be required to provide 1.25 times the required minimum for over story tree plantings so as to satisfy the requirements of subsection 4 of this use, and provided the minimum interval spacing requirement at the boulevard is satisfied and met. All landscaped areas shall be required to include the proper installation of an underground irrigation system.
6. An accessory caretaker residence may be permitted with a storage facility, provided it is only used for resident security and management purposes and the exterior building materials shall match those of the principal and accessory storage facility structures.
7. The exterior wall surfaces of all building structures that comprise the development project shall consist of brick, decorative block, stone, architectural concrete cast in place or precast concrete panels. The "interior" wall surfaces where storage spaces are located at or below the top of the overhead door, and including the storage space doors and columns between such spaces, may be of metal, which shall consist of a decorative factory applied finish.
8. The hours of operation for the self-service storage facility shall be restricted to between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M.

9. Access to the interior of the fenced area shall be available to emergency responders in a manner to be acceptable to the fire marshal.

10. All internal driveways intended for access to individual storage spaces shall have minimum widths of twenty feet (20').

11. No internal driveway may exceed one hundred fifty feet (150') without providing sufficient space to turn vehicles around allowing for a minimum turning radius of forty five feet (45'), or as approved by the fire marshal.

12. Common parking space available to all storage units shall be provided at a rate no less than one space per six thousand (6,000) square feet of storage area.

13. The exterior buildings, driveways, open space and landscaping, front, side and rear yards shall be maintained and repaired or replaced in conformance with the approved plans by the property owner or landlord. This condition shall be kept that it will not cause a blighting of the area or a general deterioration of the self-storage facility.

14. If storage units are to be sold individually, and no landlord or property owner is available to assume site management responsibilities, an owners' association shall be required to assume the responsibilities of overall site management. The owners' association shall be governed by a declaration of covenants that shall be approved by the city and recorded at Dakota County. The open space and common areas shall be maintained and cared for by the developer of the self-storage facility until an owners' association is formed to maintain open space and common areas. This owners' association shall be responsible for the care and maintenance of all open space and common areas of the self-storage facility and also for the maintenance and appearance of the exterior of each unit. The owners' association shall levy charges to each owner for the maintenance cost, operating costs and improvement costs for the open or green space, and for the common and privately owned parking and paved areas beyond each storage unit. In addition, the owners' association will assume the responsibility to maintain the exterior of the building(s) and also in an acceptable condition which is compatible with adjoining properties. The owners' association will cause blighted individually owned units or areas within the facility to be repaired, restored and maintained as necessary to an acceptable standard for the area.

15. In the event that the developer or owner of the self-storage facility is unable to organize the property owners into an association for the maintenance of the open space and individually owned storage units after twelve (12) months from the completion of the construction, the council will call for a public hearing of all persons so concerned and ask for the creation of such an association. If no association is formed or if the association ceases to function any time after it is formed, the council will order such maintenance work and restoration of the area and then will assess such costs, together with a reasonable supervision charge, to the owners in the self-storage facility or the individual owner receiving the individual benefit.

16. The council may require that the declaration of covenants include provisions to meet the minimum requirements of this section or to satisfy conditions of city approval, may be enforced by the city, and may not be amended or released without city council approval.

Transmission facilities greater than one-fourth (1/4) mile in length.

F Interim Uses:

Transient merchant sales lots as regulated by title 3, chapter 5 of this code and the zoning ordinance, provided that:

1. The owner and/or operator of the outdoor sales lot or event shall have written permission of the property owner of the property on which the sale or event is located and shall have said written permission available for inspection if requested.
2. No portion of the sales lot or any advertising for the event shall take place within any public right of way or intersection sight triangle. A minimum ten foot (10') setback, or the minimum parking setback for the applicable zoning district if it provides for a greater setback, shall be maintained from all property lines and no portion of the use shall take place within one hundred feet (100') of any property line of any residential use or residentially zoned property.
3. Any signage for the outdoor sale lot or event shall comply with the temporary signage requirements contained in chapter 8 of this title.
4. Any temporary structure, including tents and membrane structures, associated with the outdoor sales lot or event shall comply with all applicable building codes and permit requirements.
5. Hours of operation shall be subject to the requirements of title 3, chapter 5 of this code.
6. Adequate off street parking, with a surface in compliance with subsection 8-2-21 of this code, shall be provided for both the principal and interim use ensuring that no obstruction or interference occurs with existing traffic patterns.
7. No parking related to the outside sales lot or event shall be permitted on adjacent parcels without the prior written consent of the adjacent parcel owner. Said written permission shall be available for inspection if requested.
8. A detailed site plan showing the outdoor sales lot area and dimensions, access and egress to the site, all structures, setbacks, signage, parking, and any other information requested to approve the outdoor sales lot shall be submitted for approval with application materials required for an interim use permit and an outdoor sales lot in title 3, chapter 5 of this code.
9. Outdoor sales lot for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, title 6, chapter 4 of this code, and all other applicable zoning, city code, fire code, county ordinance, or state statutes.
10. The period during which the permitted use may continue will be specified by the city council, but in no case will be longer than one hundred twenty (120) days.

F. Minimum Lot Requirements And Setbacks:

1. Minimum lot area: One acre.
2. Minimum lot width: One hundred twenty feet (120').
3. Maximum lot coverage: Seventy five percent (75%).
4. Minimum district size: Two (2) acres.
5. Minimum front yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structures: Thirty feet (30').

6. Minimum side yard setbacks:

- a. Principal structures: Ten feet (10').
- b. Accessory structures: Ten feet (10').

7. Minimum rear yard setbacks:

- a. Principal structures: Ten feet (10').
- b. Accessory structures: Ten feet (10').

8. Parking setbacks:

- a. Minimum front yard setback: Twenty feet (20').
- b. Minimum rear yard setback: Ten feet (10').
- c. Minimum side yard setback: Ten feet (10').
- d. When there exists an easement for a shared private roadway or drive, the required setback is ten feet (10') from the easement.

9. Buffer yard: A buffer yard equal to thirty feet (30') or two (2) times the height of the building, whichever is greater, shall be required along any side or rear property line abutting any noncommercial or nonindustrial use or district. The minimum buffer yard for any single occupancy building with a footprint equal to or larger than forty thousand (40,000) square feet, but not greater than one hundred thousand (100,000) square feet, shall be increased by fifty percent (50%) of the required buffer yard. Buffer yards for buildings with a footprint exceeding one hundred thousand (100,000) square feet shall be increased by one hundred percent (100%). This area shall contain landscaping and berming to provide a ninety percent (90%) opacity screen to a height of at least six feet (6') and shall not contain any structures, parking, off street loading or storage. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance.

10. Maximum building height:

- a. Principal structure: Thirty five feet (35').
- b. Accessory structure: Twenty five feet (25').

G. Site And Building Standards: To prevent urban blight and ensure quality, long lasting construction compatible with both adjacent properties and those throughout the district, all sites and buildings shall comply with the following standards, as well as applicable sections of this title:

1. Architectural Appearance: While variation in materials and colors that support the general theme may be allowed, the overall building shall have "360 degree" architecture. Nonearth tone materials shall be limited to architectural accents. The color of the nonbrick or stone portion of the building shall match the predominant brick or stone color portion.

2. Building Massing: Facades shall be articulated to reduce their mass and scale and provide visual interest consistent with Rosemount's identity, character, and scale. Large uninterrupted

building walls or elevations are prohibited. Corner architectural elements are encouraged to define the edges of a building. A building more than one hundred feet (100') in width shall be divided into increments of no more than thirty feet (30') through the articulation of the facade. This shall be achieved through combinations of the following techniques:

- a. Divisions or breaks in the materials.
- b. Arcades, entry features, window bays, or the like.
- c. Variations in rooflines or slope plane.
- d. Variation in building plane or setback.
- e. Equivalent techniques approved by the city.

3. Permitted Materials: The exterior wall surfaces except for windows of all buildings shall be constructed of at least fifty percent (50%) brick or natural stone. The remaining fifty percent (50%) of the wall surface may be specialty integral colored concrete block (including textured, burnished, and rock faced block), tile (masonry, stone or clay), architectural textured concrete panels cast in place, or better. EIFS or masonry stucco may be used for the sign band areas and/or architectural accents totaling no more than ten percent (10%) of the nonglass, brick or stone portion of the building. Unadorned concrete is prohibited.

4. Pedestrian Circulation: Appropriate provisions shall be made to protect pedestrian areas from encroachments by parked or moving vehicles. Clear and well lighted walkways shall extend throughout the site and parking area(s) connecting building entrances to adjacent public sidewalks and any parking facilities located on the site.

- a. Walkway(s) shall be made of high quality, long lasting, and decorative materials and incorporate architectural themes present in the surrounding building. Bituminous or asphalt materials are prohibited.
- b. A walkway at least six feet (6') wide shall extend along any facade featuring a customer entrance and any facade abutting a parking or maneuvering area.
- c. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks from parking, loading, stacking and maneuvering areas.
- d. Concrete sidewalks, five feet (5') in width, shall be provided on all commercial property along any collector or arterial street.

5. Lighting: Lighting shall be consistent in character throughout the entire property site, in both design and bulb type.

- a. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- b. Light shall be directed toward the ground. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare.
- c. The level of lighting shall not exceed 0.5 lumens at any residential property line or 1.0 lumen at any nonresidential property line.

d. The maximum height for exterior lighting is thirty feet (30'). The maximum height for exterior lighting within one hundred feet (100') of a residential use or district shall be twenty feet (20').

e. All nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.

6. Parking Lots: To reduce the impact of large expanses of paved surfaces, provide a more pedestrian friendly environment and provide adequate room for snow storage, all parking areas (including driveways and drive aisles) shall be screened and landscaped. Trees, shrubs, flowers and ground cover needed in these areas shall be in addition to the minimum number of trees and foundation plantings required by this title.

a. Screening: Landscaping and berming shall be a primary source for screening parking areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. The screening source (landscaping and berming or walls and/or decorative fencing) shall provide a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').

b. Landscaping: A minimum of ten percent (10%) of the parking area shall be landscaped. This landscaping shall be located on islands, peninsulas or the like within the perimeter of the parking area.

(1) The islands or peninsulas shall be a minimum eight and one-half feet (8.5') wide and extend the length of the adjacent parking stall(s). These dimensions may be altered to provide sufficient area for the proposed landscaping to mature.

(2) To ensure this landscaping is properly dispersed, a minimum of one island, peninsulas or the like shall be located within each six thousand (6,000) square feet of vehicular use area.

(3) A minimum of one tree shall be required for each two hundred fifty (250) square feet or fraction thereof, of required landscape area. Deciduous trees shall have a clear trunk of at least five feet (5') above the ground and a caliper of at least two and one-half inches (2.5"). Coniferous trees shall be at least four feet (4') in height. The remaining area shall be landscaped with shrubs or ground cover (not to include rocks or gravel except as a mulch around shrubs and ground cover) not to exceed two feet (2') in height.

7. Landscaping: All areas of land other than those occupied by building or hardcover shall be landscaped with a combination of sod and plantings. Rock or mulch may only be used as an accent material around sod or plantings. Trees, shrubs, flowers and ground cover needed in these areas shall be in addition to the minimum number of trees and foundation plantings required by this title. All landscaped areas shall be irrigated. Portions of the site may be exempt from these requirements with city approval where future development or expansion is planned within a reasonable period of time. These areas shall either be graded and seeded with prairie or maintained grass in accordance with the city of Rosemount grading requirements or remain as undisturbed natural areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material and will not produce soil erosion due to potential increases in storm water runoff. (Ord. B-160, 11-1-2005)

11-4-14: C-4 GENERAL COMMERCIAL DISTRICT:

A. Purpose And Intent: The purpose of the general commercial district is to provide a wide range of goods and services to the entire community. Due to their proximity to major arterial streets,

businesses in this district are dependent on large volumes of traffic, thus need to be highly visible and accessible. It is the intent of this district to promote development that maximizes the full development potential in this area. Zoning standards are intended to promote compatibility in form, function and style.

Permitted Uses: The following uses are permitted uses in the C-4 district:

Child and adult daycare.

Communications businesses.

Eating and drinking establishments without drive-through facilities.

Essential service facilities.

Financial institutions without drive-through facilities.

General repair services, including appliance repair, furniture reupholstery and repair, jewelry, clock, watch, radio, small electronics, small engine and television repair occurring within an enclosed building.

Hotels and motels.

Indoor amusement and recreation services, including video arcades subject to the following restrictions:

1. Any arcade with fifteen (15) or more machines shall have an adult supervisor on duty during all hours of operation.
2. No arcade shall be operated within five hundred feet (500') of a school, church, or residence unless it is an integral part of a shopping center and does not have an entrance except from within the shopping center.

Membership organizations.

Personal services, including barber and beauty shops, fitness centers, funeral services and mortuaries, facilities, laundry services, shoe repair, photography and video rental.

Professional services and offices, including architects and attorney offices, dental and medical clinics, financial services, insurance providers, real estate businesses and the like.

Public or governmental services.

Public parking lots and transit stations.

Public parks, owned and operated by a government unit, including recreational facilities and structures consistent with the public area.

Retail sales, including automobile parts, books and stationery, clothing, drug, gifts and novelties, groceries, furniture and hardware, hobby, video sales, jewelry, and sporting goods stores or the like. Automobile sales, new and used, are prohibited.

Theaters, excluding drive-in theaters.

Veterinary services, not including outdoor runs or kennels.

C. Accessory Uses: The following uses shall be permitted accessory uses:

Off street parking for a permitted, conditional, or interim use.

Outdoor display/sales and storage. Outdoor display/storage or sales of goods shall be allowed on the private sidewalk immediately in front of the principal building, provided that:

1. The outdoor display/storage or sales area shall not block a handicap accessible route and shall maintain a minimum four foot (4') clearance for pedestrian access.
2. The outdoor display/storage or sales area does not exceed four feet (4') in height and is maintained in an orderly fashion.
3. No public address system shall be audible from a noncommercial or nonindustrial use or district.
4. Outdoor display/storage or sales shall only be conducted by the owner or lessee of the premises.
5. Only merchandise that is normally manufactured, sold, or stored by the occupant on the premises shall be sold and/or promoted.

Outdoor seating or dining areas for ten (10) or fewer seats, accessory to permitted or conditional uses, subject to:

1. The site shall be designed to limit the effects of this outdoor seating or dining areas on adjacent properties.
2. The outdoor seating or dining area shall be located on private property along the front, side or rear of the principal building, but shall not be located within a required setback or on a side abutting any residential use or district.
3. The outdoor seating or dining area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.
4. Patrons shall not be served food or beverages outside, except that employees may refill beverage containers in the seating area. At no time shall the seating area be used for the consumption of alcoholic beverages.
5. The outdoor seating or dining area shall be equipped with refuse containers. The business owner shall ensure that the area is properly maintained and litter free.
6. No public address system shall be audible from a noncommercial or nonindustrial use or district.

Satellite dishes and solar collectors.

D. Conditional Uses: The following uses are conditional uses in the C-4 district, and are subject to the conditional use permit provisions outlined in this title:

Drive-through facilities for restaurants, banks, and other similar uses.

1. The site and building(s) shall be designed to limit the effects of the drive-through on adjacent properties and public rights of way. No use with a drive-through window shall be located abutting any residential use or district.

2. Drive-through facilities shall have a minimum six (6) stacking spaces per drive-through window. Fast food uses operating more than one window per individual drive aisle shall meet the stacking requirements for a single drive-through facility. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.

3. The principal building shall be the primary source for screening the drive-through facility and stacking and exiting areas from adjacent properties and/or rights of way. Landscaping and berming shall be a secondary source for screening drive-through, stacking or exiting areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. Stacking areas shall have a minimum ninety percent (90%) opacity screen to a height of six feet (6') while exiting areas shall have a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').

4. Stacking lanes, order board intercom, and service window shall be designed and located to minimize noises, emissions, and headlight glare upon adjacent properties and public rights of way.

5. Stacking lanes shall not interfere with circulation through any required parking, loading, maneuvering or pedestrian area.

6. No public address system shall be audible from a noncommercial or nonindustrial use or district.

7. In addition to the freestanding sign allowed by the sign ordinance, fast food uses may display menu signs related to drive-through facilities, provided that:

a. Not more than one menu sign per defined drive-through aisle is allowed.

b. Individual menu signs shall be single sided with an area not to exceed thirty two (32) square feet including both menu information and sign cabinet.

c. The height of the menu sign(s) shall not exceed eight feet (8') including its base or pole measured from grade to the top of the structure.

d. The menu sign(s) shall not encroach into any parking setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair visibility or obstruct circulation.

Educational services, excluding elementary and secondary schools.

Outdoor seating or dining areas for eleven (11) or more seats.

1. The site and enclosure(s) shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.

2. The seating area shall be located on private property along the front, side or rear of the

principal building but shall not be located within a required setback or on the side abutting any residential use or district.

3. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.
4. The seating area shall be located in a controlled or cordoned area acceptable to the city with at least one opening to an acceptable pedestrian walk.
5. When a liquor license is granted, an uninterrupted enclosure is required and the enclosure shall only have access through the principal building.
6. The seating area shall not be permitted within two hundred feet (200') of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.
7. No public address system shall be audible from a noncommercial or nonindustrial use or district.

Transmission facilities greater than one-fourth (1/4) mile in length.

E. Interim Uses:

Those interim uses listed in the C-3, highway commercial district.

F. Minimum Lot Requirements And Setbacks:

1. Minimum lot area: Twenty thousand (20,000) square feet.
2. Minimum lot width: One hundred twenty feet (120').
3. Maximum lot coverage: Seventy five percent (75%).
4. Minimum district size: One acre.
5. Minimum front yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structures: Thirty feet (30').
6. Minimum side yard setbacks:
 - a. Principal structures: Ten feet (10').
 - b. Accessory structures: Ten feet (10').
7. Minimum rear yard setbacks:
 - a. Principal structures: Ten feet (10').

b. Accessory structures: Ten feet (10').

8. Parking setbacks:

a. Minimum front yard setback: Twenty feet (20').

b. Minimum rear yard setback: Ten feet (10').

c. Minimum side yard setback: Ten feet (10').

d. When there exists an easement for a shared private roadway or drive, the required setback is ten feet (10') from the easement.

9. Buffer yard: A buffer yard equal to thirty feet (30') or two (2) times the height of the building, whichever is greater, shall be required along any side or rear property line abutting any noncommercial or nonindustrial use or district. The minimum buffer yard for any single occupancy building with a footprint equal to or larger than forty thousand (40,000) square feet, but not greater than one hundred thousand (100,000) square feet, shall be increased by fifty percent (50%) of the required buffer yard. Buffer yards for buildings with a footprint exceeding one hundred thousand (100,000) square feet shall be increased by one hundred percent (100%). This area shall contain landscaping and berming to provide a ninety percent (90%) opacity screen to a height of at least six feet (6') and shall not contain any structures, parking, off street loading or storage. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance.

10. Maximum building height:

a. Principal structure: Thirty five feet (35').

b. Accessory structure: Twenty five feet (25').

G. Site And Building Standards: To prevent urban blight and ensure quality long lasting construction compatible with both adjacent properties and those throughout the district, all sites and buildings shall comply with the following standards, as well as applicable sections of this title:

1. Architectural Appearance: While variation in materials and colors that support the general theme may be allowed, the overall building shall have "360 degree" architecture. Nonearth tone materials shall be limited to architectural accents. The color of the nonbrick or stone portion of the building shall match the predominant brick or stone color portion.

2. Building Massing: Facades shall be articulated to reduce their mass and scale and provide visual interest consistent with Rosemount's identity, character, and scale. Large uninterrupted building walls or elevations are prohibited. Corner architectural elements are encouraged to define the edges of a building. A building more than one hundred feet (100') in width shall be divided into increments of no more than thirty feet (30') through the articulation of the facade. This shall be achieved through combinations of the following techniques:

a. Divisions or breaks in the materials.

b. Arcades, entry features, window bays, or the like.

c. Variations in rooflines or slope plane.

d. Variation in building plane or setback.

e. Equivalent techniques approved by the city.

3. Permitted Materials: The exterior wall surfaces of all buildings shall be constructed of at least fifty percent (50%) brick or natural stone. The remaining fifty percent (50%) of the wall surface may be specialty integral colored concrete block (including textured, burnished, and rock faced block), tile (masonry, stone or clay), architectural textured concrete panels cast in place, or better. EIFS or masonry stucco may be used for the sign band areas and/or architectural accents totaling no more than ten percent (10%) of the nonglass, brick or stone portion of the building. Unadorned concrete is prohibited.

4. Pedestrian Circulation: Appropriate provisions shall be made to protect pedestrian areas from encroachments by parked or moving vehicles. Clear and well lighted walkways shall extend throughout the site and parking area(s) connecting building entrances to adjacent public sidewalks and any parking facilities located on the site.

a. Walkway(s) shall be made of high quality, long lasting, and decorative materials and incorporate architectural themes present in the surrounding building. Bituminous or asphalt materials are prohibited.

b. A walkway at least six feet (6') wide shall extend along any facade featuring a customer entrance and any facade abutting a parking or maneuvering area.

c. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks from parking, loading, stacking and maneuvering areas.

d. Concrete sidewalks, five feet (5') in width, shall be provided on all commercial property abutting any collector or arterial street.

5. Lighting: Lighting shall be consistent in character throughout the entire property site, in both design and bulb type.

a. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.

b. Light shall be directed toward the ground. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare.

c. The level of lighting shall not exceed 0.5 lumens at any residential property line or 1.0 lumen at any nonresidential property line.

d. The maximum height for exterior lighting is thirty feet (30'). The maximum height for exterior lighting within one hundred feet (100') of a residential use or district shall be twenty feet (20').

e. All nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.

6. Parking Lots: To reduce the impact of large expanses of paved surfaces, provide a more pedestrian friendly environment and provide adequate room for snow storage, all parking areas (including driveways and drive aisles) shall be screened and landscaped. Trees, shrubs, flowers and ground cover needed in these areas shall be in addition to the minimum number of trees and

foundation plantings required by this title.

a. Screening: Landscaping and berming shall be a primary source for screening parking areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty five feet (25') without a change in architecture to reduce their mass and appearance. The screening source (landscaping and berming or walls and/or decorative fencing) shall provide a minimum fifty percent (50%) opacity screen to a height of at least four feet (4').

b. Landscaping: A minimum of ten percent (10%) of the parking area shall be landscaped. This landscaping shall be located on islands, peninsulas or the like within the perimeter of the parking area.

(1) The islands or peninsulas shall be a minimum eight and one-half feet (8.5') wide and extend the length of the adjacent parking stall(s). These dimensions may be altered to provide sufficient area for the proposed landscaping to mature.

(2) To ensure this landscaping is properly dispersed, a minimum of one island, peninsulas or the like shall be located within each six thousand (6,000) square feet of vehicular use area.

(3) A minimum of one tree shall be required for each two hundred fifty (250) square feet or fraction thereof, of required landscape area. Deciduous trees shall have a clear trunk of at least five feet (5') above the ground and a caliper of at least two and one-half inches (2.5"). Coniferous trees shall be at least four feet (4') in height. The remaining area shall be landscaped with shrubs or ground cover (not to include rocks or gravel except as a mulch around shrubs and ground cover) not to exceed two feet (2') in height.

7. Landscaping: All areas of land other than those occupied by building or hardcover shall be landscaped with a combination of sod and plantings. Rock or mulch may only be used as an accent material around sod or plantings. Trees, shrubs, flowers and ground cover needed in these areas shall be in addition to the minimum number of trees and foundation plantings required by this title. All landscaped areas shall be irrigated. Portions of the site may be exempt from these requirements where future development or expansion is planned. These areas shall either be graded and seeded with prairie grass in accordance with the city of Rosemount grading requirements or remain as undisturbed natural areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material and will not produce soil erosion due to potential increases in storm water runoff. (Ord. B-161, 11-1-2005)

11-4-15: BP BUSINESS PARK DISTRICT:

A. Purpose And Intent: The purpose of the BP business park district is to provide for the establishment of corporate headquarters, businesses, healthcare offices and related professional and service uses that do not require outdoor storage in an environment that provides a high level of amenities including landscaping, preservation of natural features, and architectural standards.

B. Permitted Uses: The following are permitted uses in the BP business park district:

Commercial indoor recreation.

Financial institutions, without drive-through facilities.

Light manufacturing, processing, and assembly uses conducted entirely within an enclosed building.

Medical or dental clinics.

Motion picture, recording, television and radio production studios, excluding towers or antennas.

Office, showroom.

Office, warehouse.

Printing and duplicating shops.

Professional service and office uses.

Public buildings and uses.

Testing, research and laboratory uses.

Transit stations/park and ride facilities.

Warehousing, wholesaling and distribution uses conducted entirely within an enclosed building.

C. Accessory Uses: The following uses shall be permitted accessory uses:

Off street parking or loading for a permitted, conditional or interim use.

Overnight sleeping facilities for security personnel.

Retail sales of products manufactured, fabricated, or assembled on site limited to fifteen percent (15%) of the gross floor area of the principal building.

D. Conditional Uses: The following uses are conditional uses in the BP business park district and are subject to the conditional use permit provisions outlined in this title:

Arenas, convention centers, and stadiums.

Business, trade and vocational schools.

Churches and places of worship. Churches and places of worship must have direct access to or be within three hundred feet (300') of a collector, minor arterial, or principal arterial road.

Commercial bakeries.

Daycare centers, nursery and Montessori schools.

Drive-through facilities for restaurants and banks, subject to the requirements of the C-3 district in subsection 11-4-13D of this chapter.

Eating and drinking establishments, without drive-through facilities.

Health and athletic club facilities.

Hotels and motels.

Satellite dishes or solar collectors.

Self-service storage facility, subject to the requirements of the C-3 district in subsection 11-4-13D of this chapter.

Other uses similar to those in this district as determined by the board of appeals and adjustments, subject issuance of a conditional use permit.

E. Interim Uses: The following uses are interim uses in the BP business park district and are subject to the interim use permit provisions outlined in this title:

None.

F. Minimum Lot Requirements And Setbacks:

1. Minimum lot area: One acre.
2. Minimum lot width: One hundred twenty feet (120').
3. Maximum lot coverage: Seventy five percent (75%).
4. Minimum district size: One acre.
5. Minimum front yard setback:
 - a. Principal structure: Thirty feet (30').
 - b. Accessory structures: Thirty feet (30').
6. Minimum side yard setbacks:
 - a. Principal structures: Ten feet (10').
 - b. Accessory structures: Ten feet (10').
7. Minimum rear yard setbacks:
 - a. Principal structures: Ten feet (10').
 - b. Accessory structures: Ten feet (10').
8. Parking setbacks:
 - a. Minimum front yard setback: Twenty feet (20').
 - b. Minimum rear yard setback: Ten feet (10').
 - c. Minimum side yard setback: Ten feet (10').
9. Buffer yard and setback increases: When a permitted, accessory, interim, or conditional use abuts any of the items listed in the table below, the applicable increased minimum yard setback shall apply:

Increased Minimum
Setback

| Item | Parking And Circulation | Structure |
|---|----------------------------------|----------------------------------|
| Principal arterial ROW | 40 feet | 75 feet |
| Minor arterial ROW | 35 feet | 60 feet |
| Collector ROW | 30 feet | 40 feet |
| Railroad | 10 feet | 30 feet |
| Noncommercial or nonindustrial uses/districts | 30 feet or 2 x building height 1 | 30 feet or 2 x building height 1 |

Note:

1. See subsection F9a of this section.

a. Noncommercial Or Nonindustrial Uses/Districts: A buffer yard equal to thirty feet (30') or two (2) times the height of the building, whichever is greater, shall be required along any side or rear property line abutting any noncommercial or nonindustrial use or district. The minimum buffer yard for any single occupancy building with a footprint equal to or larger than forty thousand (40,000) square feet, but not greater than one hundred thousand (100,000) square feet, shall be increased by fifty percent (50%) of the required buffer yard. Buffer yards for buildings with a footprint exceeding one hundred thousand (100,000) square feet shall be increased by one hundred percent (100%). This area shall contain landscaping and berming to provide a ninety percent (90%) opacity screen to a height of at least six feet (6') and shall not contain any structures, parking, off street loading or storage. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than thirty five feet (35') without a change in architecture to reduce their mass and appearance.

G.Site And Building Standards: To prevent urban blight and ensure quality long lasting construction compatible with both adjacent properties and those throughout the district, all sites and buildings shall comply with the following standards, as well as applicable sections of this title:

1. Architectural Appearance: While variation in materials and colors that support the general theme may be allowed, the overall building shall have "360 degree" architecture. Nonearth tone materials shall be limited to architectural accents. The color of the nonbrick or stone portion of the building shall match the predominant brick or stone color portion.

a. Entry Features: Building entrances facing a public right of way or abutting a required parking area shall be accented by visually pleasing entry features. This feature shall extend a minimum three hundred (300) square feet around a single entrance. Should the building have more than one entrance facing a public right of way or abutting a required parking area, this feature shall extend a minimum one hundred fifty (150) square feet around each individual entrance.

b. Corner Architecture: Corner architectural elements are encouraged to define the edges of a building.

2. Building Massing: Facades shall be articulated to reduce their mass and scale and provide visual interest consistent with Rosemount's identity, character, and scale. Large uninterrupted building walls or elevations are prohibited. Any wall more than one hundred feet (100') in length shall be divided into increments of no more than thirty five feet (35') through the articulation of the facade. This shall be achieved through combinations of the following techniques:

- a. Divisions or breaks in the materials.
- b. Arcades, entry features, window bays, or the like.
- c. Variations in rooflines or slope plane.
- d. Variation in building plane or setback.
- e. Equivalent techniques approved by the city.

3. Permitted Materials: The exterior wall surfaces, except for windows, of all buildings shall be constructed of brick, natural stone, specialty integral colored concrete block (including textured, burnished, and rock faced block), tile (masonry, stone or clay), architectural textured concrete panels cast in place, precast concrete panels or better. Unadorned concrete is prohibited.

4. Pedestrian Circulation: Appropriate provisions shall be made to protect pedestrian areas from encroachments by parked or moving vehicles. Clear and well lighted walkways shall extend throughout the site and parking area(s) connecting building entrances to adjacent public sidewalks and any parking facilities located on the site.

- a. A walkway at least six feet (6') wide shall extend along any facade featuring a building entrance and any facade abutting a required parking area.
- b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks from parking, loading, stacking and maneuvering areas.
- c. Concrete sidewalks, five feet (5') in width, shall be provided along any collector or arterial street.

5. Lighting: Lighting shall be consistent in character throughout the entire property site, in both design and bulb type.

- a. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- b. Light shall be directed toward the ground. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare.
- c. The level of lighting shall not exceed 0.5 lumens at any residential property line or 1.0 lumen at any nonresidential property line.
- d. The maximum height for exterior lighting shall be thirty feet (30'). The maximum height for exterior lighting within one hundred feet (100') of a residential use or district shall be twenty feet (20').
- e. All nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.

6. Parking And Loading Areas: To reduce the impact of large expanses of paved surfaces, provide screening, and supply adequate room for snow storage, all parking areas (including driveways and drive aisles) adjacent to a public right of way or nonindustrial uses or districts shall be screened and landscaped. Trees, shrubs, flowers and ground cover needed in these areas shall

be in addition to the minimum number of the same required by this title. These screening standards shall also apply to loading areas with the additional requirement that no loading area may face a public right of way or nonindustrial use or district.

a. Screening: Landscaping and berming shall be the primary source for screening parking and loading areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than thirty five feet (35') without a change in architecture to reduce their mass and appearance. Parking area screening shall provide a minimum fifty percent (50%) opacity screen to a height of at least four feet (4'). Loading areas screening shall provide a minimum ninety percent (90%) opacity screen to a height of at least eighteen feet (18').

b. Landscaping: A minimum of five percent (5%) of the parking area shall be landscaped. This landscaping shall be located on islands, peninsulas or the like within the perimeter of the parking area.

(1) The islands or peninsulas shall be a minimum eight and one-half feet (8.5') wide and extend the length of the adjacent parking stall(s). These dimensions may be altered to provide sufficient area for the proposed landscaping to mature.

(2) To ensure this landscaping is properly dispersed, a minimum of one island, peninsulas or the like shall be located within each six thousand (6,000) square feet of vehicular use area.

(3) A minimum of one tree shall be required for each two hundred fifty (250) square feet or fraction thereof, of required landscape area. Deciduous trees shall have a clear trunk of at least five feet (5') above the ground and a caliper of at least two and one-half inches (2.5"). Coniferous trees shall be at least four feet (4') in height. The remaining area shall be landscaped with shrubs or ground cover (not to include rocks or gravel except as a mulch around shrubs and ground cover) not to exceed two feet (2') in height.

7. Landscaping: All areas of land other than those occupied by building or hardcover shall be landscaped with a combination of sod and plantings. Rock or mulch may only be used as an accent material around sod or plantings. Trees, shrubs, flowers and ground cover needed in these areas shall be in addition to the minimum number of trees and foundation plantings required by this title. All landscaped areas shall be irrigated. Portions of the site may be exempt from these requirements with city approval where future development or expansion is planned within a reasonable period of time. These areas shall either be graded and seeded with prairie or maintained grass in accordance with the city of Rosemount grading requirements or remain as undisturbed natural areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material and will not produce soil erosion due to potential increases in storm water runoff.

8. Trash Handling: All trash, recycling and related handling equipment shall be stored in a manner consistent with the standards outlined in section 5-1-3 of this code.

9. Signage: Only wall and freestanding ground monument signs shall be permitted in the district in accordance with the city of Rosemount's sign regulations and these additional standards as follows:

a. Freestanding Ground Monument Signs: A freestanding ground monument sign shall be designed with a base structure of the same exterior decorative materials as the principal structure on the site; and that extends from the sign copy area fully to the ground, except for architectural relief treatments. All freestanding ground monument signs, if illuminated, shall use

only indirect light with the light source fully diffused. These signs shall be appropriately landscaped and subject to the same requirements for all landscaping on the property.

b. Wall Signs: Wall signs shall consist of permanent high quality materials with finished edges. No wood signs shall be permitted. Where more than one wall sign is requested per building frontage (i.e., a multi-tenant center), a uniform sign criteria shall be prescribed by the building owner, subject to review and approval by the city. The sign criteria shall, among other things, describe the uniform type of sign to be allowed, limitations of placement on the building, the method of fastening, and the procedure for tenant sign approval.

10. Rooftop Utilities: The ground level view of all rooftop equipment, including, but not limited to, rooftop structures related to elevators and other mechanical utilities, shall be screened from public right of way and adjacent or nearby residential uses and districts. Screening should be accomplished by incorporating architectural building design features such as a parapet wall or sloping roof structures. Wood fencing shall not be permitted. If due to factors unique to the property or the project, it is physically impossible or impractical to screen these utilities, the city's planning commission may approve alternative solutions that render them aesthetically compatible with the building.

11. Underground Electrical Services: No building or structure located in the district shall be served other than by underground electric, telephone and cable distribution facilities. Poles, wires or other aboveground distribution facilities may only be temporarily installed during site construction or repair of the underground system. No changes in the grade or contours of land above or adjacent to these facilities, once installed, shall be made without the approved written consent of the city engineer and the utility company providing such services. (Ord. B-168, 4-4-2006)

11-4-15-1: LI LIGHT INDUSTRIAL DISTRICT:

A. Purpose And Intent: The purpose of the LI light industrial district is to provide for the establishment of manufacturing, warehouse, repair, business, and related limited service uses. The LI light industrial district is intended to include uses that may require limited outdoor and vehicle/trailer storage but exclude more intensive industrial uses.

B. Permitted Uses: The following are permitted uses in the LI light industrial district:

Business, trade, and vocational schools.

Commercial indoor recreation.

Commercial use antennas and towers, subject to the requirements of section 11-9-6 of this title.

General building and trade contractor office uses.

General repair services, excluding automotive repair and the like.

Light manufacturing, processing, and assembly uses.

Motion picture, recording, television and radio production studios.

Professional service and office uses.

Public buildings and uses.

Satellite dishes or solar collectors.