



CITY OF MENDOTA HEIGHTS

CITY COUNCIL REGULAR MEETING AGENDA

September 17, 2024 at 7:00 PM

Mendota Heights City Hall, 1101 Victoria Curve, Mendota Heights

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Approval of the Agenda

The Council, upon majority vote of its members, may make additions or deletions to the agenda. These items may be submitted after the agenda preparation deadline.

5. Public Comments - for items not on the agenda

Public comments provide an opportunity to address the City Council on items which are not on the meeting agenda. All are welcome to speak. Individuals should address their comments to the City Council as a whole, not individual members. Speakers are requested to come to the podium and must state their name and address. Comments are limited to three (3) minutes. No action will be taken; however, the Mayor and Council may ask clarifying questions as needed or request staff to follow up.

6. Consent Agenda

Items on the consent agenda are approved by one motion of the City Council. If a councilmember requests additional information or wants to make a comment on an item, the item will be removed from the consent agenda and considered separately. Items removed from the consent agenda will be taken up as the next order of business.

- a. Approve Minutes from the September 3, 2024, City Council Meeting
- b. Approve Minutes from the September 10, 2024, City Council Work Session
- c. Acknowledge the Minutes of the July 23, 2024, Planning Commission Meeting
- d. Approve Police Department Out of Metro Travel Request
- e. Approve Wetland Exemption Application for the IV Creek Stabilization and BMP Project Wetland Weir

- f. Approve Professional Services Change Order for the Victoria Curve Street Improvements
- g. Resolution 2024-54 Providing for the Sale of \$3,085,000 in General Obligation Improvement Bonds, Series 2024A
- h. Approval of Claims List

7. Presentations

8. Public Hearings

- a. Resolution 2024-49 Ordering of Improvements for the Friendly Hills Neighborhood Improvements

9. New and Unfinished Business

- a. Consider Approval of Ordinance 592, Amending Title 12: Zoning of the City Code (Zoning Code Update project); and Consider Approval of Ordinance No. 593, Creating Title 15: Environmental Standards of the City Code; Authorize Publication of Summary Ordinances
- b. Consider Approval of Ordinance No. 591, Amending Title 3: Business and License Regulations to create a Short Term Rental Ordinance and license process; Authorize publication of Summary Ordinance; and, consider Approval of Ordinance No. 594, Amending the City's Fee Schedule
- c. Resolution 2024-50 Calling for an Assessment Hearing on the Bridgeview Shores Street Improvement Project
- d. Adopt Fiscal Year 2025 Preliminary Budget and Levy

10. Community / City Administrator Announcements

11. City Council Comments

12. Adjourn

Next Meeting

October 1 at 7:00PM

Information is available in alternative formats or with the use of auxiliary aids to individuals with disabilities upon request by calling city hall at 651-452-1850 or by emailing cityhall@mendotaheightsmn.gov.

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CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

DRAFT Minutes of the Regular Meeting
Held Tuesday, September 3, 2024

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:00 p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

CALL TO ORDER

Mayor Levine called the meeting to order at 7:00 p.m. Councilors Lorberbaum, Paper, and Mazzitello, were also present. Councilor Miller was absent.

PLEDGE OF ALLEGIANCE

Council, the audience, and staff recited the Pledge of Allegiance.

AGENDA ADOPTION

Mayor Levine presented the agenda for adoption. Councilor Mazzitello moved adoption of the agenda. Councilor Lorberbaum seconded the motion.

Ayes: 4

Nays: 0

PUBLIC COMMENTS

No one from the public wished to be heard.

CONSENT AGENDA

Mayor Levine presented the consent agenda and explained the procedure for discussion and approval. Councilor Mazzitello moved approval of the consent agenda as presented, pulling item F.

- a. Approval of August 20, 2024, City Council Minutes
- b. Approval of August 12, 2024, Council Work Session Minutes
- c. Approval of August 20, 2024, Council Work Session Minutes
- d. Authorize Internal Posting for Fire Chief Position
- e. Approval of July 2024 Treasurer's Report
- f. ~~Approve Quote for the Installation of Rain Guardian Bunkers and Rain Gardens for Emerson Avenue Improvements~~
- g. Approve Contract to Grind Brush at Transfer Site
- h. Approve Trail Easement for 1445 Knollwood Lane
- i. Approval of Claims List

Councilor Lorberbaum seconded the motion.

Ayes: 4

Nays: 0

PULLED CONSENT AGENDA ITEMS

F) APPROVE QUOTE FOR THE INSTALLATION OF RAIN GUARDIAN BUNKERS AND RAIN GARDENS FOR EMERSON AVENUE IMPROVEMENTS

Councilor Paper asked for more information on this item.

Public Works Director Ryan Ruzek commented that one rain guardian is proposed in the original contract and explained how a rain guardian bunker works within the proposed rain garden. He commented that the cost within the original contract seemed excessive and therefore has been removed. He provided an example of a rain guardian that exists on the City Hall campus. He stated that the City had already purchased the rain guardians, and the contractor would be installing them.

Councilor Paper moved to approve QUOTE FOR THE INSTALLATION OF RAIN GUARDIAN BUNKERS AND RAIN GARDENS FOR EMERSON AVENUE IMPROVEMENTS.

Councilor Mazzitello seconded the motion.

Ayes: 4

Nays: 0

PRESENTATIONS

A) METROPOLITAN COUNCILMEMBER TENZIN DOLKAR

Metropolitan Councilmember Tenzin Dolkar introduced herself and provided a brief presentation to the City Council on the Metropolitan Council and her role and responsibilities as the community's district representative.

Councilor Paper commented that Metropolitan Councilmember Dolkar sits on the transportation committee, and asked how the City could obtain more frequent, and regular, bus stops. He stated that more regular stops and frequency would assist employers in attracting employees.

Metropolitan Councilmember Dolkar replied that Minnesota is fortunate with the transit system that exists but recognized that there is still room to grow. She provided data on the transit opportunities within the seven counties and noted that the Met Council was reviewing transit services. She stated that they think of transit as a partnership with local government, as municipalities know their areas of growth best and therefore can propose routes. She recognized that currently, bus routes are not the most efficient form of transit, as often, people can drive and get to their destination faster.

Councilor Paper commented that Mendota Heights is a fully built-out community that still has challenges with transit opportunities.

Councilor Lorberbaum asked for her personal and Metropolitan Council goals for affordable housing.

Metropolitan Councilmember Dolkar commented that the growth for the region by 2050 is 610,000. She stated that she is still learning about affordable housing but noted that the Metropolitan Council does have funding available to support the goal of affordable housing. She stated that in her previous work as a social worker, she knows that there is a spectrum of housing that is needed in each community regarding affordable housing and workforce housing.

Councilor Mazzitello commented in previous discussions about express routes that would come through Mendota Heights it was suggested that it should serve the industrial park and retail center. He stated that there was previously a transit line that went down Dodd Road to downtown St. Paul, but that no longer exists. He stated that perhaps it would be helpful to have information on how the Metropolitan Council makes determinations on where lines run and when routes are terminated, as well as ridership data. He recognized that she would not have that information on hand but could provide a follow-up.

Metropolitan Councilmember Dolkar replied that annually the Metropolitan Council completes an analysis of ridership and when the ridership threshold is not met, the route can be terminated. She confirmed that she could have someone follow up with the additional information.

Mayor Levine recognized that it would be difficult to see the need that exists because this is a transit desert. She also commented on safety concerns during the early morning or late-night hours on the light rail.

Councilor Mazzitello stated that one of the unsung services in the metro is provided by the Metropolitan Council, referencing the Met Council environmental services, noting that the wastewater treatment service is fantastic.

Metropolitan Councilmember Dolkar thanked Councilor Mazzitello for that statement, noting that she would pass it on to staff.

Mayor Levine thanked Metropolitan Councilmember Dolkar for her presentation tonight and the work that she is doing.

PUBLIC HEARING

No items scheduled.

NEW AND UNFINISHED BUSINESS

A) RESOLUTION 2024-48 APPROVING A WETLANDS PERMIT FOR 643 POND VIEW DRIVE – PLANNING CASE 2024-18

Community Development Manager Sarah Madden explained that the Council was being asked to approve Resolution 2024-48 approving a Wetlands Permit to authorize the permitting and construction of a new deck, site landscaping, and hardscaping improvements for the property located at 643 Pond View Drive.

Councilor Mazzitello referenced the total impervious surface for the property which would be 26.9 percent, recognizing that is not currently a Code requirement.

Community Development Manager Sarah Madden confirmed that impervious surface is not currently a Code requirement and that was not required for the applicant to provide. She noted that staff determined that calculation.

Councilor Mazzitello asked if that calculation took into account the percentage of the site that is water.

Community Development Manager Sarah Madden confirmed that was included in the calculation.

Councilor Lorberbaum commented that it does not appear that the new improvement would go further towards the wetland but would simply be in a new location.

Community Development Manager Sarah Madden replied that was correct, noting that this would shift slightly to the east but would still be attached to the home.

Councilor Mazzitello moved to approve RESOLUTION 2024-48 APPROVING A WETLANDS PERMIT AT 643 POND VIEW DRIVE, PLANNING CASE 2024-18.

Councilor Paper seconded the motion.

Further discussion: Mayor Levine acknowledged that the Planning Commission did a thorough review of this case, which makes the job of the Council easier.

Ayes: 4

Nays: 0

COMMUNITY ANNOUNCEMENTS

City Administrator Cheryl Jacobson announced upcoming community events and activities.

COUNCIL COMMENTS

Councilor Lorberbaum commented that the improvements on the concrete Marie Avenue bridge will be taking place on September 9th and 10th. She noted that the road will remain open but may be reduced to one lane at times. She advised of the Mendota Mdewakanton powwow and encouraged residents to attend.

Councilor Paper stated that the West St. Paul Police Department has a K9 dog, and canine foundation, which supports that activity. He advised of an upcoming event that will raise funds for that purpose. He also advised of an upcoming local hockey fundraiser.

Councilor Mazzitello commented that children have returned to school and encouraged residents to be cautious of students that may be running on the streets when trails are not available as well as students that are waiting for the bus. He stated that the previous day Labor Day was celebrated, which began in the late 1800s to celebrate achievements in wage equity and workplace safety.

Mayor Levine thanked City staff for their efforts in the recent election. She congratulated everyone for a new school year for the students of the community. She also congratulated Assistant City Administrator Kelly Torkelson who welcomed her new son.

ADJOURN

Councilor Mazzitello moved to adjourn.
Councilor Lorberbaum seconded the motion.
Ayes: 4
Nays: 0

Mayor Levine adjourned the meeting at 7:45 p.m.

Stephanie B. Levine
Mayor

ATTEST:

Nancy Bauer
City Clerk

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

DRAFT Minutes of the City Council Work Session
Tuesday, September 10, 2024

CALL TO ORDER

Mayor Levine called the work session to order at 4:33 p.m. Councilmembers Lorberbaum, Miller (arrived at 5:20 pm), and Paper were also present. Councilmember Mazzitello was absent.

Others present included City Administrator Cheryl Jacobson, Public Works Director Ryan Ruzek, Finance Director Kristen Schabacker, Park and Recreation/Assistant Public Works Director Meredith Lawrence, Assistant City Engineer Lucas Ritchie, Community Development Manager Sarah Madden, and City Clerk Nancy Bauer.

ADMINISTRATION/ELECTIONS/INFORMATION TECHNOLOGY

Administration: City Administrator Cheryl Jacobson stated that the administration budget had been previously discussed at the August 20, 2024, City Council work session.

Elections: City Administrator Cheryl Jacobson stated FY2025 should be a non-election year and there is about a 55% decrease in the budget from 2024. One budget request is to sign the joint powers agreement with Dakota County for absentee ballot processing. The annual amount is \$4,500 a year including non-election years. She noted that the city is the only city in Dakota County that is not part of the agreement. There was a discussion about the absentee process. City Administrator Cheryl Jacobson reported that Dakota County is trying to come in line with election duties that other counties perform, and this is one of the steps towards that goal.

Information Technology: City Administrator Cheryl Jacobson reported that Information Technology had a 15.69% increase. Line items for hardware and software were increased for cybersecurity. It was noted that LOGIS support went up 13%. The one capital outlay request was for door access controls at Public Works which was not recommended by staff.

Councilmember Lorberbaum asked how often laptop computers were replaced. City Administrator Cheryl Jacobson answered every four years. Councilor Paper asked when would staff look at hiring IT staff in-house. City Administrator Cheryl Jacobson responded the IT budget and specifically the LOGIS contract is evaluated annually. She noted that taking the service in house would likely require two or three positions and not just a single position to provide all of the services that LOGIS currently provides.

COMMUNITY DEVELOPMENT

Community Development: City Administrator Cheryl Jacobson stated that the community development budget was held steady from last year. Community Development Manager Sarah
September 10, 2024, Mendota Heights City Council Work Session Minutes

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Madden reported that under code enforcement there was a big reduction in the budget under rent from city hall. This item is no longer needed as the building inspections are under a contracted company and they do not utilize city hall space.

Councilor Paper asked if the Open to Business program was being utilized. Community Development Manager Sarah Madden answered there are no active clients using the service. The program is being marketed.

Building Official: City Administrator Cheryl Jacobson reported that the building official budget was also held steady with a 2.83% increase. Inspectron is our contracted building official, and their budget was increased slightly. Credit cards fees were also increased because more building permits are being paid with credit cards.

Mayor Levine asked if the short-term rental license inspections were accounted for in the budget. Community Development Manager Sarah Madden replied that Inspectron indicated that was part of the scope of their work and it is under our current contract.

CITY HALL

City Hall: City Administrator Cheryl Jacobson stated a slight reduction is being proposed in the city hall budget. There were three capital outlay items, and one was the city hall doorknob replacement for ADA compliance. The replacement of the doorknobs was discussed. City Administrator Cheryl Jacobson reported that the city hall boiler replacement was not being recommended by staff. There was also a request for the cubicle redesign at city hall for \$27,500 in the budget.

2025 BUDGET REQUESTS

2025 Budget Requests: An updated 2025 Budget Request Summary was handed out. Mayor Levine explained the general fund, levy and general fund balance. The items being requested on the worksheet were discussed. More discussion was held regarding the Friendly Hills Park tennis court resurfacing and what source of funding should be used.

The overtime request and how it would affect Public Works and other staff if the request were approved was also discussed. Finance Director reported that overtime for Parks and Recreation staff would be approximately \$25,000 for all hours, if taken in overtime.

Mayor Levine said this item should be discussed at a work session to develop an overtime policy. City Administrator Cheryl Jacobson suggested that the field and facility fee schedule also be discussed with the overtime policy and the implementation of a reduction to TRAA instead of a yearly fee waiver should also be considered. Tournaments that are held on weekends and prepping the fields was discussed.

City Administrator Cheryl Jacobson gave background information and history on the Public Works parks positions and staffing schedule. Finance Director Kristen Schabacker gave an overview of how overtime would affect the budget. It was the consensus to add \$10,000 to the budget for overtime for a total of \$18,000.

Mayor Levine reported on Councilmember Mazzitello's comments, who could not attend tonight's work session.

The two new employee requests were discussed. City Administrator Cheryl Jacobson stated that adding additional employees is not asked for lightly. Adding the positions would help with succession planning and help implement staff efficiencies. The duties for the positions, staff efficiencies, possibly cutting existing services, and creating a healthy work culture for employees was discussed. Mayor Levine stated that staff does not ask for things that they do not need. Other sources of funding were discussed.

Finance Director Kristen Schabacker reviewed the net tax capacity and tax capacity rates based on percentages for a levy increase and how it would affect resident taxes.

City Administrator Cheryl Jacobson stated that starting City Council meetings at 6:00 p.m. would result in staff efficiencies. Council member Paper stated that more people attended the meetings when they started at 6:00 p.m.

The date and time for the October special City Council meeting was discussed.

City Administrator Cheryl Jacobson stated the regular October 15 work session topics to discuss are staff efficiencies, Partners in Energy and possibly the requested overtime hours and field and facility use policy. The November work session topic scheduled at this point is the annual advisory commission appointments and processes for appointments.

It was the consensus to keep the requests approved by staff. There would be further discussion on a few of the items at the October work session. Finance Director Kristen Schabacker recapped the budget amounts to present for the Tuesday, September 17, regular City Council meeting. There would still be the opportunity to cut something from the fund balance and she listed some examples.

ADJOURNMENT

A motion to adjourn the meeting was made by Councilmember Lorberbaum and seconded by Councilmember Paper. The meeting adjourned at 7:04 p.m.

Stephanie B. Levine, Mayor

ATTEST:

Nancy Bauer, City Clerk

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**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

**PLANNING COMMISSION MINUTES
JULY 23, 2024**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, July 23, 2024 in the Council Chambers at City Hall, 1101 Victoria Curve at 7:00 P.M.

The following Commissioners were present: Chair Litton Field, Commissioners Patrick Corbett, Cindy Johnson, Brian Petschel, Brian Udell, and Andrew Katz. Those absent: Commissioner Jason Stone.

Approval of Agenda

The agenda was approved as submitted.

Approval of June 25, 2024 Minutes

COMMISSIONER KATZ NOTED THAT THE MINUTES WERE EXTREMELY DETAILED AND WELL PUT TOGETHER.

CHAIR FIELD AGREED.

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER PETSCHER TO APPROVE THE MINUTES OF JUNE 25, 2024.

AYES: 6

NAYS: 0

Hearings

A) CITY OF MENDOTA HEIGHTS, ZONING CODE UPDATE

Chair Field recognized that almost two years of effort has gone into this process, including workshops and public meetings to receive informal input.

Planning Consultant Jennifer Haskamp explained that the final draft of the Zoning Code Update has been prepared for presentation before the Commission. The City has prepared proposed amendments to Tile 12: Zoning to adopt a revised zoning title and corresponding Zoning Map.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

Planning Consultant Jennifer Haskamp provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended approval of this application.

Chair Field commented that this update is intended to make things clearer and more simplified of what is required for both staff and members of the public.

Commissioner Petschel asked if there would need to be a provision related to permitted uses in the wetlands for restorative dredging.

Planning Consultant Jennifer Haskamp replied that would be part of the Wetland Conservation Act (WCA) and would be more appropriate under the environmental title. She stated that there is language in there about the buffer and the dredging is included within WCA.

Commissioner Katz thanked staff for pointing out how to address the issue from the industrial user that submitted a letter.

Chair Field opened the public hearing.

John Maczko, 751 Cheyenne Lane, recognized that there has been a lot of work, and this has come a long way from the start noting that he has attended all but one meeting on this topic. He stated that he is happy with the way the smaller lots have been resolved. He expressed concern with the public/semi-public overlay, as that would use a Conditional Use Permit (CUP) rather than a variance request. He recognized that would make things easier for the schools, but would also provide the City with less discretion to deny a request. He asked if the definition of government building or structure is detailed enough, asking if the County owned senior housing would fall under that definition. He also referenced the issue of lighting, specifically relating to City owned park land and fields, asking if there are standards for those uses that should be articulated similar to the school uses. He referenced the impervious surface standards noting that having something is better than nothing, although he was unsure what the right numbers would be. He used the scenario of a current lot that is currently at 50 percent impervious and would like to replace the driveway, asking if they would be able to do so or whether they would need to meet the new standards. He also asked, in that scenario, where the home would be able to request an addition. He referenced the PUD overlay districts, which make sense for the things already in existence. He asked if the Council would still have the ability to deny a new request within that district, or whether it would be similar to a CUP, where only conditions could be added.

Kate Christensen, 2280 Ocala Court, referenced accessory dwelling units (ADUs), noting that she has attended many meetings on that topic. She believed that the prior consensus was that ADUs should not be permitted and believed that should be added as a use that is not allowed. She believed that impervious surface should be capped at 35 percent. She also did not believe that BMPs should be allowed to increase impervious surface as that could be removed by the next homeowner. She referenced farming, noting that is marked as P in all residential zones, which she interpreted to mean primary use. She stated that residential should be the primary use in those zones. She asked if there should be a placeholder on the VRBO regulations, as it seems the City is close to completing that ordinance.

Planning Consultant Jennifer Haskamp referenced the use of a CUP versus a variance for the public/semi-public district, noting that the Commission discussed that at length, and it was the consensus of the Commission that these uses are already established, and the requests are being approved, therefore the variance process seemed burdensome because a practical difficulty must be found. She stated that the CUP allows the conditions to be tailored to each unique property. She stated that clarifying language could be added to the government building or structure to exclude residential, but explained that the density is controlled by the underlying zoning district. She stated that the Commission did not discuss adding lighting standards for City owned parks. She commented that related to impervious surface limitations, an existing lot would still be able to replace their driveway, but the nonconformity would not be allowed to expand. She stated that the City can deny a PUD overlay request as that would be a rezoning request and therefore would not be similar to a CUP or variance process. She commented that language was added that accessory buildings cannot be used for habitable space, but that could also be added as a line item on the table but noted that could cause confusion. She stated that the impervious surface cap was discussed at length and in a joint worksession, the Council agreed to evaluate how this functions after one year and two year to determine if the BMP language should be removed. She noted that if a BMP were added, it would be tracked and recorded against a property. She explained that P does not mean principal, but permitted, as referenced by the resident in relation to farming. She stated that if the VRBO ordinance is completed by the time this is ready for adoption, it would absolutely be added.

Mr. Matsco commented that he used the high-density residential use as an example of a government structure, but noted that there are other examples to consider such as a detention center, and therefore believed that language would benefit by being more specific.

Seeing no one coming forward wishing to speak, Chair Field asked for a motion to close the public hearing.

COMMISSIONER PETSCHER MOVED, SECONDED BY COMMISSIONER CORBETT, TO CLOSE THE PUBLIC HEARING.

AYES: 6

NAYS: 0

Commissioner Corbett asked if the intention would be for the Commission to adopt the changes to pass on to the City Council.

Chair Field confirmed that would be one option, but changes could also be made and either passed to the Council or the item could return for additional review.

Commissioner Katz recognized that perhaps the Commission should have discussed lighting standards for the parks.

Commissioner Petschel commented that there are lighting pollution standards within the existing ordinances and regulations. He commented that there is a measurable standard related to light bleed.

Public Works Director Ryan Ruzek confirmed that requirement does exist within the existing Code, although perhaps not within the zoning standards.

Commissioner Petschel commented that he did not believe that would need to be addressed within zoning as well. He noted that when it comes to parks, the applicant would be the City and therefore did not believe the City would need to be bound in terms of lighting for parks.

Commissioner Johnson commented that some of the parks are heavily bound by residential areas and do not have much lighting in some areas, where light pollution is an issue for other parks.

Commissioner Petschel commented that it would still be an application of the City and request for the City to itself to act above what is allowed by Code.

Commissioner Katz asked if other cities have park lighting regulations.

Planning Consultant Jennifer Haskamp commented that some cities have a general lighting standard, not specific to parks, that provides some guidance. She stated that while there is some guidance in the City Code, it is not in detail. She stated that other cities follow the same process of Mendota Heights.

Commissioner Katz asked if the cities that have specific regulations also have different requirements for different uses and whether specific times are also identified.

Planning Consultant Jennifer Haskamp replied that most standards have commercial and industrial standards and then more general requirement of hooded and downcast lighting for residential. She commented that is also a big standard to police for residential properties, and therefore many cities will exclude residential properties.

Commissioner Johnson commented that historically Mendota Heights is a dark city. She stated that she would not want to put a standard that would encourage more lighting. She believed that spaces that are dark spaces should continue to be respected.

Commissioner Katz stated that if lighting standards were added, they could require the lights to be turned off by a certain time.

Commissioner Petschel commented that there are light pollution standards and that has been addressed as part of a CUP request. He stated that the biggest issue that the City has had was the Viking Lakes sign that was casting shadows when it first opened, but recognized that is in another community.

Commissioner Katz stated that he was thinking more about the industrial area and perhaps new lighting standards should be considered.

Community Development Manager Sarah Madden commented that there are lighting standards that apply to business, commercial, industrial, and PSPO and provided that section of the Code for reference.

Commissioner Corbett asked if they should take the discussion offline for a bit as he feels that there are still gaps and there is not a rush to approve this.

Commissioner Katz stated that he could support that request as well.

Commissioner Petschel asked if Commissioner Corbett would be proposing another workshop.

Commissioner Corbett stated that he would find it appropriate to have another workshop to review the comments that have been discussed.

Chair Field noted that the Commission has had this since last week but recognized that it is not light reading.

Commissioner Corbett noted that he was out of town last week and therefore could not begin his review until Monday. He also felt that this would be hard for the public to read and digest within the last week.

Planning Consultant Jennifer Haskamp commented that a tracked changes version is not available or feasible given the language and structure changes. She stated that there is subjectivity as to what someone considers substantive changes, as the same policy objective is achieved.

Commissioner Corbett stated that for that reason he would want to compare the existing language to the newly proposed language. He stated that the additional time may also allow the VRBO ordinance to be included.

Commissioner Petschel commented that if this is tabled, they will end up at a meeting next month doing the same thing.

Commissioner Corbett stated that he would like the additional time to consider the suggestions brought forward today, using the example of government building/structures.

Commissioner Katz agreed that perhaps that should be more specific given the government owned residential facility that has experience recent issues and concerns. He stated that he would agree to hold a workshop to address these items.

Commissioner Johnson stated that her concern would be with timing as she would like to wrap this up. She agreed that there are a few concerns that should be addressed but would want that to be done in a timely manner with a deadline of when they are going to send this to the Council.

Commissioner Corbett suggested that they only table the topic for this one time to allow additional time for digestion and to address the concerns that were raised tonight.

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER CORBETT, TO TABLE CONSIDERATION OF THE ZONING CODE UPDATE WITH THE CONDITION THAT A WORKSHOP WILL BE HELD PRIOR TO THE NEXT REGULAR COMMISSION MEETING TO RECONSIDER THE REQUEST.

Further discussion: Community Development Manager Sarah Madden commented that she would need to follow up through email to find a potential date.

Public Works Director Ryan Ruzek commented that next Tuesday would be open for a workshop, but August would have some constraints given Night to Unite and the Primary Election.

Commission Katz asked and received consensus of the Commission that a workshop could be held on Tuesday, July 31st.

AYES: 6
NAYS: 0

New and Unfinished Business

Staff Announcements / Updates

Community Development Manager Sarah Madden provided an update on recent actions of the City Council related to planning requests. She stated that she will follow up with the date for the workshop, and noted that a public hearing would not be required at the next regular meeting for the Zoning Code update as the public hearing was held and closed tonight.

Adjournment

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER JOHNSON, TO ADJOURN THE MEETING AT 8:43 P.M.

AYES: 6
NAYS: 0

**REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: September 17, 2024

AGENDA ITEM: Approve Police Department Out of Metro Travel Request

ITEM TYPE: Consent Item

DEPARTMENT: Police

CONTACT: Wayne Wegener, Police
Captain

ACTION REQUEST:

Approve out-of-metro travel for Captain Wegener and Police Support Specialists Trista Miller and Shayna Hoechst to attend the 2024 Bureau of Criminal Apprehension's Criminal Justice Users Conference in St.Cloud, Minnesota.

BACKGROUND:

The Bureau of Criminal Apprehension is hosting its annual Criminal Justice Users Conference in St. Cloud, Minnesota from October 1-2, 2024. Learning objectives for this conference are records management, audits, and data practice law.

FISCAL AND RESOURCE IMPACT:

The attendee registration fee for the conference is \$300.00 per person and the total for lodging is \$387.00 for a total of \$1,287.00 to be paid from the Police Department Training Budget.

ATTACHMENTS:

None

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Approve Wetland Exemption Application for the IV Creek Stabilization and BMP Project Wetland Weir

ITEM TYPE: Consent Item

DEPARTMENT: Natural Resources

CONTACT: Krista Spreiter, Natural Resources Coordinator

ACTION REQUEST:

Approve the wetland exemption application as part of the IV Creek Stabilization and Best Management Practice (BMP) Project for temporary wetland impacts resulting from the creation of a weir structure in Valley Park.

BACKGROUND:

The City of Mendota Heights has partnered with the Dakota Soil and Water Conservation District and the Lower Mississippi River WMO to restore a wetland within Valley Park, as part of the Interstate Valley Creek Stabilization and BMP project. A wetland boundary determination was approved by the City on December 6, 2023, defining the basin as a 2.5 acre Type 2/PEM1B and Type 3/PEM1C wetland. Historically the water levels in the basin were controlled by a previous weir structure, resulting in higher water levels. The weir has since failed, contributing to increased presence of invasive species such as *Phalaris arundinacea* (Reed Canary Grass), down-cutting of Interstate Valley (IV) Creek which flows through the wetland, and increased erosion of the channel downstream. The purpose of the project is to install a new sheet pile weir downstream of the wetland to aid in vegetation management, reduce erosion downstream, provide habitat and restore wetland conditions that existed historically.

The Joint Water Resources application (attached) is requesting an exemption under MN Rules Chapter 8420.0420, subp. 2.C.: *Impacts resulting from soil and water conservation projects that are certified by soil and water conservation district technical staff after review by the technical evaluation panel, if the project minimizes adverse effects on the hydrologic and biologic characteristics of the wetland.*

FISCAL AND RESOURCE IMPACT:

None.

ATTACHMENTS:

1. Valley Park Streambank Stabilization and BMP_Wetland Weir Application _2024_8_16

CITY COUNCIL PRIORITY:

Environmental Sustainability & Stewardship, Premier Public Services & Infrastructure

Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Ryan Ruzek, P.E., Public Works Director, City of Mendota Heights

Mailing Address: 1101 Victoria Curve, Mendota Heights, MN 55118

Phone: 651-225-1152

E-mail Address: RRuzek@mendotaheightsmn.gov

Authorized Contact (do not complete if same as above): Krista Spreiter

Mailing Address: 1101 Victoria Curve, Mendota Heights, MN 55118

Phone: 651-255-1123

E-mail Address: KSpreiter@mendotaheightsmn.gov

Agent Name: Ashley Mack, SEH, Inc.

Mailing Address: 3535 Vadnais Center Drive
St. Paul, MN 55110-3507

Phone: 612.428.1965

E-mail Address: amack@sehinc.com

PART TWO: Site Location Information

County: Dakota

City/Township: Mendota Heights

Parcel ID and/or Address: 821 Marie Ave W

Legal Description (Section, Township, Range): Section 23, Township 28N, Range 23W

Lat/Long (decimal degrees): 44.89157, -93.12712

Attach a map showing the location of the site in relation to local streets, roads, highways.

Approximate size of site (acres) or if a linear project, length (feet): 30ac

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

The City of Mendota Heights has partnered with the Dakota Soil and Water Conservation District and the Lower Mississippi River WMO to restore a wetland within Valley Park, as part of the Interstate Valley Creek Stabilization and BMP project. A wetland boundary determination was approved by the City on December 6, 2023, defining the basin as a 2.5 acre Type 2/PEM1B and Type 3/PEM1C wetland. Historically the water levels in the basin were controlled by a previous weir structure, resulting in higher water levels. The weir has since failed, contributing to increased presence of invasive species such as *Phalaris arundinacea* (Reed Canary Grass), downcutting of Interstate Valley Creek (IVC) which flows through the wetland, and increased erosion of the channel downstream.

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
Wetland 1	Wetland	Remove vegetation/Excavate	T	9,000 sf	108,900 SF	Shallow/Emergent Wetland	MW 38, BSA 8

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: 8/16/24

I hereby authorize _____ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment A

Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☐ **Wetland Type Confirmation**

☐ **Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☐ **Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☒ **Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Attachment B

Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

The City of Mendota Heights (Owner) and SEH, Inc. (Consultant) is seeking an Exemption Determination under MN Rules, Chapter 8420.0420, Subpart 2. C.: *Impacts resulting from soil and water conservation projects that are certified by soil and water conservation district technical staff after review by the technical evaluation panel, if the project minimizes adverse effects on the hydrologic and biologic characteristics of the wetland.*

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

The proposed work entails a weir installation to replace a previous, existing weir that has since failed.

The City of Mendota Heights has partnered with the Dakota Soil and Water Conservation District and the Lower Mississippi River WMO to restore a wetland within Valley Park, as part of the Interstate Valley Creek Stabilization and BMP project. A wetland boundary determination was approved by the City on December 6, 2023, defining the basin as a 2.5 acre Type 2/PEM1B and Type 3/PEM1C wetland. Historically the water levels in the basin were controlled by a previous weir structure, resulting in higher water levels. The weir has since failed, contributing to increased presence of invasive species such as *Phalaris arundinacea* (Reed Canary Grass), downcutting of Interstate Valley Creek (IVC) which flows through the wetland, and increased erosion of the channel downstream.

The purpose of the project is to install a new sheet pile weir downstream of the wetland to aide in vegetation management, reduce erosion downstream, provide habitat and restore wetland conditions that existed historically.

Erosion prevention and sediment control measures will be followed throughout the project to minimize sediment deposition into the stream and adjacent wetland areas in accordance with the Minnesota General Stormwater Permit for Construction Activity (See attached Stormwater Pollution Prevention Plan).

See attached plans for further detail.

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Attachment D

Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ²	Acres	Credit % Requested	Credits Anticipated ³	County	Major Watershed #	Bank Service Area #

¹Refer to the name and subpart number in MN Rule 8420.0526.

²Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

³If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Project Name and/or Number:

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
 - Previously restored or created under a prior approved replacement plan or permit
 - Drained or filled under an exemption during the previous 10 years
 - Restored with financial assistance from public conservation programs
 - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

Signature: _____

Date:

Attachment E

Local Road Replacement Program Qualification

Complete this part **if** you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

Wetland Impact ID (as noted on overhead view)	Type of Impact (fill, excavate, drain)	Size of Impact (square feet or acres to 0.01)	Existing Plant Community Type(s) in Impact Area ¹	County, Major Watershed #, and Bank Service Area # of Impact ²

¹Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

²Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Part 4 are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative:

Title:

Signature: _____

Date:

Technical Evaluation Panel Concurrence:

Project Name and/or Number:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____

Date:

Upon approval and signature by the TEP, application must be sent to: **Wetland Bank Administration**
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Approve Professional Services Change Order for the Victoria Curve Street Improvements

ITEM TYPE: Consent Item

DEPARTMENT: Engineering

CONTACT: Ryan Ruzek, Public Works Director

ACTION REQUEST:

Approve a professional services Change Order for the Victoria Curve Street Improvement Project.

BACKGROUND:

Mendota Heights City Council awarded a professional services contract to TKDA for the Victoria Curve and Emerson Avenue Street Improvements at their September 6, 2022, meeting. Council ordered the Victoria Curve Street Improvements at their February 27, 2023, meeting, and directed staff to prepare plans and specifications for this street reconstruction project. The plans were approved and authorized to bid at the May 16, 2023, meeting. Council accepted bids and awarded the project to Danner Construction at their June 20, 2023, meeting. On September 19, 2023, City Council approved an agreement with Dakota County Soil & Water Conservation District for a grant to install rain gardens.

The improved streets included:

- Victoria Curve (from Lexington Avenue to Highway 13) – Pavement reclamation, select curb replacement, trail improvements, and storm sewer improvements
- Orchard Hill (from Lexington Avenue to the end of the cul-de-sac) – Pavement reclamation, select curb replacement, pedestrian improvements, and storm sewer

TKDA is requesting reimbursement for additional tasks and time spent on the Victoria Curve project which exceeds the original scope of work.

FISCAL AND RESOURCE IMPACT:

The original contract with TKDA was a not-exceed contract amount of \$175,700 for the specified scope of work. Design modifications expanded the scope of work to include a revegetation of the Glenhill Road slope versus installing a retaining wall (\$4,000 for landscape architect), and a redesign of the storm sewer and rain gardens to meet Dakota County requirements (\$7,550 design + \$1,206 staking).

TKDA is also requesting additional funding as they had estimated a 10-week schedule for the project and the contractor spent 15 weeks to complete the improvements which resulted in additional inspections. The grant received from Dakota County was planned to be allocated to the additional work on the rain gardens totaling \$32,640 to offset the added costs. The TKDA contract would be \$7,360 over budget, which is mainly due to the landscape design and extra inspection time. The project budget is adequate to include this added cost as the construction is under budget.

ATTACHMENTS:

1. Amendment 1_SIGNED

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure, Environmental Sustainability & Stewardship



August 28, 2024

Via Email: ruzek@mendotaheightsmn.gov

Mr. Ryan Ruzek, PE
Director of Public Works
City of Mendota Heights
1101 Victoria Curve
Mendota Heights, MN 55118

Re: Proposal for Additional Engineering and Architecture Services
Amendment No.1
Victoria Curve Street Improvements
TKDA Project No. 0020304.000

Dear Mr. Ruzek:

Pursuant to your request, we propose to provide Additional Engineering and Architecture Services for landscape architecture, storm sewer design modifications, and added construction inspection and construction staking for the Victoria Curve Street Improvements Project, hereinafter called the Project. Our services will be provided in the manner described in this Proposal subject to the terms and conditions set forth in our Master Agreement for Professional Services dated June 21, 2016, and the original Project Authorization dated September 23, 2022. Hereinafter, the City of Mendota Heights is referred to as the City.

TKDA was selected to provide a feasibility study, design, and inspection for the Project, to be built in 2023 as a pavement reclamation project. Several changes were needed to deliver a quality project.

1. Landscape Architecture – As the Project was being studied, it was determined that adding special landscaping sheets and landscaping bid quantities was appropriate for the work on Glenhill Road. A TKDA Registered Landscape Architect was utilized to prepare construction drawings and specifications.
2. Storm Sewer Design – The City of Mendota Heights began working with Dakota County on stormwater design after the bids were received. Working with Dakota County, it was determined that the stormwater sheets should be revised to exceed stormwater treatment needs. Dakota County is funding the additional stormwater work.
3. Storm Sewer Staking – The changes to the storm sewer were approved after the original storm sewer was staked in the field. Work was needed to re-stake the storm sewer design.
4. Inspection – The timing provided by the Contractor exceeded the inspection budget from the original proposal. The original proposal anticipated ten (10) weeks for construction. The actual construction took fifteen (15) weeks due to the small crews and contractor schedule.

Construction work has concluded on this project; however, the final punch-list work has not yet been completed, and we are past the final completion date for this project. We have prepared a letter to the contractor giving until September 13, 2024 to complete the work or we will utilize retainage on the project to have the work completed by another contractor. We are working with the contractor on several contract changes and have been validating their numbers for the work.

TKDA respectfully requests compensation for these Additional Services in the not-to-exceed amount of \$40,000, resulting in a revised contract total of \$215,700, as summarized below:


Description	Amount
Original Contract Amount	\$175,700
This Amendment 1	\$ 40,000
Revised Total Contract Amount through this Amendment	\$215,700

If acceptable, please sign where indicated below and return a copy, or respond in writing with your approval. We agree that, with the City's acceptance, this Proposal will constitute Amendment No. 1 to our Project Authorization, dated September 23, 2022.

If you have any questions, please contact Larry Poppler at 651.292.4457 or larry.poppler@tkda.com.

Sincerely,


Larry P. Poppler, PE
Project Manager


Matthew J. Christensen, PE
Vice President – Surface Transportation Division

LPP:MJC:lmf:jae

ACCEPTED FOR CITY OF MENDOTA HEIGHTS, MINNESOTA

By: _____
(signature) Printed Name/Title Date

CLIENT'S DESIGNATED REPRESENTATIVE:

Name/Title Phone Email



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Resolution 2024-54 Providing for the Sale of \$3,085,000 in General Obligation Improvement Bonds, Series 2024A

ITEM TYPE: Consent Item

DEPARTMENT: Finance

CONTACT: Kristen Schabacker, Finance Director

ACTION REQUEST:

Adopt Resolution 2024-54 Providing for the Sale of \$3,085,000 in General Obligation Bonds, Series 2024A.

BACKGROUND:

The City has ordered the Emerson Avenue and Bridgeview Shores Street Improvement Projects. These projects are scheduled to be completed this construction season. Tonight begins the process of issuing general obligation bonds to finance these projects. Ehler's & Associates will assist the City with the issuance of these bonds. The schedule is as follows:

- | | |
|---------------------------------|--------------------|
| • Pre-Sale Review by Council | September 17, 2024 |
| • Distribute Official Statement | October 3, 2024 |
| • Conference with Rating Agency | October 3, 2024 |
| • Award Sale of Bonds | October 15, 2024 |
| • Estimated Closing Date | November 5, 2024 |

Ehler's has prepared a Pre-Sale report that is attached for council review. The city will be issuing \$3,230,000 General Obligation Improvement Bonds for the street project with a term of 10 years. The assessment interest rate will be at 2% over the true interest costs of the bonds issued.

FISCAL AND RESOURCE IMPACT:

The bonds will be paid with a combination of special assessments and an amount levied each year for the annual bond payments.

ATTACHMENTS:

1. PreSale Report.MendotaHeights 2024A
2. Mendota Heights 2024A (Form of Set Sale) Presale Resolution.docx-134958440-v1

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

September 17, 2024

PRE-SALE REPORT FOR

City of Mendota Heights, Minnesota

\$3,085,000 General Obligation Improvement Bonds Series 2024A



Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, MN 55113

Advisors:

Stacie Kvilvang, Senior Municipal Advisor
Keith Dahl, Municipal Advisor

BUILDING COMMUNITIES. IT'S WHAT WE DO.

EXECUTIVE SUMMARY OF PROPOSED DEBT

Proposed Issue:

\$3,085,000 General Obligation Improvement Bonds Series 2024A.

Purposes:

To finance the 2024 road reconstruction projects in the City. Debt service will be paid from special assessments and taxes.

Capitalized interest will be included to provide for interim interest payments due prior to collection of any pledged revenues. The City intends to levy a total of \$1,535,107 in special assessments to benefitting property owners, of which approximately \$493,185 is anticipated to be collected in pre-paid assessment. The Bonds have been reduced by this amount accordingly. The remaining \$1,041,922 of special assessments will be collected in years 2025 to 2034 at a rate of 2% over the True Interest Costs of the Bonds. Annual assessments will be paid on an equal principal basis.

Authority:

The Bonds are being issued pursuant to Minnesota Statutes, Chapter(s):

- 429
- 475

Because the City is assessing at least 20% of the project costs, the Bonds can be a general obligation without a referendum and will not count against the City's debt limit.

The Bonds will be general obligations of the City for which its full faith, credit and taxing powers are pledged.

Term/Call Feature:

The Bonds are being issued for a term of 11 years. Principal on the Bonds will be due on February 1 in the years 2026 through 2035. Interest will be due every six months beginning August 1, 2025.

The Bonds will be subject to prepayment at the discretion of the City on February 1, 2033 or any date thereafter.

Bank Qualification:

Because the City is expecting to issue no more than \$10,000,000 in tax exempt debt during the calendar year, the City will be able to designate the Bonds as "bank qualified" obligations. Bank qualified status broadens the market for the Bonds, which can result in lower interest rates.

Rating:

S&P Global Ratings "AAA"

The City's most recent bond issues were rated by S&P Global Ratings. The current rating on those bonds is "AAA". The City will request a new rating for the Bonds.

Basis for Recommendation:

Based on your objectives, financial situation and need, risk tolerance, liquidity needs, experience with the issuance of Bonds and long-term financial capacity, as well as the tax status considerations related to the Bonds and the structure, timing and other similar matters related to the Bonds, we are recommending the issuance of Bonds as a suitable option.

Method of Sale/Placement:

We are recommending the Bonds be issued as municipal securities and offered through a competitive underwriting process. You will solicit competitive bids, which we will compile on your behalf, for the purchase of the Bonds from underwriters and banks.

An allowance for discount bidding will be incorporated in the terms of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of their compensation in the transaction.

If the Bonds are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to reduce your borrowing amount.

Premium Pricing:

In some cases, investors in municipal bonds prefer "premium" pricing structures. A premium is achieved when the coupon for any maturity (the interest rate paid by the issuer) exceeds the yield to the investor, resulting in a price paid that is greater than the face value of the bonds. The sum of the amounts paid in excess of face value is considered "reoffering premium." The amount of the premium varies, but it is not uncommon to see premiums for new issues in the range of 2.00% to 10.00% of the face amount of the issue. This means that an issuer with a \$2,000,000 offering may receive bids that result in proceeds of \$2,040,000 to \$2,200,000.

For this issue of Bonds we have been directed to use the net premium to reduce the size of the issue. The resulting adjustments may slightly change the true interest cost of the issue, either up or down.

The amount of premium can be restricted in the bid specifications. Restrictions on premium may result in fewer bids, but may also eliminate large adjustments on the day of sale and unintended impacts with respect to debt service payment. Ehlers will identify appropriate premium restrictions for the Bonds intended to achieve the City's objectives for this financing.

Review of Existing Debt:

We have reviewed all outstanding indebtedness for the City and find that there are no refunding opportunities at this time.

We will continue to monitor the market and the call dates for the City's outstanding debt and will alert you to any future refunding opportunities.

Continuing Disclosure:

Because the City has more than \$10,000,000 in outstanding debt (including this issue) and this issue is over \$1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually, as well as providing notices of the occurrence of certain reportable events to the Municipal Securities Rulemaking Board (the "MSRB"), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds, and has contracted with Ehlers to prepare and file the reports.

Arbitrage Monitoring:

The City must ensure compliance with certain sections of the Internal Revenue Code and Treasury Regulations ("Arbitrage Rules") throughout the life of the issue to maintain the tax-exempt status of the Bonds. These Arbitrage Rules apply to amounts held in construction, escrow, reserve, debt service account(s), etc., along with related investment income on each fund/account.

IRS audits will verify compliance with rebate, yield restriction and records retention requirements within the Arbitrage Rules. The City's specific arbitrage responsibilities will be detailed in the Nonarbitrage Certificate (the "Tax Compliance Document") prepared by your Bond Attorney and provided at closing.

The Bonds may qualify for one or more exception(s) to the Arbitrage Rules by meeting 1) small issuer exception, 2) spend down requirements, 3) bona fide debt service fund limits, 4) reasonable reserve requirements, 5) expenditure within an available period limitations, 6) investments yield restrictions, 7) de minimis rules, or; 8) borrower limited requirements.

An Ehlers arbitrage expert will contact the City within 30 days after the sale date to review the City's specific responsibilities for the Bonds. The City is currently receiving arbitrage services from Ehlers in relation to the Bonds.

Investment of Bond Proceeds:

Ehlers can assist the City in developing a strategy to invest your Bond proceeds until [the funds are needed to pay project costs.

Risk Factors:

Special Assessments: We have assumed some prepayment of assessments. If the City receives significantly higher amount of pre-paid assessments, it may need to increase the levy portion of the debt service to make up for lower interest earnings than the expected assessment interest rate.

Other Service Providers:

This debt issuance will require the engagement of other public finance service providers. This section identifies those other service providers, so Ehlers can coordinate their engagement on your behalf. Where you have previously used a particular firm to provide a service, we have assumed that you will continue that relationship. For services you have not previously required, we have identified a service provider. Fees charged by these service providers will be paid from proceeds of the obligation, unless you notify us that you wish to pay them from other sources. Our pre-sale bond sizing includes a good faith estimate of these fees, but the final fees may vary. If you have any questions pertaining to the identified service providers or their role, or if you would like to use a different service provider for any of the listed services please contact us.

Bond Counsel: Taft Stettinius & Hollister LLP

Paying Agent: Bond Trust Services Corporation

Rating Agency: Standard & Poor's Global Ratings (S&P)

Summary:

The decisions to be made by the City Council are as follows:

- Accept or modify the finance assumptions described in this report
- Adopt the resolution attached to this report.

PROPOSED DEBT ISSUANCE SCHEDULE

Pre-Sale Review by City Council:	September 17, 2024
Due Diligence Call to Review Official Statement and Conference Call with Rating Agency:	Week of October 7, 2024
Distribute Official Statement:	October 3, 2024
City Council Meeting to Award Sale of the Bonds:	October 15, 2024
Estimated Closing Date:	November 5, 2024

Attachments

Estimated Sources and Uses of Funds

Estimated Proposed Debt Service Schedule

Resolution Authorizing Ehlers to Proceed with Bond Sale

EHLERS' CONTACTS

Stacie Kvilvang, Senior Municipal Advisor	(651) 697-8506
Jason Aarsvold, Senior Municipal Advisor	(651) 697-8512
Keith Dahl, Municipal Advisor	(651) 697-8595
Emily Wilkie, Senior Public Finance Analyst	(651) 697-8588
Alicia Gage, Senior Financial Analyst	(651) 697-8551

Mendota Heights, Minnesota

\$3,085,000 General Obligation Improvement Bonds, Series 2024A

Assumes Current Market BQ AAA Rates plus 50bps

Sources & Uses

Dated 11/05/2024 | Delivered 11/05/2024

Sources Of Funds

Par Amount of Bonds	\$3,085,000.00
Prepaid Assessments	493,185.45
St. Paul Regional Water	2,708,623.00
Sewer Revenue	75,200.00
Storm Sewer Revenue	381,608.00
Water Revenue	13,753.00
Total Sources	\$6,757,369.45

Uses Of Funds

Total Underwriter's Discount (1.200%)	37,020.00
Costs of Issuance	63,000.00
Deposit to Capitalized Interest (CIF) Fund	71,162.39
Deposit to Project Construction Fund	6,582,609.00
Rounding Amount	3,578.06
Total Uses	\$6,757,369.45

Mendota Heights, Minnesota

\$3,085,000 General Obligation Improvement Bonds, Series 2024A

Assumes Current Market BQ AAA Rates plus 50bps

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/05/2024	-	-	-	-	-
08/01/2025	-	-	71,162.39	71,162.39	-
02/01/2026	105,000.00	2.950%	48,155.00	153,155.00	224,317.39
08/01/2026	-	-	46,606.25	46,606.25	-
02/01/2027	315,000.00	2.950%	46,606.25	361,606.25	408,212.50
08/01/2027	-	-	41,960.00	41,960.00	-
02/01/2028	320,000.00	2.950%	41,960.00	361,960.00	403,920.00
08/01/2028	-	-	37,240.00	37,240.00	-
02/01/2029	320,000.00	2.950%	37,240.00	357,240.00	394,480.00
08/01/2029	-	-	32,520.00	32,520.00	-
02/01/2030	325,000.00	3.000%	32,520.00	357,520.00	390,040.00
08/01/2030	-	-	27,645.00	27,645.00	-
02/01/2031	330,000.00	3.100%	27,645.00	357,645.00	385,290.00
08/01/2031	-	-	22,530.00	22,530.00	-
02/01/2032	335,000.00	3.200%	22,530.00	357,530.00	380,060.00
08/01/2032	-	-	17,170.00	17,170.00	-
02/01/2033	340,000.00	3.200%	17,170.00	357,170.00	374,340.00
08/01/2033	-	-	11,730.00	11,730.00	-
02/01/2034	345,000.00	3.300%	11,730.00	356,730.00	368,460.00
08/01/2034	-	-	6,037.50	6,037.50	-
02/01/2035	350,000.00	3.450%	6,037.50	356,037.50	362,075.00
Total	\$3,085,000.00	-	\$606,194.89	\$3,691,194.89	-

Yield Statistics

Bond Year Dollars	\$18,986.97
Average Life	6.155 Years
Average Coupon	3.1926886%
Net Interest Cost (NIC)	3.3876644%
True Interest Cost (TIC)	3.4064640%
Bond Yield for Arbitrage Purposes	3.1851879%
All Inclusive Cost (AIC)	3.7914526%

IRS Form 8038

Net Interest Cost	3.1926886%
Weighted Average Maturity	6.155 Years

Mendota Heights, Minnesota

\$3,085,000 General Obligation Improvement Bonds, Series 2024A

Assumes Current Market BQ AAA Rates plus 50bps

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	CIF	Net New D/S	105% of Total	Assessments	Levy/(Surplus)
02/01/2025	-	-	-	-	-	-	-	-	-
02/01/2026	105,000.00	2.950%	119,317.39	224,317.39	(71,162.39)	153,155.00	160,812.75	160,455.92	356.83
02/01/2027	315,000.00	2.950%	93,212.50	408,212.50	-	408,212.50	428,623.13	154,829.54	273,793.59
02/01/2028	320,000.00	2.950%	83,920.00	403,920.00	-	403,920.00	424,116.00	149,203.18	274,912.82
02/01/2029	320,000.00	2.950%	74,480.00	394,480.00	-	394,480.00	414,204.00	143,576.80	270,627.20
02/01/2030	325,000.00	3.000%	65,040.00	390,040.00	-	390,040.00	409,542.00	137,950.42	271,591.58
02/01/2031	330,000.00	3.100%	55,290.00	385,290.00	-	385,290.00	404,554.50	132,324.03	272,230.47
02/01/2032	335,000.00	3.200%	45,060.00	380,060.00	-	380,060.00	399,063.00	126,697.65	272,365.35
02/01/2033	340,000.00	3.200%	34,340.00	374,340.00	-	374,340.00	393,057.00	121,071.27	271,985.73
02/01/2034	345,000.00	3.300%	23,460.00	368,460.00	-	368,460.00	386,883.00	115,444.91	271,438.09
02/01/2035	350,000.00	3.450%	12,075.00	362,075.00	-	362,075.00	380,178.75	109,818.53	270,360.22
Total	\$3,085,000.00	-	\$606,194.89	\$3,691,194.89	(71,162.39)	\$3,620,032.50	\$3,801,034.13	\$1,351,372.25	\$2,449,661.88

Significant Dates

Dated	11/05/2024
First Coupon Date	8/01/2025

Yield Statistics

Bond Year Dollars	\$18,986.97
Average Life	6.155 Years
Average Coupon	3.1926886%
Net Interest Cost (NIC)	3.3876644%
True Interest Cost (TIC)	3.4064640%
Bond Yield for Arbitrage Purposes	3.1851879%
All Inclusive Cost (AIC)	3.7914526%

Mendota Heights, Minnesota

\$1,041,922 General Obligation Improvement Bonds, Series 2024A

Assessments

2.0% over TIC - Equal Principal

Assessments

Date	Principal	Coupon	Interest	Total P+I
12/31/2025	104,192.16	5.400%	56,263.76	160,455.92
12/31/2026	104,192.16	5.400%	50,637.38	154,829.54
12/31/2027	104,192.16	5.400%	45,011.02	149,203.18
12/31/2028	104,192.16	5.400%	39,384.64	143,576.80
12/31/2029	104,192.16	5.400%	33,758.26	137,950.42
12/31/2030	104,192.15	5.400%	28,131.88	132,324.03
12/31/2031	104,192.15	5.400%	22,505.50	126,697.65
12/31/2032	104,192.15	5.400%	16,879.12	121,071.27
12/31/2033	104,192.15	5.400%	11,252.76	115,444.91
12/31/2034	104,192.15	5.400%	5,626.38	109,818.53
Total	\$1,041,921.55	-	\$309,450.70	\$1,351,372.25

Significant Dates

Filing Date	1/01/2025
First Payment Date	12/31/2025

Mendota Heights, Minnesota

\$3,085,000 General Obligation Improvement Bonds, Series 2024A
Assumes Current Market BQ AAA Rates plus 50bps

Detail Costs Of Issuance

Dated 11/05/2024 | Delivered 11/05/2024

COSTS OF ISSUANCE DETAIL

Municipal Advisor	\$30,000.00
Bond Counsel	\$16,000.00
Rating Agency Fee	\$16,000.00
Miscellaneous	\$1,000.00
TOTAL	\$63,000.00

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF MENDOTA HEIGHTS, MINNESOTA

HELD: SEPTEMBER 17, 2024

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Mendota Heights, Dakota County, Minnesota, was duly held at City Hall Council Chambers on September 17, 2024, at 7:00 P.M., for the purpose, in part, of authorizing the competitive negotiated sale of \$3,085,000 General Obligation Improvement Bonds, Series 2024A.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-54

**RESOLUTION PROVIDING FOR THE SALE OF \$3,085,000 GENERAL OBLIGATION
IMPROVEMENT BONDS, SERIES 2024A**

A. WHEREAS, the City Council of the City of Mendota Heights, Minnesota (the "City") has heretofore determined that it is necessary and expedient to issue the City's \$3,085,000 General Obligation Improvement Bonds, Series 2024A (the "Bonds"), to finance projects as described in the Official Statement to be prepared by Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"); and

B. WHEREAS, the City has retained Ehlers, as its independent municipal advisor for the Bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9).

NOW, THEREFORE, BE IT RESOLVED by the City of Mendota Heights, Minnesota, as follows:

1. Authorization. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 7:00 P.M. on October 15, 2024, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and, after full discussion thereof and upon a vote being taken thereon, the following Council Members voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
DAKOTA COUNTY
CITY OF MENDOTA HEIGHTS

I, the undersigned, being the duly qualified and acting City Clerk of the City of Mendota Heights, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as the minutes relate to providing for the issuance and sale of \$3,085,000 General Obligation Improvement Bonds, Series 2024A.

WITNESS my hand on September 17, 2024.

City Clerk

**REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: September 17, 2024

AGENDA ITEM: Approval of Claims List

ITEM TYPE: Consent Item

DEPARTMENT: Finance

CONTACT: Kristen Schabacker, Finance
Director

ACTION REQUEST:

Approval of Claims List

BACKGROUND:

The claims list will be available on Tuesday, September 17, 2024.

FISCAL AND RESOURCE IMPACT:

ATTACHMENTS:

None

CITY COUNCIL PRIORITY:

Premier Public Services & Infrastructure

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**REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: September 17, 2024

AGENDA ITEM: Resolution 2024-49 Ordering of Improvements for the Friendly Hills Neighborhood Improvements

ITEM TYPE: Public Hearing

DEPARTMENT: Engineering

CONTACT: Lucas Ritchie, Assistant City Engineer
Ryan Ruzek, Public Works Director

ACTION REQUEST:

Adopt Resolution 2024-49 Ordering Street Improvement Project for the Friendly Hills Neighborhood.

BACKGROUND:

The preparation of a feasibility report for the Friendly Hills Neighborhood Improvements, which is required to follow the Minnesota Statutes Chapter 429 process, was authorized by the Mendota Heights City Council by adopting Resolution 2024-28 at the City Council meeting held on June 4, 2024. The Statute 429 process is required because the city intends to assess a portion of the project.

The feasibility report for the Friendly Hills Neighborhood Improvements was accepted by the Mendota Heights City Council and called for a Public Hearing on September 17, 2024, by adopting Resolution 2024-45 at the August 7, 2024, City Council meeting. The recommendation of the feasibility report was to proceed with this project.

The proposed streets to be rehabilitated are Apache Court, Apache Lane, Apache Street, Aztec Lane, Cheyenne Lane, Creek Avenue, Decorah Lane, Fox Place, Havenview Court, Hazel Court, Hokah Avenue, Keokuk Lane, Mohican Court, Mohican Lane, Nashua Lane, Navajo Lane, Ocala Court, Ocala Lane, Pagel Road, Pontiac Place, Pueblo Drive, and Pueblo Lane. Streets proposed to be rehabilitated are broken out into multiple construction seasons with roadways identified north of, and including, Decorah Lane being proposed for rehabilitation in the 2025 construction season and roadways identified south of Decorah Lane being proposed for

rehabilitation in the 2026 construction season. Based on our observations, as well as our pavement management system, the condition of these streets has deteriorated to a point where it is no longer cost effective to patch the street and are to a point where rehabilitation is necessary.

The feasibility report indicates the estimated costs for the project, along with preliminary assessment estimates. At the end of the feasibility report, a project financing summary is included to show project cost splits and funding sources to be utilized. The total estimated cost of the project is \$9,372,445 including contingency and indirect costs.

Staff held informational open houses on June 20, 2024, and September 4, 2024, to identify resident concerns and provide the property owners an opportunity to discuss the project in an informal setting prior to the Public Hearing. Staff presented the proposed improvements, project costs, estimated assessments and answered resident's questions. Between the two information open houses, 31 residents attended, representing 27 properties.

Questions and concerns expressed at the open houses included watermain replacement limits, pavement rehabilitation methods, general support to keep the trail along Decorah Lane between Apache Street and Pueblo Lane as an on-street connection due to the loss of parking, and general questions relating to the assessment amount, period, and certification timeline. (Community Engagement Summary for Appendix F)

FISCAL AND RESOURCE IMPACT:

Street improvement projects are proposed to be assessed to the benefiting property owners. Pursuant to the City's Street Rehabilitation and Reconstruction Policy, the benefiting properties should be assessed 50% of the street reconstruction and rehabilitation costs. The following tables show the estimated unit assessments based on the City policy.

Improvement Category	2025 Estimated Costs	2026 Estimated Costs	Total Estimated Costs (2025 and 2026)
Street Improvements	\$2,026,671.50	\$2,224,424.00	\$4,251,095.50
10% Contingency	\$202,667.15	\$222,442.40	\$425,109.55
Indirect Costs for Street Improvements (20%)*	\$445,867.73	\$489,373.28	\$935,241.01
Total Costs for Street Improvements	\$2,675,206.38	\$2,936,239.68	\$5,611,446.06
Park Improvements	\$126,016.00	\$15,984.00	\$142,000.00
10% Contingency	\$12,601.60	\$1,598.40	\$14,200.00
Indirect Costs Park Improvements (20%)*	\$27,723.52	\$3,516.48	\$31,240.00

Total Costs for Park Improvements	\$166,341.12	\$21,098.88	\$187,440.00
Storm Sewer Improvements	\$398,806.00	\$239,469.00	\$638,275.00
Water Improvements	\$9,000.00	\$6,500.00	\$15,500.00
Sanitary Improvements	\$941,078.00	\$44,250.00	\$985,328.00
10% Contingency (All Utility Improvements)	\$134,888.40	\$29,021.90	\$163,910.30
Total Cost for Utility Improvements	\$1,483,772.40	\$319,240.90	\$1,803,013.30
Saint Paul Regional Water Service Watermain Replacement	\$912,295.00	\$487,345.00	\$1,399,640.00
10% Contingency	\$91,229.50	\$48,734.50	\$139,964.00
Indirect Costs for SPRWS (15%)*	\$150,528.68	\$80,411.93	\$230,940.61
Total Cost for SPRWS Improvements	\$1,154,053.18	\$616,491.43	\$1,770,544.61
Total Improvement Cost	\$4,413,866.50	\$3,017,972.00	\$7,431,838.50
Total Contingency Cost	\$441,386.65	\$301,797.20	\$743,183.85
Total Indirect Costs*	\$624,119.93	\$573,301.69	\$1,197,421.62
Total Cost	\$5,479,373.08	\$3,893,070.89	\$9,372,443.97
Rounded Total Cost	\$5,479,374.00	\$3,893,071.00	\$9,372,445.00

Funding Source	Project Total
Municipal Levy	\$ 2,505,723.03
City Assessment (Municipal Levy)	\$ 169,112.07
Park Fund (Municipal Levy)	\$ 187,440.00
Total Municipal Levy	\$ 2,862,275.10
Municipal State Aid Funds	\$ 300,000.00
Residential Assessments (50%)	\$ 2,636,610.96

Utility Fund - Storm Sewer	\$ 702,102.50
Utility Fund - Sanitary	\$ 1,083,860.80
Utility Fund - Water	\$ 17,050.00
Saint Paul Regional Water Services	\$ 1,770,544.61
Total	\$ 9,372,443.97

Residential assessments for the project are calculated to be \$7,686.91 for the street improvements. Staff are hopeful that competitive bids will be received on the project reducing the assessment to residential properties.

Assessment Calculation	Total
Total Project Cost	\$9,372,443.97
Assessable Amount	\$5,611,446.06
Assessment Amount (50% of Assessable Amount)	\$2,805,723.03
Total Units - Residential*	343
Assessment - Residential	\$2,636,610.96
Total Units - City of Mendota Heights*	22
City Assigned Assessment Amount	\$169,112.07
Total Units	365
Unit Assessment (Assessable amount/ XX Units)	\$7,686.91
Total Assessment Amount	\$7,686.91
*1 unit = 100 frontage feet	

The project is showing a total Municipal Levy of \$2,862,275.10.

The total rounded project cost is estimated at \$9,372,445. It is presumed that the City would secure bonding for the Municipal Levy and Assessment portions of the project (\$5,498,886.06). The assessment amount of \$2,636,610.96 is equivalent to 48.0% of the bond amount. Minnesota Statutes Chapter 429 Special Assessment Bond Issue requires that a minimum of 20% of the total bond issue amount be recovered through special assessments. The Assessment Hearing for the project is proposed to take place following construction of the overall project in 2026 and anticipated for the October timeframe for all parcels included, regardless of construction in 2025 or 2026.

As the project is designed and competitively bid, the calculated assessment amount will be updated leading up to the adoption of the assessment roll. The improvements are necessary to allow for safe and reliable street and utility services within the City of Mendota Heights. The project will be competitively bid to allow for a cost-effective improvement. The feasibility study has provided an overall analysis of the feasible improvements for consideration within this project area. Therefore, the proposed improvements within the areas outlined in this report are necessary, cost effective, and feasible from an engineering standpoint.

ATTACHMENTS:

1. Resolution 2024-49
2. Friendly Hills Neighborhood Improvements Feasibility Report Excerpt

CITY COUNCIL PRIORITY:

Inclusive and Responsive Government, Premier Public Services & Infrastructure

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2024-49

**A RESOLUTION ORDERING OF IMPROVEMENT PROJECT FOR THE FRIENDLY HILLS
NEIGHBORHOOD IMPROVEMENT PROJECT (PROJECT #202407)**

WHEREAS, on August 7, 2024, the Mendota Heights City Council authorized the holding of a public hearing (the “Hearing”) under Minnesota Statutes, Chapter 429, as amended (the “Act”), to discuss and consider various street rehabilitation projects, storm water infrastructure improvements and replacement, water main repair and replacement, sanitary sewer repair and replacement, aggregate base, concrete curb and gutter improvements, bituminous surfacing, Friendly Hills Park Improvements, and appurtenant work (collectively, the “Improvements”), in and along portions of the following streets; Apache Court, Apache Lane, Apache Street, Aztec Lane, Cheyenne Lane, Creek Avenue, Decorah Lane, Fox Place, Havenview Court, Hazel Court, Hokah Avenue, Keokuk Lane, Mohican Court, Mohican Lane, Nashua Lane, Navajo Lane, Ocala Court, Ocala Lane, Pagel Road, Pontiac Place, Pueblo Drive, and Pueblo Lane (collectively, the “Assessment Area”); and

WHEREAS, also on August 7, 2024, the Council received a feasibility report on the Improvements from the Public Works Director (the “Feasibility Report”), which report explored the feasibility and estimated costs to provide the Improvements under the Act; and

WHEREAS, the estimated costs of the Improvements, as detailed in the Feasibility Report, is \$9,372,445, and will be financed from a combination of available City Utility Funds, Special Assessments, Saint Paul Regional Water, Municipal State Aid Funds, and general obligation improvement bonds; and

WHEREAS, the Public Works Director has held neighborhood informational meetings in June and September of 2024, to give each neighborhood in the Assessment Area a summary of the Improvements, and the necessity of such Improvements to the general overall health of the City; and

WHEREAS, ten days’ mailed notice and two weeks’ published notice of the Hearing was given, as required by the Act, and the Hearing was held on the date hereof, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, a reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels within the Assessment Area, has been made available for the Hearing.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Mendota Heights, Minnesota, as follows:

1. The Improvements are necessary, cost-effective and feasible as detailed in the Feasibility Report. Specifically, the Improvements are necessary to update the City’s street infrastructure system, as many streets were originally constructed more than 30 years ago, and contain pavement that has been continually patched, overlaid, seal coated, and slurry sealed, but now is in need of rehabilitation. The repair of associated aging water infrastructure concurrently with the street reconstruction is additionally recommended for project efficiency. Finally, the Improvements are feasible from an engineering standpoint.

2. The Improvements are hereby ordered. The Council shall let the contract for all or part of the Improvements, as authorized by Section 429.041, Subdivision 1 of the Act, no later than December 31, 2025.
3. The Improvements have no relationship to the City's Comprehensive Plan.
4. The Public Works Director shall prepare plans and specifications for the making of such Improvements, which plans and specifications shall be placed on file at the City upon completion.
5. The Council declares its official intent to reimburse itself for all or a portion of the costs of the Improvements from the proceeds of tax-exempt bonds. The City has a reasonable expectation that it will issue one or more series of tax-exempt bonds in the estimated maximum principal amount of \$9,372,445 to finance the Improvements, and the City will make reimbursement allocations with respect to such original expenditures for the Improvements from the proceeds of the Bonds.

Adopted by the City Council of the City of Mendota Heights this seventeenth day of September 2024.

**CITY COUNCIL
CITY OF MENDOTA HEIGHTS**

Stephanie B. Levine, Mayor

ATTEST

Nancy Bauer, City Clerk



FRIENDLY HILLS NEIGHBORHOOD IMPROVEMENTS

Feasibility Study

City Project 202407

City of Mendota Heights, Minnesota

JULY 2024

Kimley»»Horn



FRIENDLY HILLS NEIGHBORHOOD IMPROVEMENTS

Feasibility Study

CITY OF MENDOTA HEIGHTS, MINNESOTA
CITY PROJECT 202407



Prepared By:

Kimley»Horn

Kimley-Horn and Associates, Inc.
14800 Galaxie Avenue
Suite 200
Apple Valley, MN 551124

I hereby certify that this plan, specification,
or report was prepared by me or under my
direct supervision and that I am duly
Licensed Professional Engineer under the
laws of the State of Minnesota.

Signature: *Luke Moren*
Luke Moren, P.E.

File: 161212000

Date: July 30th, 2024 Lic. No. 54190

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EXECUTIVE SUMMARY

This feasibility study and report has been prepared for the Friendly Hills Neighborhood Improvements project, City Project No. 202407.

The proposed project improvements consist of a full-depth pavement reclamation (FDR) of multiple street segments throughout the Friendly Hills Neighborhood and surrounding areas. The project improvements also include watermain, sanitary sewer, storm sewer, and trail improvements. The total length of roadway rehabilitation included with the project is 4.56 miles. The total length of trail rehabilitation improvements is 0.45 miles. A project area map showing the street and trail segments in the project is included in **Appendix A**. The project is proposed to be constructed over the 2025 and 2026 construction seasons. Generally, the 2025 construction area includes Decorah Lane and all project street segments to the north. Generally, the 2026 construction area includes all the project street segments south of Decorah Lane. Detailed information on the proposed improvements is provided in the report.

The estimated costs for the proposed improvements are detailed in the table below. These costs include a 10% construction cost contingency, 20% indirect cost for City improvements, and 15% indirect cost for Saint Paul Regional Watermain (SPRWS) improvements.

Project	Roadway Improv.	Storm Sewer Improv.	Sanitary Sewer Improv.	Watermain Improv.	City Park, Trail and ADA Improv.	Total
CP 202407	\$5,611,446.06	\$702,102.50	\$1,083,860.80	\$1,787,594.61	\$187,440.00	\$9,372,443.97

The improvements are proposed to be financed through a combination of Municipal Levy, Municipal State Aid Funds (MSA), various City utility funds, SPRWS funds, and special benefit assessments. A preliminary financing plan is provided in the table below.

Total	Municipal Levy	MSA Funds	Sanitary Sewer Utility Funds	Stormwater Utility Funds	SPRWS Funds	Special Assessments
\$9,372,443.97	\$3,179,325.10	TBD	\$1,083,860.80	\$702,102.50	\$1,770,544.61	\$2,636,610.96

A more detailed financing plan is provided within the body of this report.

We recommend that the following project schedule be followed:

Council Receives Feasibility Study	August 7, 2024
City Council Schedule Public Hearing	
Project Informational Open House #2	Early September 2024
Public Improvement Hearing	September 17, 2024
Council Order Project	
Final Design	September 2024 – January 2025

Council Approves Plans and Specs	February 4, 2025
Authorize Advertisement for Bids	
Bid Opening	March 5, 2025
City Council Accepts Bids	March 18, 2025
Council Awards Contract	
Neighborhood Construction Open House	April 2025
Construction (2025 Area)	May 2025 – September 2025
Construction (2026 Area)	May 2026 – September 2026
City Council Schedule Assessment Hearing	September 2026
Assessment Hearing Informational Meeting	September/October 2026
Assessment Hearing	October 2026

Based upon the analysis completed as a part of this report, the proposed City Project 202407 is feasible, necessary, cost-effective, and would benefit the City of Mendota Heights and the residents in the project area.

We recommend the following:

- A. The City Council orders and holds a public hearing on September 17, 2024.
- B. After receiving the appropriate staff reports, staff information, and public hearing input, the Council makes a decision on the approval or rejection of the proposed improvements and, if applicable, orders the approved project.

1. INTRODUCTION

The Mendota Heights City Council authorized the preparation of a feasibility study as part of the City's Friendly Hills Neighborhood Improvements project on September 5th, 2023. Additional street segments were added to the project on June 4th, 2024. The project includes 4.56 miles of streets and is proposed for rehabilitation in 2025 and 2026. A general summary of the proposed improvements included is provided below.

- Pavement full-depth reclamation of the following street segments:
 - 2025 Area: Creek Avenue, Fox Place, Hokah Avenue, Aztec Lane, Decorah Lane, Apache Street (north of Decorah Lane), Pontiac Place (north of Decorah Lane), Cheyenne Lane, Ocala Lane, Ocala Court and Nashua Lane
 - 2026 Area: Apache Court, Apache Lane, Apache Street (south of Decorah Lane), Pontiac Place (south of Decorah Lane), Pueblo Lane, Pueblo Drive, Navajo Lane, Keokuk Lane, Mohican Lane, Mohican Court, Havenview Court, Hazel Court, and Pagel Road
- Trail rehabilitation along Decorah Lane and through Friendly Hills Park between Decorah Lane and Apache Lane, as well as north of the Apache Street cul-de-sac
- Spot concrete curb and gutter replacement
- Proposed storm sewer installation at the Creek Avenue and Dodd Road intersection
- Sanitary sewer interceptor replacement along Decorah Lane (Dodd Road to Apache Street) and along Apache Street (north of Decorah Lane)
- Storm sewer pipe and structure replacement, adjustment, and rehabilitation as needed
- Sanitary sewer pipe and structure replacement and adjustments
- Watermain replacement on Aztec Lane, Cheyenne Lane, Pontiac Place and Keokuk Lane, Decorah Lane (Dodd Road to Apache Street) and Apache Street (north of Decorah Lane)
- Sacrificial anode retrofits on existing cast iron pipe throughout the project area
- Watermain valve and hydrant replacement and adjustments as needed
- ADA ramp improvements

A project study area map for the project is included in **Appendix A**.

2. PROPOSED PUBLIC IMPROVEMENTS

The street segments proposed for rehabilitation are identified in the City's current Capital Improvement Plan (CIP). Pavement Condition Index (PCI) ratings are used by the City to evaluate the condition of existing street pavements. PCI ratings for the street segments in the project area generally range between 25 and 50. Generally, mill and overlay improvements are cost effective when PCI ratings are above 70. When PCI ratings fall below 70, full pavement rehabilitation methods are necessary to rehabilitate the pavements. A full depth pavement reclamation rehabilitation approach is proposed for the street segments in the project area. Geotechnical borings and analysis were obtained with the feasibility study to support this recommendation and are included in **Appendix C**.

STREET IMPROVEMENTS

The proposed street improvements include approximately 4.56 miles of full-depth pavement reclamation. Additional excavation activities will be necessary along Decorah Lane and Apache Street where the

sanitary sewer interceptor replacement is proposed and for limited other storm sewer and watermain improvement areas.

TYPICAL SECTION

The streets in the project area are urban section roadways with barrier style concrete curb and gutter except for Keokuk Lane between Dodd Road and Pagel Road. Keokuk Lane between Dodd Road and Pagel Road does not contain existing curb and gutter. Existing street widths and an inventory of street segments in the project area are provided in the table below. The street width of Decorah Lane varies between 27-feet (Dodd Road to Apache Street) and 33-feet (Apache Street to Huber Drive). The 27-foot section of Decorah Lane includes an off-street trail but restrict on-street parking.

C.P. 202407 Street Widths			
Street Name	Street Width (ft)	From	To
Apache Court	33	North End	Huber Drive
Apache Lane	33	West End	Apache Court
Apache Street	33	Pueblo Lane	Northern End
Aztec Lane	33	Southern End	Northern End
Cheyenne Lane	33	Apache Street	Huber Drive
Creek Avenue	33	Dodd Road (TH 149)	Aztec Lane
Decorah Lane	27	Dodd Road (TH 149)	Apache Street
	33	Apache Street	Huber Drive
Fox Place	33	Aztec Lane	Creek Avenue
Havenvue Court	33	Pagel Road	East End
Hazel Road	33	West End	Pagel Road
Hokah Avenue	33	Dodd Road (TH 149)	Aztec Lane
Keokuk Lane	33	Pagel Road	Pueblo Lane
	44	Dodd Road	Pagel Road
Mohican Lane	33	Pueblo Drive	Eastern End
Mohican Court	33	Pueblo Lane	East End
Nashua Lane	33	Decorah Lane	Cheyenne Lane
Navajo Lane	33	Pontiac Place	Pueblo Lane
Ocala Court	33	Ocala Lane	Eastern End
Ocala Lane	33	Pontiac Place	Decorah Lane
Pagel Road	33	Dodd Road	South End
Pontiac Place	33	Apache Street	Cheyenne Lane
Pueblo Drive	33	Southern Limits	Keokuk Lane
Pueblo Lane	33	Mohican Lane	Decorah Lane

Street widths are generally not proposed to change with the project. The addition of a new trail along the south side of Decorah Lane between Apache Street and Pueblo Lane would require narrowing the roadway to 27-feet, matching the street width between Dodd Road and Apache Street. Consideration for this trail and roadway narrowing is further discussed later in the feasibility study. Spot curb and gutter replacement throughout the project area will not change existing street widths.

Typical sections for the proposed improvements are included in **Appendix B**.

PAVEMENT SECTION AND PAVEMENT REHABILITATION APPROACH

A geotechnical investigation was performed as a part of the feasibility study. Existing bituminous depths ranged between 3.5-inches to 7-inches on the project streets and apparent aggregate base thicknesses ranged between 2-inches and 16-inches. Sub-base soils in the project area generally consist of silty sands, sandy lean clays, and lean clays. The full geotechnical report is included in **Appendix C**.

Full depth pavement reclamation (FDR) is the proposed pavement rehabilitation method for all streets within the project limits. Recommendations for the pavement rehabilitation approach consider current PCI ratings, pavement age, pavement maintenance completed since last reconstruction, existing soils information, excavations due to utility improvements, and existing pavement information. A pavement section of 8-inches (minimum) reclaimed base material and 4-inches of bituminous pavement is proposed. In locations where full utility replacement work requires significant underground disturbance, additional curb and gutter replacement is anticipated along with pavement rehabilitation consisting of the same 4-inches of bituminous and 8-inches of aggregate base. Regrading of reclaimed base material to a proposed 3% roadway crown is proposed to maximize the amount of reclaimed material used in the pavement section, avoids exporting material from the project, and promotes positive drainage on the streets.

Significant areas of additional subgrade correction are not anticipated throughout the project areas and will only be corrected if identified during construction. Unsuitable soils in areas of deeper excavations for utility improvements will be removed and replaced with suitable materials during backfilling operations. In the event that soils are found to be unstable in FDR areas, they will be corrected with sub-cutting and replacement or scarification, drying, and re-compaction with a thicker, reclaimed aggregate base section or with stabilizing rock as directed by the engineer. Excess reclamation material will be used for sub-grade correction as feasible.

Proposed roadway typical sections and improvement maps depicting the rehabilitation areas are included in **Appendix B**.

CURB AND GUTTER IMPROVEMENTS

Existing concrete curb and gutter that is settling, not providing adequate conveyance of stormwater, contains significant cracks, or has failing joints, is identified for replacement. Areas with utility improvements will also require full curb and gutter replacement. Curb and gutter identified specifically for replacement in the feasibility study phase is shown on the improvement maps in **Appendix B**. Additional spot curb and gutter replacement, not shown on the map, will be identified for replacement ahead of construction.

Two intersections within the project area; Dodd Road and Creek Avenue and Dodd Road and Decorah Lane, currently do not have curb along the intersection turning radii. Erosion, as a result of stormwater runoff and off-road vehicle tracking, is observed at both intersections. Installation of concrete curb and gutter is recommended at these intersections to address the erosion issues, improve stormwater management, and keep vehicles on pavement.

Keokuk Lane between Dodd Road and Pagel Road currently does not contain curb and gutter. The City has no history of ongoing maintenance issues with the current rural typical roadway section and installation of curb and gutter is not proposed.

Curb and gutter improvements are also proposed at the Havenview Court, Apache Lane, and Ocala Court cul-de-sacs to address drainage issues that were identified during site visits and resident input. The final limits of curb replacement in these areas will be identified during final design but anticipated replacement limits are shown in the project improvements maps.

DRIVEWAY RECONSTRUCTION

The FDR rehabilitation will generally not disturb residential driveways. However, where utility replacement areas are proposed or spot curb replacement is necessary in front of existing driveways, a small driveway disturbance will be necessary. Driveways will be replaced in-kind within the construction disturbance area. All disturbed driveways will be reconstructed with 6-inches of aggregate base under a minimum of 6-inches of concrete or 3-inches of bituminous pavement. Affected residents and businesses will be notified of the disturbance prior to construction.

STREET LIGHTING

In general, there is limited or no existing street lighting throughout the project neighborhood streets. Intersection street lighting does exist at intersections with Dodd Road (TH 149). No street lighting improvements are proposed with the project.

TRAIL AND SIDEWALK INFRASTRUCTURE

Existing trail facilities are located within the project area along Decorah Lane (Dodd Road to Apache Street and Pueblo Lane to Huber Drive) and within Friendly Hills Park. These existing trail pavements are debilitated and in need of replacement. The existing trail pavement north of the Apache Street cul-de-sac is also in poor condition. Trail segments within the project area identified for replacement are shown in the project improvements map in **Appendix B**. The limits of trail replacement north of the Apache Street cul-de-sac are determined based on potential future Dakota County trail improvements through this area.

Existing sidewalk along the south side of Havenview Court is privately maintained and will not be replaced with the project.

Multiple trail and sidewalk connections to project street segments exist in the project area. The majority of these connections do not contain compliant Americans with Disabilities Act (ADA) ramp infrastructure. Locations of proposed ADA ramp construction are shown on the improvements map in **Appendix B**.

DECORAH LANE TRAIL GAP – APACHE STREET TO PUEBLO LANE

The section of Decorah Lane between Apache Street and Pueblo Lane does not currently contain a trail along the south side of the road. Construction of a trail along this segment would provide a continuous off-street trail for bicycle and pedestrian users between Huber Drive and Dodd Road. City staff solicited feedback on a potential trail in this location. A summary of the feedback received from the public regarding this trail gap is included in the Public Engagement section of the report.

Construction of a trail in this area would require narrowing the roadway from 33-feet to 27-feet and restricting parking along the south side of Decorah Lane. Construction of new curb and gutter, storm sewer improvements, hydrant relocations, front yard grading, and driveway reconstruction would all be necessary to accommodate a trail in this segment. It is anticipated that construction of this trail segment could be completed within existing right-of-way and without significant impacts to existing trees. A cost

estimate for this potential trail improvement was prepared with the study and is estimated to add ~\$337,000 to the overall project cost and would not be assessable. A detailed breakdown of the cost estimate for these trail improvements is included in **Appendix D**. At this time, these trail improvements are not included in the project recommendations and require further discussion with City Council.

STREET SIGNAGE

Street signs in poor condition or out of compliance with current City standards are planned for replacement throughout the project area. Existing yield and stop controlled intersections throughout the project area were reviewed with the study. Current City Code Sections 6-3-1 Through Streets and Stop Intersections and 6-3-2 Through Streets and Yield intersections identify signing and traffic conditions at most intersections in the project area. Revisions to yield and stop configuration intersections in the project area would require a modification to City Code. The City is not aware of any traffic operations or crash history at intersections within the neighborhood. No modifications to existing street signage layouts are proposed with the project. An allowance for street signage improvements is included in the feasibility study.

STORM SEWER IMPROVEMENTS

Storm sewer exists throughout the project area capturing stormwater runoff from the curb and gutter and conveying it to area stormwater pond discharge locations. The existing storm sewer system and proposed storm sewer improvements are shown on the improvement maps in **Appendix B**. A summary of the proposed storm sewer improvements is provided below:

- Existing manholes and catch basins in the street pavement and curb and gutter that are not identified for replacement will be adjusted to the new pavement/curb grades. Existing castings will be replaced if in poor condition.
- Storm sewer along Decorah Lane between Dodd Road and Apache Street and at the intersection of Decorah Lane and Apache Street is proposed for replacement due to sanitary sewer and watermain installation.
- An existing stormwater channel along the north side of Creek Avenue residences has historically created erosion and high water level issues in the neighborhood. Stormwater runoff from the new City fire station and upstream areas of Dodd Road route stormwater through this backyard channel. The feasibility study included an evaluation of the existing storm sewer system on Creek Avenue to identify if excess capacity is available for diverted stormwater. The existing Creek Avenue storm sewer system has excess capacity to carry additional stormwater. A diversion of some stormwater flows from Dodd Road, through this system, is proposed with the project as shown in the improvement maps. The ultimate discharge location for this diverted stormwater is the same as the backyard channel. This diversion and new storm sewer improvement will reduce flows in heavier rainfall events behind Creek Avenue and still route stormwater to its existing outfall location.
- Multiple localized drainage concerns were identified during a project site visit and via resident comments with the project. The locations and proposed improvements to address the issues are identified below.
 - Near the Cheyenne Lane and Nashua Lane intersection: Settled curb and gutter, flat curblines grades, and sump pump discharges are causing localized street flooding. New storm sewer and curblines replacement are proposed to address this issue.

- Ocala Court cul-de-sac: Settled curb and gutter and flat curblane grades are causing localized street flooding. New storm sewer improvements and curblane replacement are proposed to address this issue.
- Pubelo Drive and Mohican Lane intersection: Settled curb and gutter and existing pavement grades are causing localized street flooding. Curblane replacement and regrading of the intersection are proposed to address this issue.
- Along Mohican Lane: Existing sump pump discharges onto the street are causing icy road conditions in the winter. Extension of storm sewer up Mohican Lane will allow for sump pump connections and address the winter icing conditions.
- Havenview Court: Heaving of existing curb and gutter due to tree roots is trapping water on the roadway. Replacement of existing curb and gutter to drain to existing catch basins is proposed to address this issue.
- Hazel Court and Pagel Road Intersection: An existing low point in the northwest corner of the intersection is ponding water. A new catch basin is proposed to capture this water and discharge off the roadway.
- Apache Lane: Flat grades of existing cul-de-sac curb and gutter are causing ponding in the cul-de-sac. Replacement of the cul-de-sac curb and gutter will address the drainage issues.

Linear, pavement rehabilitation projects do not generally disturb the subbase soils beneath the existing pavement and aggregate base. In addition, no new impervious surface is created with the project. No stormwater management improvements are proposed with the project. The City's rain garden program will be offered to interested residents on this project, consistent with previous City street rehabilitation projects. Rain gardens will be discussed at the next public informational meeting and an allowance for rain garden construction is included in the project construction budget.

SANITARY SEWER IMPROVEMENTS

An existing 24-inch City sanitary sewer interceptor along Decorah Lane (Dodd Road to Apache Street) and Apache Street (north of Decorah Lane) was televised ahead of the feasibility study. Evidence of significant corrosion of the bottom of the sewer pipe, exposing existing rebar, was identified and this interceptor pipe is proposed for replacement. The corrosion of the pipe is too significant to consider a lining rehabilitation improvement. Polyvinyl chloride (PVC) pipe material is proposed to provide improved resistance to future corrosion from existing sewage and corrosive, clay soil conditions. Existing residential sanitary sewer services will be reconnected to the new pipe within the street. Replacement of sanitary sewer services is not proposed between the new main and existing right-of-way.

Complaints of sewer gas odors within the Decorah Lane and Apache Street area were received as a part of the public engagement process and have been received historically by the City. The following project improvements and next steps are being considered to address the sewer gas odor concerns:

- Sewer gas samples within the project area and upstream and downstream of the project area will be collected in late Summer 2024. The gas samples will be analyzed to understand the makeup of the sewer gas and understand locations where gas concentration is highest.
- If determined feasible and cost effective within the project area, the sewer gas analysis data will be used to size an odor control unit that will remove sewer gases directly from the sanitary sewer system in the project area and filter the gases to remove the odors. A budget allowance for two

odor control units is included in the feasibility study and would be funded via sanitary sewer utility funds.

- Existing drops at manhole locations are present throughout the Decorah Lane and Apache Street interceptor. The drops are necessary to maintain good flow in the sewer pipe but do increase mixing and turbulence of the sewer flows, which can result in increased sewer odors. Elimination of these sewer drops will be further evaluated in final design to reduce the mixing and turbulence in the sewer flows and potentially reduce sewer gas concentrations.
- At the intersection of Decorah Lane and Apache Street, the 90-degree routing of the sanitary sewer interceptor results in increase turbulence and mixing of sewage. The project is proposing an additional manhole at the intersection to more smoothly convey sewage in the interceptor pipe at this intersection and reduce mixing and turbulence.

Existing sanitary sewer manholes within the project street segments will be adjusted to the new pavement grade. No sanitary sewer manholes outside of the interceptor replacement area are identified for replacement. The City is planning for a sewer lining project in future construction years as part of a separate project.

WATERMAIN IMPROVEMENTS

Saint Paul Regional Water Service (SPRWS) currently provides water service to residents in the project area. The City partners with SPRWS as street improvement projects are planned to coordinate necessary watermain improvements at the same time as City street improvement projects take place. SPRWS has identified improvements in the Friendly Hills neighborhood, mainly consisting of replacing existing cast-iron pipe (CIP) watermains. CIP watermain is located on Creek Avenue, Fox Place, Aztec Lane, Apache Street, Pontiac Place, Cheyenne Lane, Decorah Lane (east of Pontiac Place), Ocala Lane, Navajo Lane, Keokuk Lane, Pueblo Drive, Mohican Lane, Mohican Court, and Pueblo Lane.

SPRWS has reviewed the break history, original installation time, existing soils, and other factors to identify which segments of CIP watermain will be replaced with the project. A summary of the proposed watermain improvements is listed in the table below and shown on the improvements maps in **Appendix B**. Pipe bursting installation methods are proposed where applicable to reduce the extent of curb and gutter removal and better align with the overall full depth pavement reclamation project approach.

CP 202407 – Friendly Hills Neighborhood Improvements					
Street Name	Material and Install Year	Recommendation	From	To	Approximate Length (ft)
Apache Street	Cast-Iron, 1956	Sacrificial Anode Retrofit	Pueblo Lane	Decorah Avenue	1,575
Apache Street	Cast-Iron, 1956	Replacement (Open Trench)	Decorah Lane	North End	900
Aztec Lane	Cast-Iron, 1956	Replacement (Pipe Bursting)	South of Hokah Avenue	North of Creek Avenue	1,450
Aztec Lane to Apache Street	Cast-Iron, 1956	Abandonment	Aztec Lane	Apache Street	600

Cheyenne Lane	Cast-Iron, 1956	Replacement (Pipe Bursting)	Apache Street	200' East of Pontiac Place	1,250
Creek Avenue	Cast-Iron, 1956	Sacrificial Anode Retrofit	Dodd Road (TH 149)	Aztec Lane	750
Decorah Lane	Proposed	Furnish and Installation	Dodd Road (TH 149)	Apache Street	650
Fox Place	Cast-Iron, 1956	Sacrificial Anode Retrofit	Aztec Lane	Creek Avenue	800
Hokah Avenue	Cast-Iron, 1956	Sacrificial Anode Retrofit	Dodd Road (TH 149)	Aztec Lane	325
Keokuk Lane	Cast-Iron, 1956	Replacement (Pipe Bursting)	Pagel Road	Pueblo Lane	1,450
Mohican Lane	Cast-Iron, 1956	Sacrificial Anode Retrofit	Pueblo Drive	Pueblo Lane	930
Mohican Court	Cast-Iron, 1956	Sacrificial Anode Retrofit	South End	Pueblo Lane	600
Navajo Lane	Cast-Iron, 1956	Sacrificial Anode Retrofit	Pontiac Place	Pueblo Lane	650
Ocala Lane	Cast-Iron, 1980	Sacrificial Anode Retrofit	Pontiac Place	Decorah Lane	1,050
Pontiac Place	Cast-Iron, 1956	Replacement (Pipe Bursting)	Apache Street	Cheyenne Lane	1,200
Pueblo Lane	Cast-Iron, 1956	Sacrificial Anode Retrofit	Mohican Lane	Decorah Lane	1,115
Pueblo Drive	Cast-Iron, 1956	Sacrificial Anode Retrofit	South End	Keokuk Lane	410

An existing cast-iron pipe between Aztec Lane and Apache Street is not feasible to replace and is challenging to access for maintenance. This section of watermain is recommended for abandonment due to poor pipe conditions, future maintenance issues, and property impacts upon potential replacement. A new watermain along Decorah Avenue, connecting to existing watermain on Dodd Road, will re-establish the watermain loop and maintain existing water service levels to the neighborhood.

In locations where CIP watermain is not identified for replacement on the project, sacrificial anodes will be installed to extend the service life of the existing watermain. Project street segments not included in the table above have ductile iron (DIP) watermain and are not in need of improvements.

PRIVATE UTILITIES

In general, conflicts with private utility facilities in the existing City right-of-way are not anticipated as a part of the project. Installation of new watermain on Decorah Lane and Dodd Road may require some

private utility relocation. In addition, spot curb replacement areas and some storm sewer work, may require exposure of existing private utilities. A Gopher One Map ticket request was submitted for the project area as a part of the feasibility study and the following utility companies have facilities present in the project areas:

- Arvig
- Lumen
- Comcast
- Dakota County Fiber
- Mendota Heights Fiber
- MCI
- Mobil
- Xcel (Gas)
- Xcel (Power)

Private utility companies will be notified of the project during final design and directed to schedule and perform any relocation work in order to not delay the project.

4. PERMITS AND APPROVALS

The proposed improvements will require acquisition of the following permits:

- General stormwater permit for construction activities under the Nation Pollutant Discharge Elimination System program – Minnesota Pollution Control Agency
- MnDOT Right-of-Way Permit
 - Areas of disturbance along Dodd Road (TH 149) for watermain replacement
 - Project work at intersections with Dodd Road (TH 149) including Decorah Lane, Keokuk Lane, Pagel Road, Hokah Avenue, and Creek Avenue

Decorah Lane is on the City's Municipal State Aid Street (MSAS) system. Use of MSAS funding for street improvements on the City's MSAS system requires plan approval by the Minnesota Department of Transportation's (MnDOT) State Aid division. A design plan submittal and approval by MnDOT State Aid will be necessary for work on Decorah Lane. FDR pavement improvements are considered reconditioning improvements by State Aid and will be subject to State Aid Rule 8820.9926. All streets listed above meet the minimum criteria for Rule 8820.9926 and no variances will be necessary for this project.

5. EASEMENT AND PROPERTY REQUIREMENTS

The street, storm, and utility improvements are proposed to occur within existing City right-of-way and easements. No easement or property acquisition is anticipated for this project.

6. PUBLIC ENGAGEMENT

As a part of the initial project mailings, a questionnaire was sent out to all residents in the project area to solicit feedback on the proposed project and collect information about the neighborhood. This included seeking information regarding drainage issues, traffic operations, potential Trail on Decorah Lane,

pedestrian safety, and general project feedback. A summary of the questionnaire feedback is provided below:

- Multiple, localized drainage issues were identified and have been reviewed and addressed, as applicable, with the proposed improvements
- Support and opposition to a new trail along Decorah Lane between Apache Lane and Pueblo Lane in the questionnaire was nearly split. Support for the trail was generally to get bicycles and pedestrians off the roadway. Opposition for the trail was loss of on-street parking, lack of use, and it generally being unnecessary.
- Some traffic safety concerns including sightlines and signage were noted. Traffic safety and signage issues were reviewed by City staff with the feasibility study and recommendations, as applicable or feasible, within existing right-of-ways, are included in the proposed improvements.

The City received 83 completed surveys as a part of the feasibility study.

An informational neighborhood open house meeting was held on June 20th, 2024 at the Mendota Heights City Hall. The purpose of the open house meeting was to introduce residents to the project, provide background on the feasibility study, share project schedule, and obtain input on the project. A total of 16 residents signed in at the open house. No in person questionnaires were submitted at the open house but multiple attendees completed the questionnaire virtually.

A summary of the questionnaire responses is included in **Appendix F**.

7. ESTIMATED COSTS AND PROJECT FINANCING

The estimated costs for the Friendly Hills Neighborhood Improvement project are provided in the table below. The estimated project costs include a 10% construction contingency and an allowance for indirect costs (20% for City of Mendota Heights and 15% for SPRWS). Indirect costs include legal, engineering, administration, and finance costs. Detailed cost estimates are provided in **Appendix D**.

Project	Roadway Improv.	Storm Sewer Improv.	Sanitary Sewer Improv.	Watermain Improv.	City Park, Trail and ADA Improv.	Total
CP 202407	\$5,611,446.06	\$702,102.50	\$1,083,860.80	\$1,787,594.61	\$187,440.00	\$9,372,443.97

The project will be funded through the following sources:

Street and Storm Sewer

Street improvements will be funded through the City's municipal levy. Storm sewer improvements will be funded by the City's Stormwater Management fund.

Special Assessments

The property owners' share of the street and storm costs will be funded by assessments in accordance with Minnesota Statutes Chapter 429 and the City's current assessment policy. The City's current policy is to assess 50% of the street improvements on the project. A preliminary assessment roll and map for each project area is provided in **Appendix E**.

Municipal State Aid (MSA) Funds

Decorah Lane is eligible for Municipal State Aid (MSAS) funding on the project. The City will fund a portion of the Decorah Lane improvements using State Aid funds.

Watermain

The watermain improvements will be fully funded by Saint Paul Regional Water Services.

Sanitary Sewer

Sanitary sewer improvements identified in this report will be funded through City sewer utility funds.

The improvements are proposed to be assessed on a per unit basis. A preliminary assessment map is included in **Appendix E**. The preliminary assessment area includes 343 residential properties and 22 City owned properties. Residential parcels are considered one unit per the City assessment policy and City owned parcels are considered one unit per 100 linear feet of frontage. The total number of assessable units on the project is 365. The table below details the assessment calculation.

Total Project Cost	\$9,372,443.97
Total Assessable Project Cost	\$5,611,446.06
Total Assessment Amount (50%)	\$2,805,723.03
Residential Units	343
Total Residential Assessment Amount	\$2,636,610.96
City Units	22
Total City Assessment Amount (Municipal Levy)	\$169,112.07
Total Number of Units	365
Assessment Amount per Unit	\$7,686.91

A preliminary assessment roll is included in **Appendix E**.

The project is proposed to be funded per the funding shown in the table below.

Total	Municipal Levy	MSA Funds	Sanitary Sewer Utility Funds	Stormwater Utility Funds	SPRWS Funds	Special Assessments
\$9,372,443.97	\$3,179,325.10	TBD	\$1,083,860.80	\$702,102.50	\$1,770,544.61	\$2,636,610.96

8. PROJECT SCHEDULE

If the City Council chooses to accept this report and schedule a public hearing, we recommend that the following project schedule be followed:

Council Receives Feasibility Study	August 7, 2024
City Council Schedule Public Hearing	
Project Informational Open House #2	Early September 2024
Public Improvement Hearing	September 17, 2024
Council Order Project	
Final Design	September 2024 – January 2025
Council Approves Plans and Specs	February 4, 2025
Authorize Advertisement for Bids	
Bid Opening	March 5, 2025
City Council Accepts Bids	March 18, 2025
Council Awards Contract	
Neighborhood Construction Open House	April 2025
Construction (2025 Area)	May 2025 – September 2025
Construction (2026 Area)	May 2026 – September 2026
City Council Schedule Assessment Hearing	September 2026
Assessment Hearing Informational Meeting	September/October 2026
Assessment Hearing	October 2026

9. SUMMARY AND RECOMMENDATIONS

Based upon the analysis completed as a part of this report, the proposed Friendly Hills Neighborhood Improvements Project is feasible, necessary, cost effective, and would benefit the properties in the project area and the City of Mendota Heights.

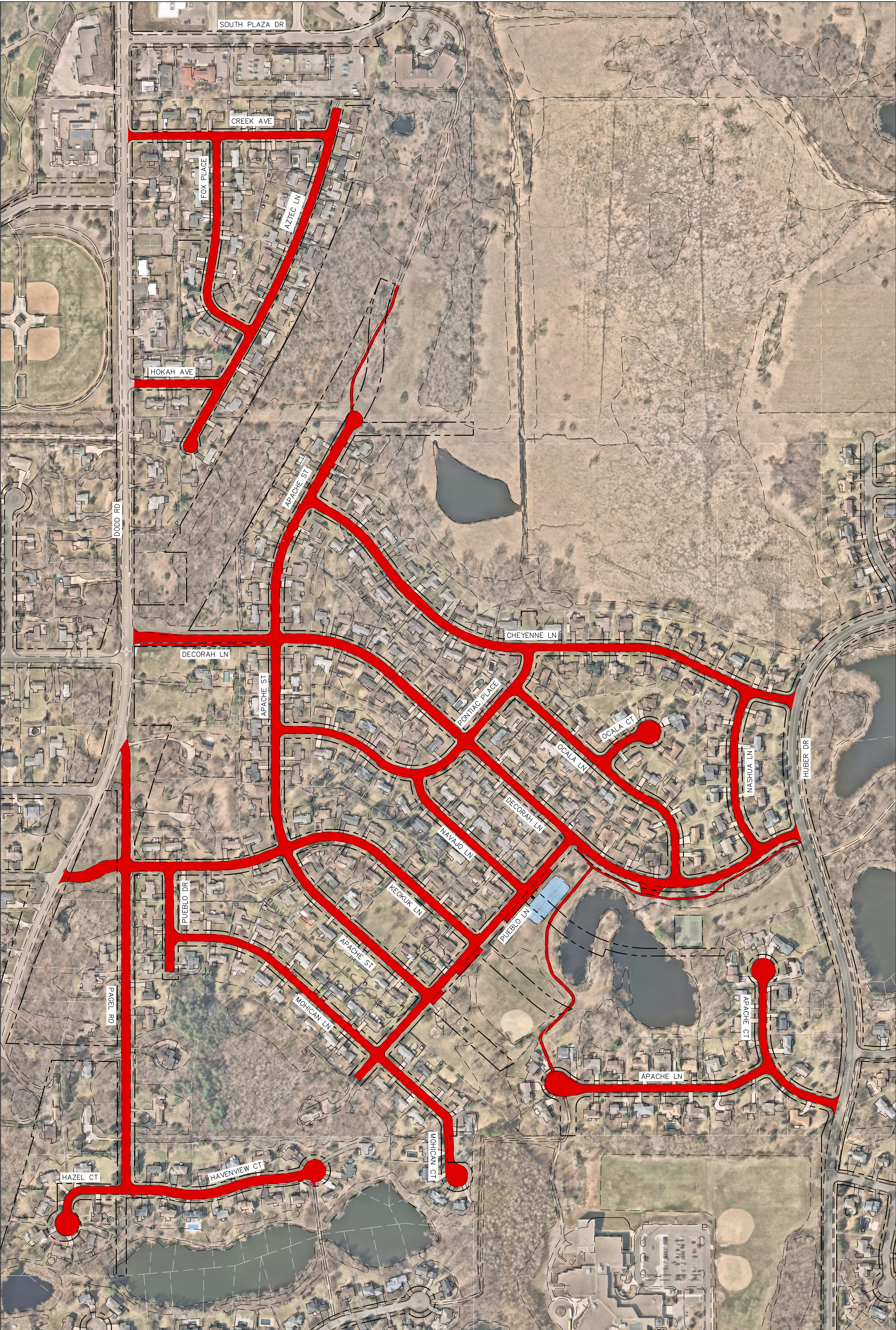
We recommend the following:

- A. The City Council orders and holds a public hearing on September 17, 2024.
- B. After receiving the appropriate staff reports, staff information, and public hearing input, the Council decides on the approval or rejection of the proposed improvements and orders approved projects.

APPENDICES

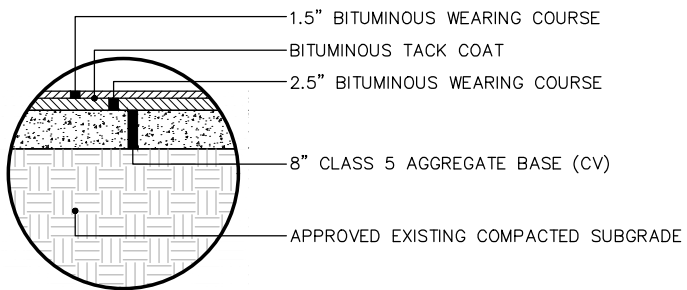
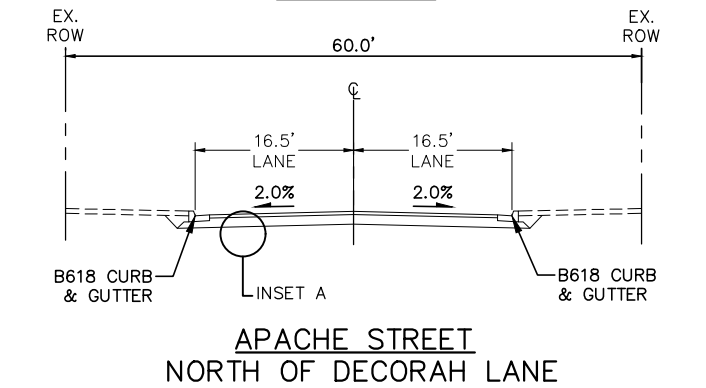
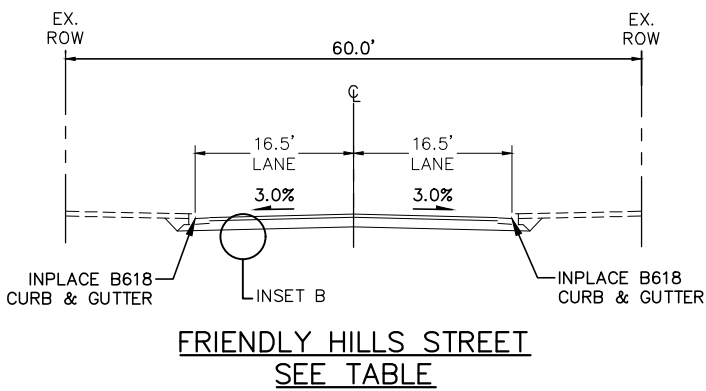
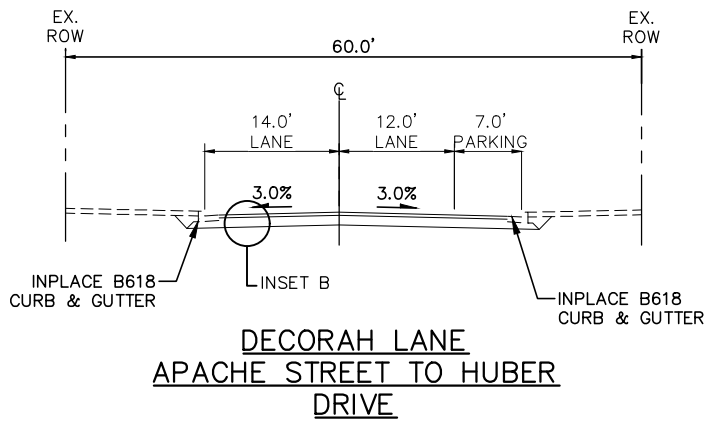
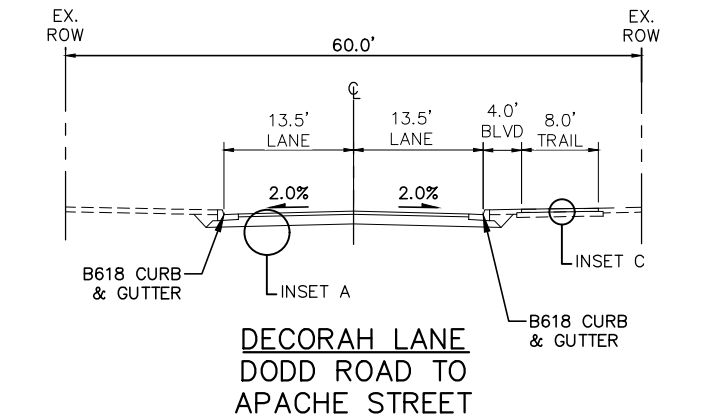
APPENDIX A – PROJECT LOCATION FIGURES

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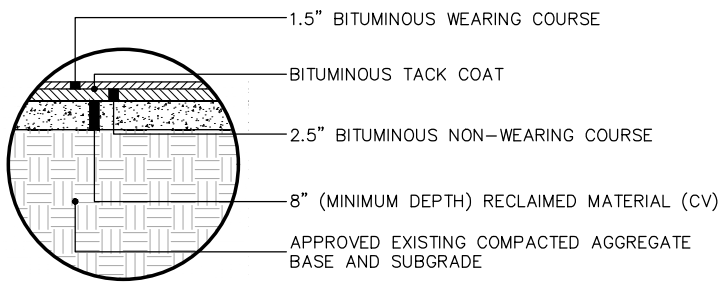


APPENDIX B – TYPICAL SECTIONS AND IMPROVEMENT MAPS

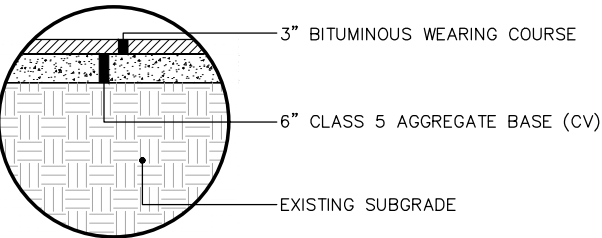
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**INSET A: FULL PAVEMENT
RECONSTRUCTION**



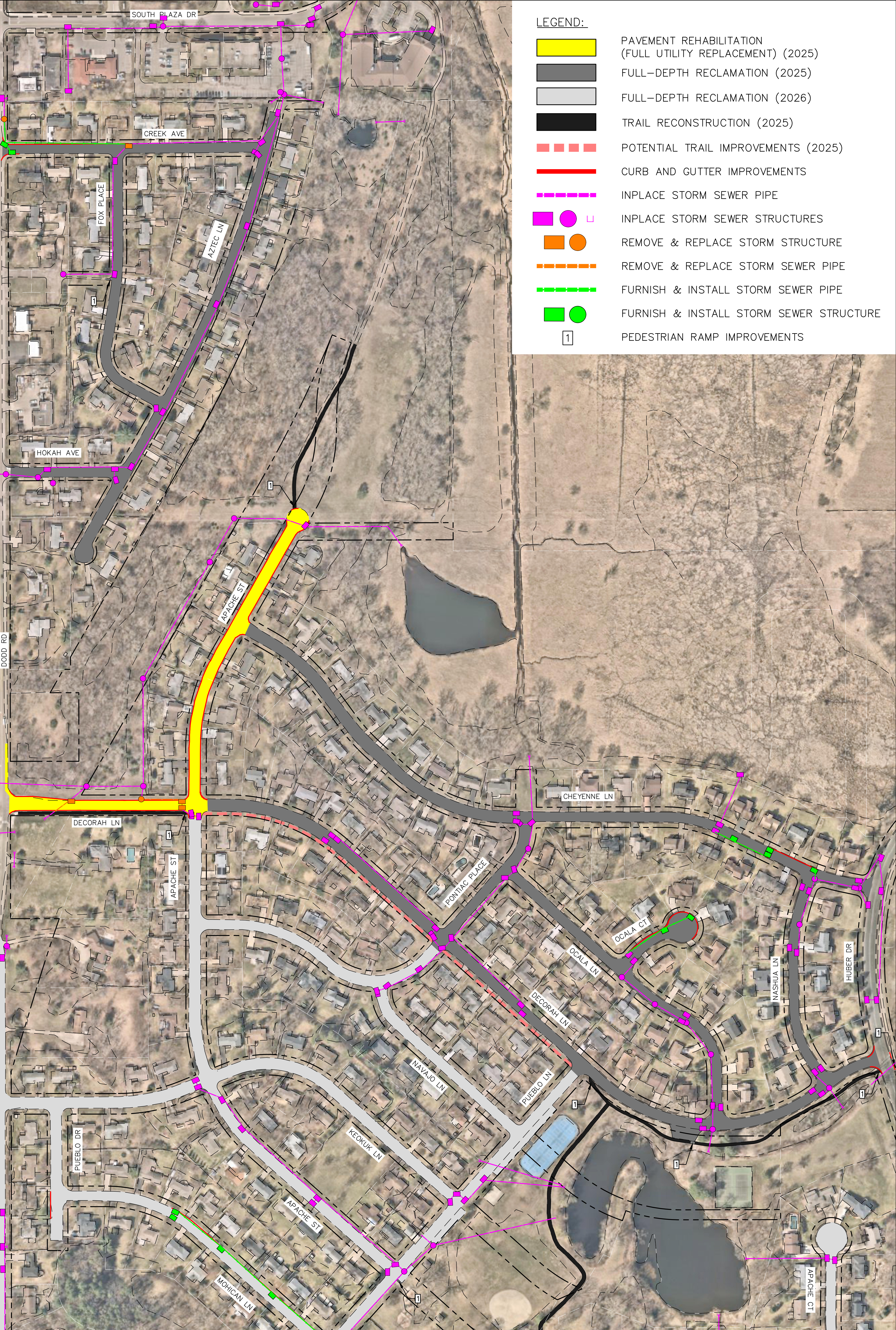
**INSET B: FULL DEPTH
PAVEMENT RECLAMATION**



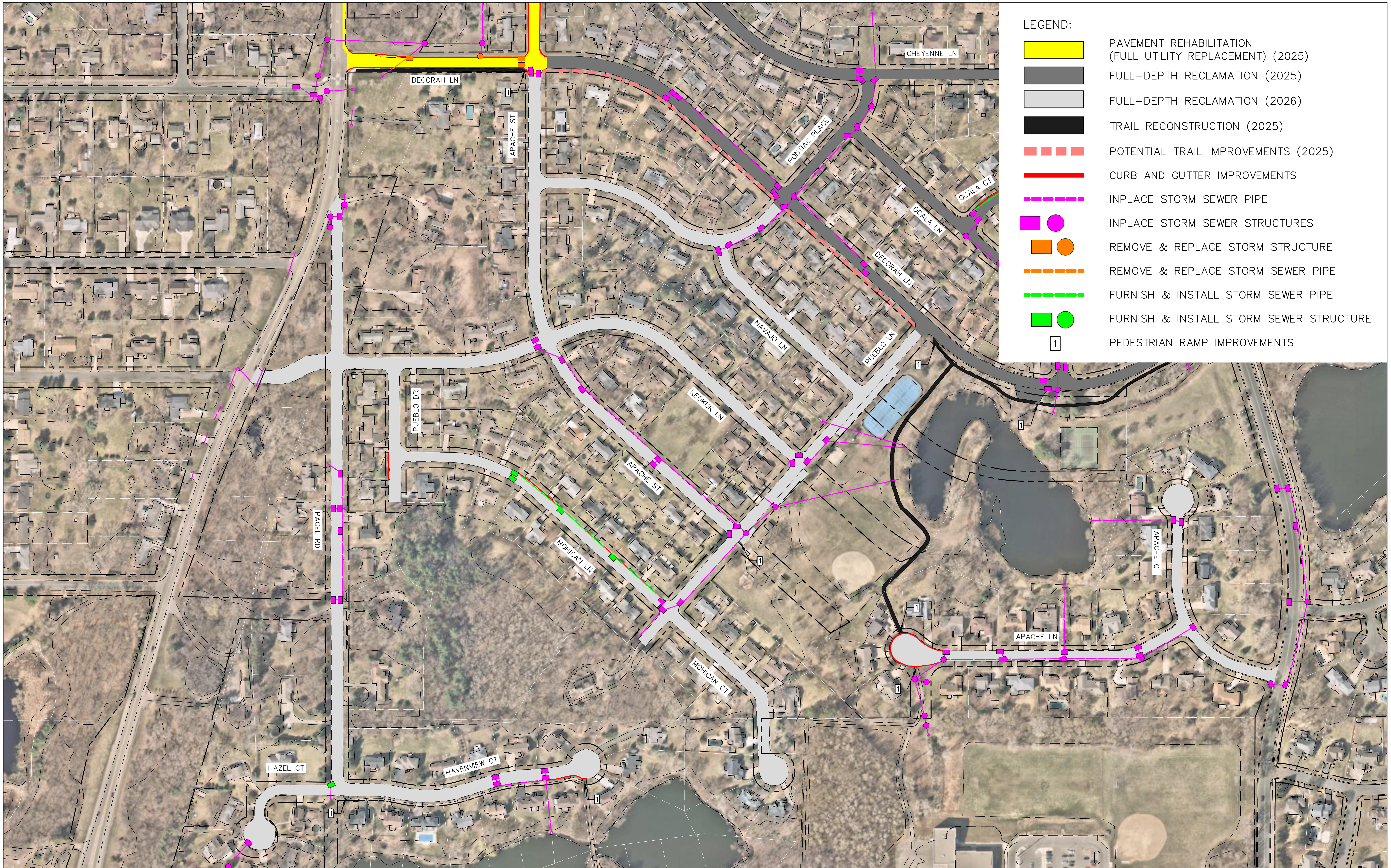
**INSET C: 3" BITUMINOUS
TRAIL**

C.P. 202407 STREET WIDTHS			
STREET NAME	STREET WIDTH	FROM	TO
APACHE COURT	33	APACHE LANE	NORTHERN LIMITS
APACHE LANE	33	WESTERN LIMITS	HUBER DRIVE
APACHE STREET	33	NORTHERN LIMITS	PUEBLO LANE
AZTEC LANE	33	SOUTHERN LIMITS	NORTHERN LIMITS
CHEYENNE LANE	33	APACHE STREET	HUBER DRIVE
CREEK AVNUE	33	DODD ROAD	AZTEC LANE
DECORAH LANE	27	DODD ROAD	APACHE STREET
	33	APACHE STREET	HUBER DRIVE
FOX PLACE	33	AZTEC LANE	CREEK AVENUE
HAVENVIEW COURT	33	SOUTHERN LIMITS	PAGEL ROAD
HAZEL ROAD	33	PAGEL ROAD	EASTERN LIMITS
HOKAH AVENUE	33	DODD ROAD	AZTEC LANE
KEOKUK LANE	33	PAGEL ROAD	PUEBLO LANE
	44	DODD ROAD	PAGEL ROAD
MOHICAN COURT	33	PUEBLO LANE	EAST END
MOHICAN LANE	33	PUEBLO DRIVE	PUEBLO LANE
NASHUA LANE	33	CHEYENNE LANE	DECORAH LANE
NAVAJO LANE	33	PONTIAC PLACE	PUEBLO LANE
OCALA COURT	33	OCALA LANE	EASTERN LIMITS
OCALA LANE	33	PONTIAC PLACE	DECORAH LANE
PAGEL ROAD	33	HAVENVIEW COURT	DODD ROAD
PONTIAC PLACE	33	APACHE STREET	CHEYENNE LANE
PUEBLO DRIVE	33	KEOKUK LANE	SOUTHERN LIMITS
PUEBLO LANE	33	MOHICAN LANE	DECORAH LANE

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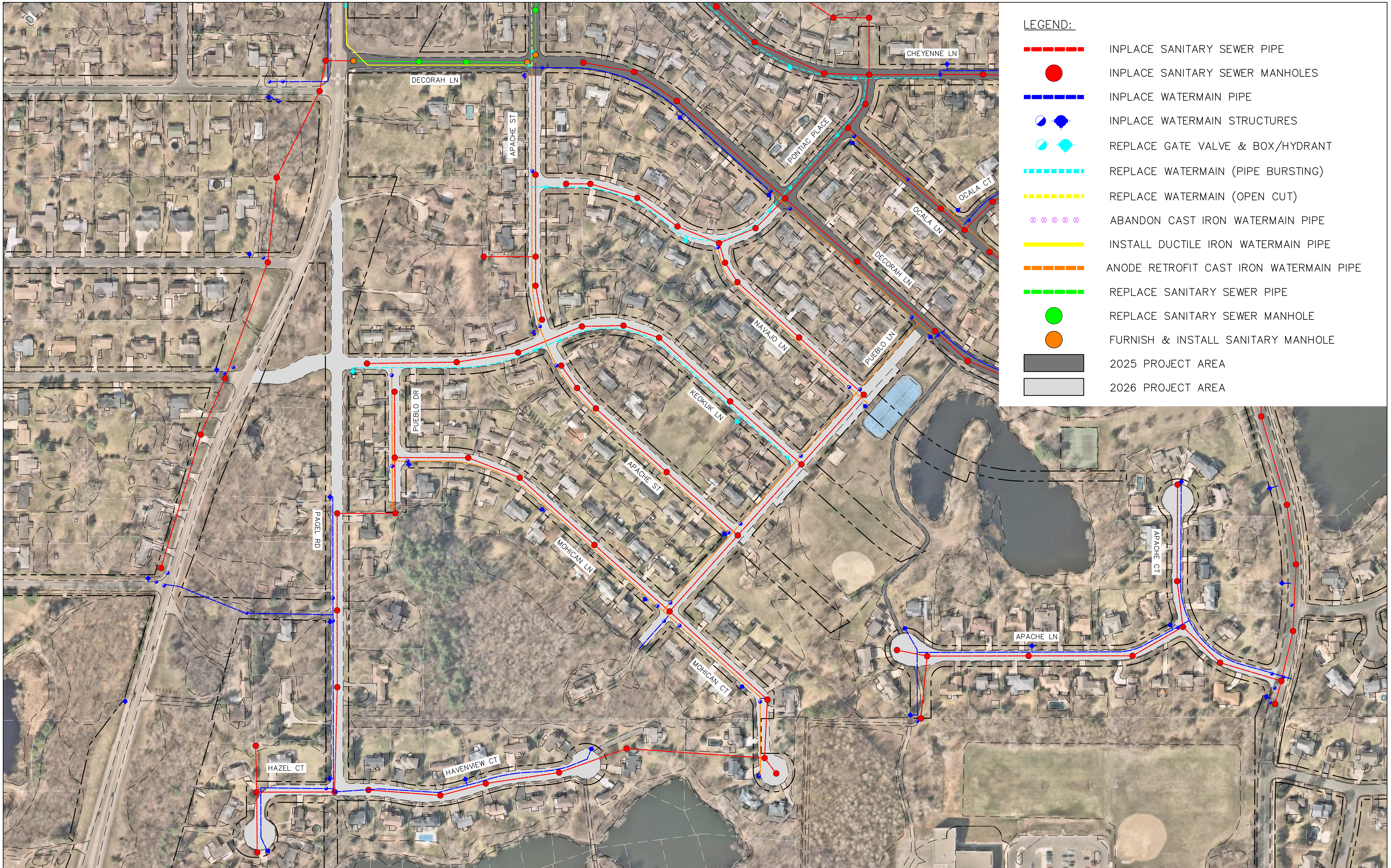
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APPENDIX C – GEOTECHNICAL INVESTIGATION

APPENDIX D – OPINION OF PROBABLE COST

ENGINEER'S OPINION OF PROBABLE COST																													
						CP 202407																							
						2025 PROJECT AREA												2026 PROJECT AREA											
						ROADWAY (ASSESSABLE)		STORM SEWER (NON-ASSESSABLE)		SANITARY SEWER (NON-ASSESSABLE)		WATERMAIN (NON-ASSESSABLE) (CITY)		WATERMAIN (NON-ASSESSABLE) (SPRWS)		CITY PARK, TRAIL, AND ADA IMPROVEMENTS (NON-ASSESSABLE)		ROADWAY (ASSESSABLE)		STORM SEWER (NON-ASSESSABLE)		SANITARY SEWER (NON-ASSESSABLE)		WATERMAIN (NON-ASSESSABLE) (CITY)		WATERMAIN (NON-ASSESSABLE) (SPRWS)		CITY PARK, TRAIL, AND ADA IMPROVEMENTS (NON-ASSESSABLE)	
ITEM NO.	ITEM DESCRIPTION	UNIT	TOTAL ESTIMATED QUANTITY	UNIT COST	TOTAL COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST	ESTIMATED QUANTITY	COST
2573.501	STABILIZED CONSTRUCTION EXIT	LUMP SUM	1	\$ 10,000.00	\$ 10,000.00	0.5	\$ 5,000.00											0.5	\$ 5,000.00										
2573.601	EROSION CONTROL	LUMP SUM	1	\$ 75,000.00	\$ 75,000.00	0.5	\$ 37,500.00											0.5	\$ 37,500.00										
2574.507	BOULEVARD TOPSOIL BORROW	CU YD	1345	\$ 50.00	\$ 67,250.00	440	\$ 22,000.00	69	\$ 3,450.00	208	\$ 10,400.00			20	\$ 1,000.00			552	\$ 27,600.00	43	\$ 2,150.00					13	\$ 650.00		
2575.504	SODDING TYPE LAWN	SQ YD	8073	\$ 12.00	\$ 96,876.00	2639	\$ 31,668.00	416	\$ 4,992.00	1249	\$ 14,988.00			120	\$ 1,440.00			3313	\$ 39,756.00	256	\$ 3,072.00					80	\$ 960.00		
2582.503	12" SOLID LINE MULTI COMP	LIN FT	178	\$ 15.00	\$ 2,670.00	160	\$ 2,400.00											18	\$ 270.00										
2582.503	4" SOLID LINE MULTI COMP (WR)	LIN FT	7500	\$ 3.00	\$ 22,500.00	5780	\$ 17,340.00											1720	\$ 5,160.00										
2582.503	4" BROKEN LINE MULTI COMP (WR)	LIN FT	350	\$ 3.50	\$ 1,225.00													350	\$ 1,225.00										
2582.503	4" DBLE SOLID LINE MULTI COMP (WR)	LIN FT	2890	\$ 3.50	\$ 10,115.00	2890	\$ 10,115.00																						
2582.518	PAVT MSSG MULTI COMP	SQ FT	30	\$ 25.00	\$ 750.00	30	\$ 750.00																						
SUBTOTAL					\$ 7,431,838.50		\$ 2,026,671.50		\$ 398,806.00		\$ 941,078.00		\$ 9,000.00		\$ 912,295.00		\$ 126,016.00		\$ 2,224,424.00		\$ 239,469.00		\$ 44,250.00		\$ 6,500.00		\$ 487,345.00		\$ 15,984.00
10% CONTINGENCY					\$ 743,183.85		\$ 202,667.15		\$ 39,880.60		\$ 94,107.80		\$ 900.00		\$ 91,229.50		\$ 12,601.60		\$ 222,442.40		\$ 23,946.90		\$ 4,425.00		\$ 650.00		\$ 48,734.50		\$ 1,598.40
20% INDIRECT COSTS (CITY)					\$ 966,481.01		\$ 445,867.73										\$ 27,723.52		\$ 489,373.28									\$ 3,516.48	
15% INDIRECT COSTS (SPRWS)					\$ 230,940.60										\$ 150,528.68											\$ 80,411.93			
TOTAL					\$ 9,372,443.96		\$ 2,675,206.38		\$ 438,686.60		\$ 1,035,185.80		\$ 9,900.00		\$ 1,154,053.18		\$ 166,341.12		\$ 2,936,239.68		\$ 263,415.90		\$ 48,675.00		\$ 7,150.00		\$ 616,491.43		\$ 21,098.88
2025 PROJECT TOTAL (CITY)					\$ 4,325,319.90																								
2025 PROJECT TOTAL					\$ 5,479,373.08																								
2026 PROJECT TOTAL (CITY)					\$ 3,276,579.46																								
2026 PROJECT TOTAL					\$ 3,893,070.89																								

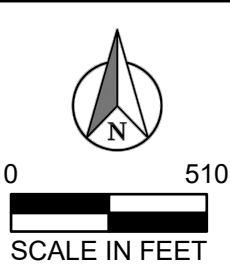
**CITY OF MENDOTA HEIGHTS
FRIENDLY HILLS NEIGHBORHOOD IMPROVEMENTS
DECORAH LANE TRAIL IMPROVEMENTS**

ESTIMATED COSTS - TRAIL IMPROVEMENTS

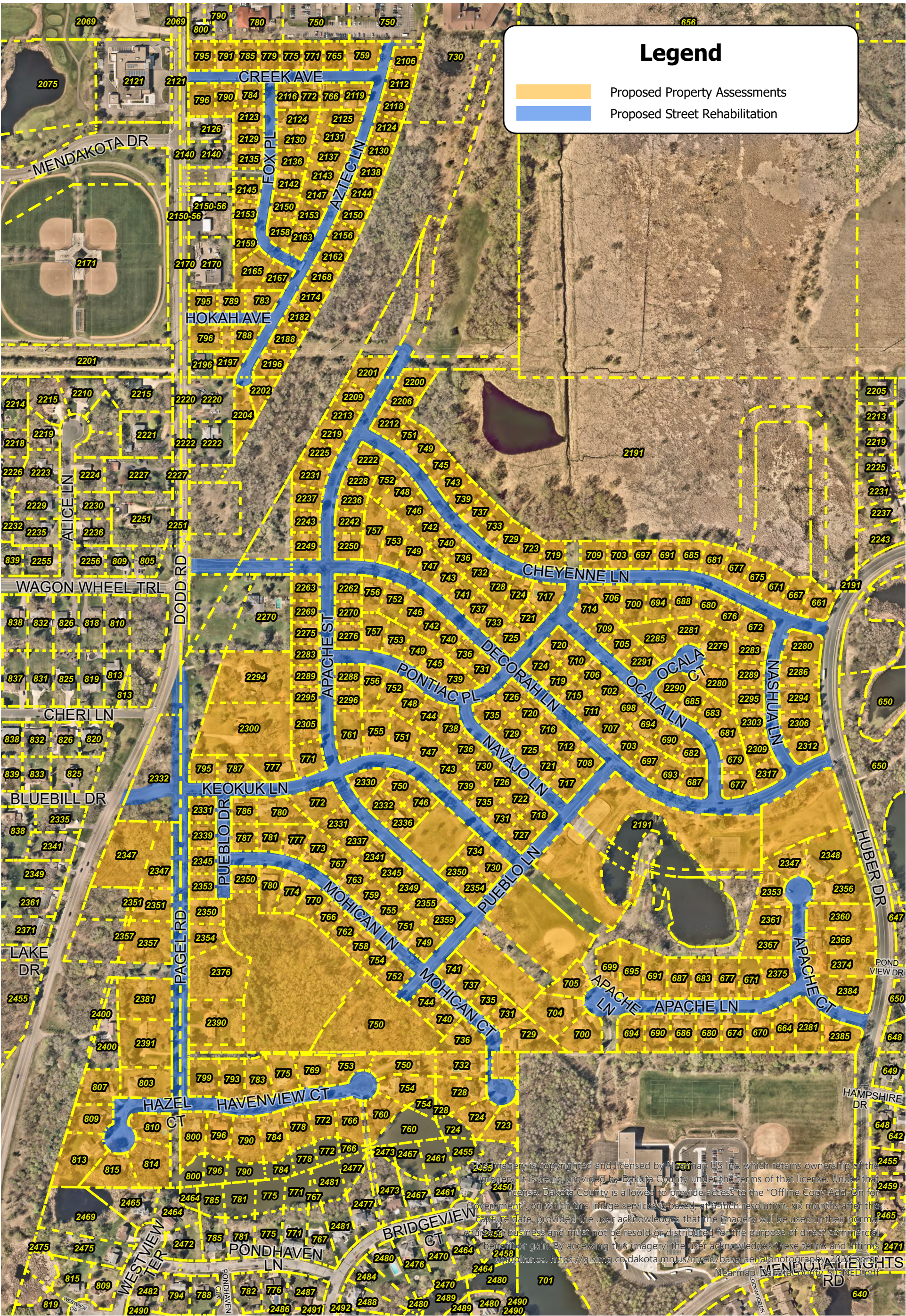
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1	MOBILIZATION	LS	1	\$ 18,924	\$ 18,924
2	CLEARING AND GRUBBING	EA	3	\$ 1,000	\$ 3,000
3	REMOVE CONCRETE CURB & GUTTER	LF	1,400	\$ 8	\$ 11,200
4	REMOVE BITUMINOUS PAVEMENT	SY	1,300	\$ 4	\$ 5,200
5	REMOVE CONCRETE DRIVEWAY PAVEMENT	SY	180	\$ 15	\$ 2,700
6	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SY	320	\$ 6	\$ 1,920
7	REMOVE CATCH BASIN	EA	5	\$ 750	\$ 3,750
8	REMOVE STORM SEWER PIPE	LF	61	\$ 16	\$ 976
9	RELOCATE HYDRANT	EA	3	\$ 2,000	\$ 6,000
10	SALVAGE SIGN	EA	2	\$ 100	\$ 200
11	COMMON EXCAVATION	CY	540	\$ 30	\$ 16,189
12	SUBGRADE EXCAVATION	CY	54	\$ 30	\$ 1,619
13	COMMON EMBANKMENT	CY	200	\$ 20	\$ 4,000
14	CLASS 5 AGGREGATE BASE	TON	550	\$ 30	\$ 16,500
15	GEOTEXTILE FABRIC TYPE V	SY	1,160	\$ 12	\$ 13,920
16	BITUMINOUS PATCHING	TON	120	\$ 100	\$ 12,000
17	TYPE SP 9.5 WEARING COURSE MIXTURE (3,C) (3") (DRIVEWAYS)	TON	70	\$ 120	\$ 8,400
18	6" CONCRETE DRIVEWAY PAVEMENT	SY	180	\$ 85	\$ 15,300
19	B618 CURB AND GUTTER	LF	1,400	\$ 22	\$ 30,800
20	3" BITUMINOUS TRAIL	SF	10,440	\$ 2.50	\$ 26,100
21	CONCRETE WALK (PED RAMPS)	SF	520	\$ 20	\$ 10,400
22	TRUNCATED DOMES	SF	64	\$ 65	\$ 4,160
23	SODDING TYPE LAWN	SY	920	\$ 12	\$ 11,040
24	BOULEVARD TOPSOIL BORROW (6")	CY	160	\$ 50	\$ 8,000
25	CATCH BASIN	EA	5	\$ 5,000	\$ 25,000
26	ADJUST FRAME & RING CASTING (CATCH BASIN)	EA	(5)	\$ 1,000	\$ (5,000)
27	INSTALL SIGN	EA	2	\$ 100	\$ 200
28	12" SOLID LINE	LF	198	\$ 15	\$ 2,970
	Subtotal				\$ 255,468
	Construction Contingency (10%)				\$ 25,547
	Indirect Costs (20%)				\$ 56,203
	Total				\$ 337,217
	TOTAL DECORAH LANE TRAIL IMPROVEMENTS COSTS				\$ 337,217

APPENDIX E – PRELIMINARY ASSESSMENT ROLL AND MAPS

Friendly Hills Neighborhood Improvements Project Area



Date: 6/25/2024



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APPENDIX F – ENGAGEMENT SUMMARY

Summary included in the cover memo



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Consider Approval of Ordinance 592, Amending Title 12: Zoning of the City Code (Zoning Code Update project); and Consider Approval of Ordinance No. 593, Creating Title 15: Environmental Standards of the City Code; Authorize Publication of Summary Ordinances

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Community Development **CONTACT:** Sarah Madden, Community Development Manager

ACTION REQUEST:

Consider Approval of Ordinance 592, Amending Title 12: Zoning of the City Code (Zoning Code Update project); and Consider Approval of Ordinance No. 593, Creating Title 15: Environmental Standards of the City Code; Authorize Publication of Summary Ordinances

BACKGROUND:

The City Council is asked to consider the adoption of two Ordinances, relating to the City's implementation of the Zoning Code Update project, which began in 2022. This project's key goal was to update the City's Zoning Code in order to be consistent with the adopted 2040 Comprehensive Plan.

Zoning is the City's primary tool for regulating land use and implementing the goals and policies of the city's Comprehensive Plan. The zoning code imposes land use controls that regulate what can be built on individual parcels of land. Proposed developments, from new buildings to small home additions, are required to meet the requirements of the zoning code. The City's Zoning Code translates the land use goals of the Comprehensive Plan into an ordinance or law which regulates the way lands may be used or developed.

The Zoning Code Update project began with a collection of feedback from the City Council, Planning Commission and City Staff through a detailed questionnaire. This questionnaire then became the foundation for the City's work to establish a full draft of the updated zoning ordinance. Under the direction of the City Council, staff and members of the Planning Commission coordinated in numerous work sessions to review each chapter of the Zoning

Ordinance thoroughly with the City's Planning Consultant, Jennifer Haskamp of Swanson-Haskamp Consulting. Ultimately, this process resulted in a revised structure of the Zoning Code to make the document easier to use and navigate, and an updated Zoning Map to reflect the ordinance updates.

Ordinance No. 592 is a 'repeal and replace' of the existing Title 12: Zoning, and consists of a revised and updated zoning ordinance, with the key focal points including but not limited to (1) Zoning and Overlay Districts, (2) Allowed and Prohibited Uses, (3) Character, Building and Design Standards, and (3) Administration and Conformance. Corresponding amendments to the Zoning Map to modify district boundaries and Zoning District titles are also proposed within this request.

Ordinance No. 593 is an entirely new title, Title 15: Environmental Standards, which has been created to separate the environmentally-focused codes and ordinance from the Zoning Title. As the Zoning Title was being revised and updated, it was determined that sections relating to environmental standards and regulations should be organized in a new section of City Code (proposed as Title 15). Because certain chapters and aspects of the Zoning Title make reference to additional requirements in this 'Environmental Standards Ordinance', the two Titles should be considered and placed into effect concurrently.

Title 12: Zoning

Over the past two years, the Planning Commission and staff have worked through and discussed a variety of topics and issues to address and implement in the revised and updated Zoning Code. The development of the revised code was based on the following process:

- An Issue Identification Questionnaire: The Planning Commission, City Council and City Staff provided responses to a questionnaire. Common themes in responses were used to help guide discussion at each Planning Commission work session and serve as a framework for revising the zoning ordinance.
- Regular Work Sessions: topic and chapter-specific work sessions were held to address the ordinance itself and the issues identified in the Issue Identification Questionnaire

The objective for this project was identified as the following:

- Update and revise Title 12: Zoning to be consistent and support the 2040 Comprehensive Plan. This process is required by State Statute
- Create a Zoning ordinance that is easy to use, clear and concise. The Zoning ordinance had not been comprehensively revised in several years and the process was intended to clean up the entirety of the ordinance to align with the existing and planned development patterns in the City.
- Address specific areas in the City to reduce non-conformity in existing development patterns to reduce regulatory red-tape where possible, and prudent.
- Introduce new code language, where needed, to more accurately address the City's

character. Topics included, landscape standards, an updated table of uses, structural standards, etc.

The Final Draft of the Zoning Code Update was prepared and reviewed by the Planning Commission and City Council at joint Work Sessions in November and December 2023, and January 2024. A Public Open House on the Zoning Code Update was then held in February 2024 to solicit community feedback and comments.

The Planning Commission held two Public Hearings on the Zoning Code Update on July 23 and August 27, 2024, with an additional Work Session held on July 30 to discuss the comments from the first public hearing in greater detail.

There were three individuals present at the July 23 public hearing, and two individuals chose to provide public comments during the hearing. Additionally, two instances of written public comments were provided to the Planning Commission as an addendum to the staff report. During the Commission's review and discussion of the Zoning Code Update, they made the decision to table the request and meet in an additional work session (July 30th) to continue the discussion of the public comments received before making a recommendation on the Ordinance.

At the July 30 work session, the Commissioners primary discussions surrounded the table of uses for business and industrial districts, the approach to prohibited uses, municipal and governmental buildings, and lighting standards for athletic fields. Planner Haskamp provided a review of the suggested edits in order to address the public comments received. Haskamp also presented a 'mapping' document which will illustrate where code provisions have been relocated to once the Zoning Code Update is adopted and implemented.

At the August 27 public hearing, an additional individual attended and provided public comment to the Planning Commission related to the Zoning Map updates to the I-Industrial Zoning District. Specifically, the property representative inquired about the differences in uses allowed on those properties south of Mendota Heights Road and west of MN Hwy 55, as they were rezoned from I-Industrial to B-1 General Business within the update. Through discussion with staff and Planner Haskamp, the Planning Commission determined that a modification to the recommendation to the City Council would be made that the properties west of Pilot Knob Road would remain in their current I-Industrial zoning rather than be part of the group of properties being rezoned to B-1 General Business.

The proposed Environmental Title (Title 15) was included in the Planning Commission's report and meeting packet to provide context for their consideration of the Zoning Title, but the Planning Commission is not required to make a recommendation on this ordinance, as it exists outside of Subdivision and Zoning. Following their discussion at the August 27 meeting, the Planning Commission voted unanimously (5-0) in support of a recommendation for approval of the Zoning Code Update, with the noted modification to the Proposed Zoning Map as discussed above. The Proposed Zoning Map has been updated and is included as an

attachment to this report. The staff report and attachments, as well as an excerpt from the minutes of this meeting have also been enclosed for the review of the City Council.

The full draft Zoning Ordinance is enclosed and noted as **Ordinance No. 592**.

Title 15: Environmental Standards

A draft Title 15: Environmental Standards was presented to the Natural Resources Commission at their June 12, 2024 regular meeting, and was shared with the City Council at their July 16, 2024 Work Session. The Title is a new addition to the City of Mendota Heights Code of Ordinances and has been created so that environmental standards and regulations are in one place within City Code. This Title is separate from the Zoning Title, however, the two sections do cross-reference each other in order to provide clarity and cohesion on the standards which apply to land use and planning. The draft Title 15 is a framework for existing environmental ordinances as well as placeholders for upcoming and future ordinance implementation for environmental or natural resource-focused codes and ordinances enacted by the City of Mendota Heights. When future ordinances are prepared and reviewed by the City, individual chapters within the Title can be repealed and replaced with the new ordinances as needed.

The proposed Title 15 includes seven (7) chapters including general administration sections, placeholders for anticipated future ordinances, and new homes for existing standards and regulations. The chapters are summarized as the following:

1. Title, Purpose and Conformance
 - a. This contains the intent and purpose of Title 15 and its applicability
2. Administration, Roles and Responsibilities
 - a. This contains information on administration and enforcement, outlines the responsibilities of the Natural Resources Commission, and describes the appeals process
3. Urban Forest, Significant Trees and Tree Replacement
 - a. This is a placeholder chapter for a future tree ordinance which is currently undergoing a drafting and review process by the Natural Resources Commission.
4. Wetlands Systems
 - a. This chapter is a combination of existing and new standards. The chapter incorporates by reference the Wetland Conservation Act (WCA), establishes a 25-ft wetland setback and guidelines for delineation reports, and notes additional performance standards and mitigation for vegetation and wetland buffers.
5. Floodplain Management
 - a. This chapter has not been changed from existing standards, but has updated cross-references to other applicable ordinances
6. Shoreland/Surface Water Management
 - a. This is a new placeholder chapter until a full ordinance is prepared, following study by the City.
7. Performance Standards
 - a. This is a miscellaneous chapter which includes sections from other chapters with no

changes, and references certain MS4 permit standards such as: chloride reduction, keeping of goats and grazing, shade tree program, and weeds and noxious vegetation.

This new Title 15 is not required to be reviewed by or a recommendation brought forth by any advisory commissions as part of its initial adoption. Staff is recommending approval of the proposed Title 15: Environmental Standards as presented in the enclosed draft **Ordinance No. 593**.

RECOMMENDATION

The Planning Commission recommends approval of the proposed amendments to Title 12: Zoning to adopt the revised Zoning Title drafted within the City of Mendota Heights Zoning Code Update project and corresponding amendments to the Zoning Map to modify district boundaries and Zoning District titles.

And;

Staff recommends approval of the proposed Title 15: Environmental Standards which establishes a new Title within the City Code as a framework for environmental standards and regulations

The Council may act on these items together in one motion or on each item individually. The Council is asked to:

- 1) Adopt **Ordinance No. 592**, approving the proposed amendments to Title 12: Zoning and corresponding amendments to the Zoning Map, to be placed into effect on January 1, 2025; Authorize publication of a Summary Ordinance
- 2) Adopt **Ordinance No. 593**, approving the creation of Title 15: Environmental Standards, to be placed into effect on January 1, 2025; Authorize publication of a Summary Ordinance

The City Council should note that publication of a Summary Ordinance requires a 4/5ths vote.

FISCAL AND RESOURCE IMPACT:

Not applicable

ATTACHMENTS:

1. Ordinance No. 592: Zoning Code Update – Formatted Final Draft dated September 6, 2024
2. Zoning Code Update – Revised Zoning Map dated September 4, 2024
3. Ordinance No. 593: Proposed Environmental Title – Formatted Final Draft dated September 6, 2024
4. Summary of Ordinance No. 592
5. Summary of Ordinance No. 593
6. Staff Report from the August 27, 2024 Regular Planning Commission Meeting (with attachments)
7. Unapproved Planning Commission Minutes 8-27-24

CITY COUNCIL PRIORITY:

Inclusive and Responsive Government, Economic Vitality & Community Vibrancy

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 592**

REPEAL AND REPLACE IN FULL TITLE 12 ZONING

The City Council of the City of Mendota Heights does ordain:

Section 1. City Code Title 12 – ZONING is hereby repealed and replaced in full as follows:

TITLE 12 ZONING

CHAPTER 1: TITLE, PURPOSE AND CONFORMANCE

ARTICLE A. TITLE, PURPOSE AND INTERPRETATION

12-1A-1 Title and Application

This Title shall be known, cited and referred to as the *MENDOTA HEIGHTS ZONING ORDINANCE* or except as referred to hereinafter, where it shall be known as “Zoning Ordinance”.

12-1A-2 Intent and Purpose

This Zoning Ordinance is adopted for the purposes of:

- A. Protecting the public health, safety, morals, comfort, convenience, and general welfare.
- B. Dividing the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.
- C. Promoting orderly development of the residential, business, industrial, recreation and public areas.
- D. Providing adequate light, air, and convenience of access to property.
- E. Limiting congestion in the public rights-of-way.
- F. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- G. Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.
- H. Providing for the administration of this Zoning Ordinance and amendments thereto.
- I. Defining the powers and duties of the administrative officers and bodies, as provided hereinafter.

- J. Prescribing penalties for the violation of the provisions of this Zoning Ordinance or any amendment thereto.

12-1A-3 Application and Interpretation

- A. Minimum Requirements. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare.
- B. Conflicting Provisions. Where the conditions imposed by any provision of this Zoning Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- C. Compliance with Provisions. No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Zoning Ordinance.

12-1A-4 Separability

It is hereby declared to be the intention that the provisions of this Zoning Ordinance which are separable in accordance with the following:

- A. If any court of competent jurisdiction shall judge any provisions of this Zoning Ordinance to be invalid, such judgement shall not affect any other provision of this Zoning Ordinance not specifically included in said judgement.
- B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Zoning Ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings, or structures.

12-1A-5 Authority

This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, and Sections 462.351 to 462.364, and any other successor chapters and sections.

ARTICLE B. CONFORMANCE OF USES, STRUCTURES AND LAND

12-1B-1 Relationship to Comprehensive Plan

It is the policy of the City of Mendota Heights that the enforcement, amendment, and administration of this Zoning Ordinance be accomplished with due consideration of the recommendations contained in the Comprehensive Plan, as developed and amended from time to time by the City Council of the City. The City Council recognizes the Comprehensive Plan as the

policy guide for responsible regulation of land use and development in accordance with the policies and purpose herein set forth.

12-1B-2 Nonconforming Uses, Structures and Land

- A. Continuance of Nonconforming Use, Structure or Land. Any structure or use lawfully existing upon the effective date of this Zoning Ordinance may be continued at the size and in a manner of operation existing upon such date except as hereinafter specified.
- B. Discontinuance of Use. Whenever a lawful nonconforming use of a structure or land is discontinued for a period of six (6) months, any future use of said structure or land shall be in conformity with the provisions of this Zoning Ordinance.
- C. Change of Use.
 - 1. When any lawful nonconforming use of any structure or land in any Zoning District has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
 - 2. A lawful nonconforming use of a structure or parcel of land may be changed to a similar nonconforming use or to a more restrictive nonconforming use. Once a structure or parcel of land has been placed in a more restrictive nonconforming use, it shall not return to a less restrictive nonconforming use.
- D. Maintenance and Repairs.
 - 1. Nothing in this Zoning Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the code enforcement officer.
 - 2. Whenever a lawful nonconforming structure has been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be remodeled, reconstructed, improved, or rebuilt, provided that:
 - a. A building permit is applied for within six (6) months of the date of the damage; and
 - b. The work provided for in the building permit is completed within 12 months of the date of damage; and
 - c. The reconstruction does not expand the physical size or bulk of the building, nor increase the nonconformity.
- E. Alterations. Alterations may be made to a building containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units.
- F. Structures Under Construction. Any structure which will, under this Zoning Ordinance, become nonconforming, but for which a building permit has been lawfully granted prior to the effective date of this Zoning Ordinance or of amendments hereto, may be completed in accordance with the approved plans, provided construction is started within six (6) months of the effective date of this Zoning Ordinance or amendment hereto and continued to completion within two (2) years. Such structure shall thereafter be a legally existing nonconforming structure.

CHAPTER 2: ZONING DISTRICTS

ARTICLE A. GENERAL PROVISIONS

12-2A-1 Summary

This Chapter establishes the Zoning Districts and their corresponding dimensional standards and regulations in the City. All parcels within the City are zoned with a Base Zoning District and may also be zoned with an Overlay District. Defined terms are generally identified by capitalization and are provided in Chapter 8 of this Zoning Ordinance.

12-2A-2 Zoning Districts Established

A. Table of Established Base and Overlay Districts. The following table is provided to summarize and identify the Zoning Districts in the City.

Table 12-2A-2.1 Established Base and Overlay Districts

ZONING DISTRICT	ABBREVIATION
Base Residential Districts	
Residential Estate	RE
Low Density Residential	R-1
Medium Density Residential	R-2
Multi-Family Residential	R-3
Base Business Districts	
General Business	B-1
Neighborhood Business	B-2
Base Industrial District	
Industrial	I
Base Other Districts	
Mixed-Use	MU
State Park	SP
Overlay Districts	
Public/Semi-Public Overlay District	PSP-O
Planned Unit Development Overlay District	PUD
Mississippi River Critical Corridor Area Overlay District	MRCCA
Floodplain Overlay District	FP-O

12-2A-3 Zoning of Annexed Territory

Annexed territory shall be placed in the Residential Estate (RE) Zoning District until such time as a detailed study determining its proper use District is undertaken.

12-2A-4 Zoning Map

The boundaries of these Zoning Districts are hereby established as shown on the official map entitled Zoning Map of Mendota Heights, Minnesota, which map is approved and filed in the office of the City Clerk, hereinafter referred to as the “Zoning Map.” Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set down herein and is hereby made a part of this Chapter by reference and incorporated herein as fully as if set forth herein at length.

12-2A-5 Boundaries of Districts

A. Boundaries Established.

1. Zoning District boundary lines as indicated on the Zoning Map follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, the center of watercourses or the corporate limit lines, to the extent possible, all as they exist upon the effective date of this Chapter.
2. If Zoning District boundary lines do not follow any of the above-described lines, the Zoning District boundary lines are established as drawn on the Zoning Map.
3. Where a Base Zoning District boundary line divides a lot of record which was in single ownership at the time of enactment of this Chapter and places portions of such lot of record in two (2) or more Base Zoning Districts, any portion of such lot within 50-feet on either side of such Base Zoning District boundary line may be used for either Base Zoning District. However, if any portion of said lot extends beyond the 50-foot limitation, the Base Zoning District line as shown shall prevail.
4. The Minnesota Department of Natural Resources (MNDNR) establishes the boundary lines of the Mississippi River Critical Corridor Area (MRCCA) Overlay District and FEMA establishes the boundary lines of the designated floodplain overlay. These Overlay Districts may be referred to as the Environmental Overlay Districts, and lands affected by these Districts shall be subject to the boundaries as established by the regulatory agency which may be updated from time to time.
5. The Public/Semi-Public Overlay (PSP-O) District shall be established as a use-based district and is only valid if an active public semi-public use, as identified in [12-2C-1D], is present on the property, otherwise the Base Zoning District shall regulate the subject property. Per Table [12-3B-1.1] Table of Uses the listed Public/Semi-Public

Uses shall only be permitted on lands that are contained within the PSP-O as shown on the Official Zoning Map.

- B. Vacation of Public Right-of-Ways. Whenever any street, alley or other public right-of-way is vacated by official action of the City, the Base Zoning District abutting the centerline of said alley or public way shall not be affected by such proceeding.

12-2A-6 Applicability of Standards and other Jurisdictions.

- A. This Chapter must be evaluated in coordination with the other Chapters of this Zoning Ordinance, including the standards established in Chapter 4: Building, Character and Design Standards that establishes physical site performance standards and regulations.
- B. This Chapter establishes that other jurisdictions have authority over certain lands contained within the described Overlay Districts, and in the case of any conflict between regulations the most restrictive standards shall apply, regardless of jurisdiction.

ARTICLE B. BASE ZONING DISTRICTS

12-2B-1 Base Zoning Districts

- A. Assigned Base Zoning Districts. All parcels, lots and land within the City are zoned with a Base Zoning District designation. The Base Zoning Districts establish and assign dimensional standards for all lots, improvements, subdivisions and other uses as described and regulated within this Zoning Ordinance. A parcel of land, development or contiguous area may be subject to an Overlay District which may assign additional dimensional standards and rules or provide certain flexibility from the standards as expressly described in other applicable Chapters or Sections.

Table 12-2B-1.1 Base Zoning Districts

	Residential Districts					Business Districts		
	Residential Estate	Low Density Residential ¹	Medium Density Residential	Multi-Family Residential	Mixed- Use	General Business	Neighborhood Business	Industrial
Abbreviations	RE	R-1	R-2	R-3	MU	B-1	B-2	I
Lot Size (minimum)	30,000 square feet	15,000 square feet	5,500 square feet/unit	20,000 square feet total or 3,500 square feet/unit	15,000 square feet total or 3,500 square feet/unit	20,000 square feet	15,000 square feet	1 acre
Lot Width (minimum)	125'	100'	35' per unit	150'	100'	150'	100'	100'

Impervious Surface Area (maximum)	35%	35%, up to 50% with BMPs ²	35%, up to 50% with BMPs ²	50%, up to 65% with BMPs ²	60%, up to 75% with BMPs ²	60%, up to 75% with BMPs ²	60%, up to 75% with BMPs ²	75%, up to 90% with BMPs ²
Height (maximum)	35'	25'	25'	60'	60'	35'	30'	45'

¹See Section [12-2B-3.D] for exceptions regarding existing lots of record platted prior to 1982.

²Best Management Practices (BMPs) are recognized and approved by the most current Minnesota Pollution Control Agency (MPCA) Stormwater Manual. The Public Works Director must review and approve all mitigative BMPs prior to the commencement of any site work.

12-2B-2 Residential Estate (RE)

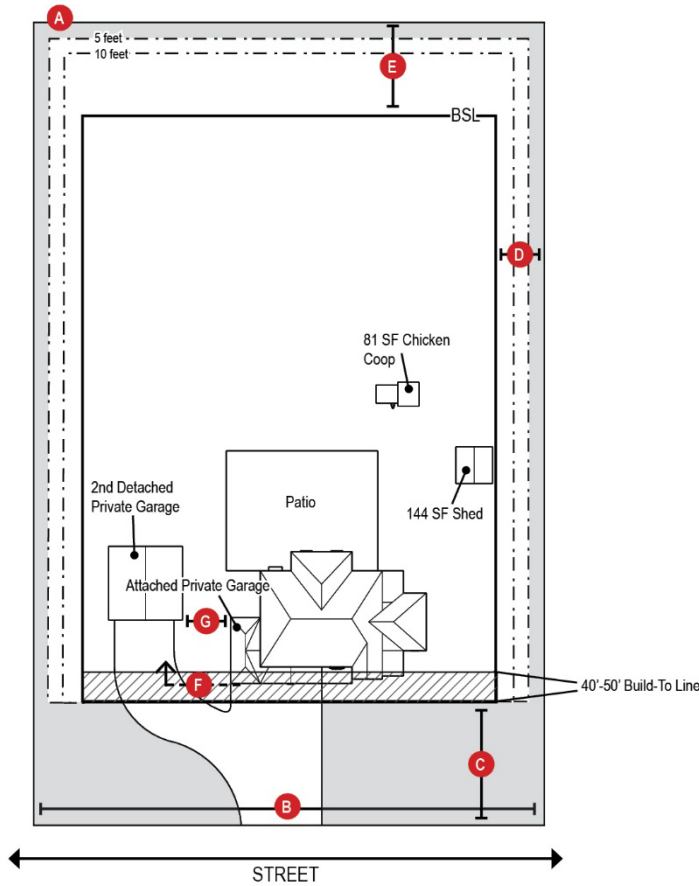
- A. Purpose of Residential Estate (RE) Zoning District. The RE Zoning District designates areas in the community where the predominant use of property is for large lot, single-family detached uses with supporting accessory uses. Properties zoned RE have a larger lot size and may or may not be part of a platted neighborhood. Land developed within the RE Zoning District may be served by private well and septic or connected to municipal utility services.
- B. Permitted Uses. See Chapter 3: Allowed Uses.
- C. Zoning District Dimensional Standards. [Table 12-2B-2.1] identifies the Dimensional Standards for Principal and Accessory Structures.

Table 12-2B-2.1 RE Dimensional and Lot Standards

Lot Dimensions		
A	Lot Size (minimum)	30,000 square feet
B	Lot Width (minimum)	125 feet
Principal Building Standards		
C	Front Yard Setback	
	<ul style="list-style-type: none"> Newly Created Lot (new plat) Existing Lot of Record (infill) 	40 feet See Section [12-4A-3.D 2]
D	Side Yard Setback (minimum)	15 feet interior lot line 30 feet abutting a street
E	Rear Yard Setback (minimum)	30 feet
	Principal Building Height (maximum)	35 feet
Accessory Structure Standards		
Private Garages		
	Number (maximum)	One (1) detached <u>or</u> one (1) attached garage per Lot; see Section [12-4A-8.D.2] for Exception for Two Private Garages on a Lot

	Size (maximum)	
	<ul style="list-style-type: none"> If Attached Private Garage 	1,200 square feet 1,201 – 1,500 square feet with CUP
	<ul style="list-style-type: none"> If Detached Private Garage 	750 square feet 751 – 1,000 square feet with CUP
	<ul style="list-style-type: none"> Size for Exception for Two Private Garages 	Up to 2,400 square feet based on lot size, see Section [12-4A-8.D 2]
	Front Yard Setback (attached)	Minimum Front Yard Setback of Principal Building
F	Front Yard Setback (detached)	Behind Principal Building front facade
	Side and Rear Yard Setbacks (minimum)	Corner lots must meet principal building side yard setback
	<ul style="list-style-type: none"> 144 to 2,000 square feet 	10 feet
	<ul style="list-style-type: none"> Over 2,000 square feet 	15 feet
	Height (maximum)	May not exceed height of principal building
	<ul style="list-style-type: none"> 144 to 2,000 square feet 	15 feet, 1.5 stories
	<ul style="list-style-type: none"> Over 2,000 square feet 	18 feet, 1.5 stories
G	Setback from Principal Building (minimum)	5 feet
	Garage Doors	
	<ul style="list-style-type: none"> Width (maximum measured horizontally) 	36 linear feet as viewed from the public right-of-way
	<ul style="list-style-type: none"> Height (maximum) 	9 feet, or up to 12 feet with Conditional Use Permit
Storage Building		
	Number (maximum)	One (1); See Section [12-4A-8.E.a.iii.] for Exception for two Storage Buildings if Chicken Coop/Run
	Size	144 square feet for one (1) Storage Building; maximum of 225 square feet of combined Storage Building and Chicken Coop/Run
	Front Yard Setback (minimum)	Behind Principal Building front facade
	Side and Rear Yard Setback (minimum)	5 feet
	Height (maximum)	10 feet, 1 story
Accessory Structure (not meeting definition of Building)		
	Setbacks	Must meet all Storage Building yard setbacks
	Size	No limit; must meet impervious surface requirements.
Other Standards		
	Impervious Surface Coverage (maximum)	35%

Figure 12-2B-2.1 RE Lot Diagram Example



12-2B-3 Low Density Residential (R-1)

- A. Purpose of Low Density Residential (R-1) Zoning District. The R-1 Zoning District designates areas in the community that are predominantly used for single-family residential principal and accessory uses. Properties zoned R-1 are primarily developed with single-family homes, curvilinear roadways, public utilities and front-facing attached garages. Any future redevelopment is intended to comply with the characteristics and dimensional standards of the current development pattern.
- B. Permitted Uses. See Chapter 3: Allowed Uses.
- C. Zoning District Dimensional Standards. [Table 12-2B-3.1] identifies the Dimensional Standards for Principal and Accessory Structures.
- D. Exception to Certain Dimensional Standards for Existing Lots of Record.

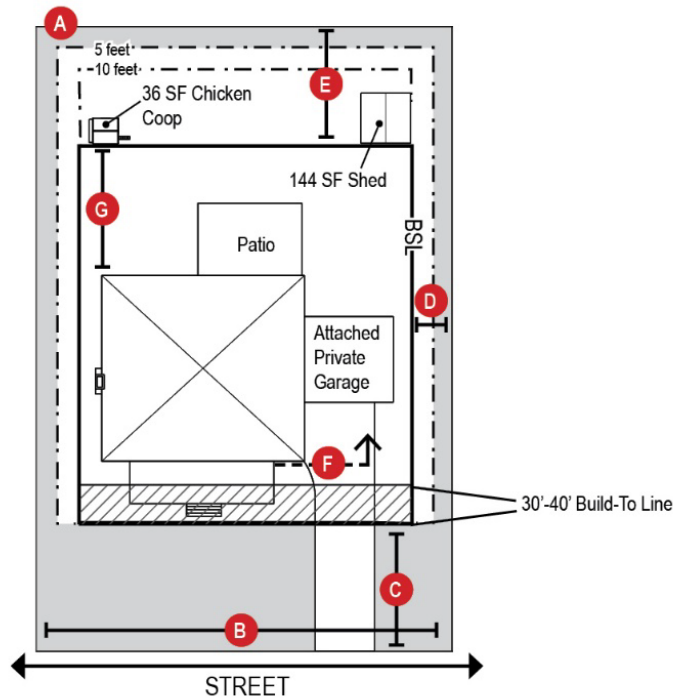
1. Certain subdivision plats were approved prior to the adoption of the R-1 dimensional standards established in Table [12-2B-3.1]. An Existing Lots of Record meeting this exception must be:
 - a. Platted prior to 1982; and
 - b. Be substandard to the required minimum lot area or lot width, or both.
2. If a lot meets the definition of an Existing Lot of Record as established in (1.) above, then the following exceptions to Table 12-2B-3.1 Dimensional and Lot Standards shall apply. If the Existing Lot of Record meets the following standards, then it shall be deemed conforming to the Zoning District Standards.
 - a. Lot Area must be a minimum of 50% of the lot area established in Table [12-2B-3.1].
 - b. Lot Width must be a minimum of 50-feet.
 - c. Lot may not be created by a new subdivision, or it shall be deemed to be new and does not meet the definition of an Existing Lot of Record.
 - d. Minimum Side Yard Setback shall be determined by the closest point of the existing principal structure, but in no case shall any addition or improvement be located closer than 5-feet from the property line.

Table 12-2B-3.1 R-1 Dimensional and Lot Standards

Lot Dimensions		
A	Lot Size (minimum)	15,000 square feet
B	Lot Width (minimum)	100 feet
Principal Building Standards		
C	Front Yard Setback	
	<ul style="list-style-type: none"> Newly Created Lot (new plat) – Minimum Existing Lot of Record (infill) – Minimum 	30 feet See Section [12-4A-3.D.2]
	<ul style="list-style-type: none"> Newly Created Lot (new plat) – Maximum Existing Lot of Record (infill) - Maximum 	40 feet See Section [12-4A-3. D.2]
D	Side Yard Setback (minimum)	10 feet interior lot line 30 feet abutting a street
E	Rear Yard Setback (minimum)	30 feet
	Height (maximum)	25 feet
Accessory Structure Standards		
Private Garages		

	Number (maximum)	One (1) detached <u>or</u> one (1) attached garage per lot; see [Section 12-4A-8.D.2] for Exception for Two Private Garages on a Lot.
	Size (maximum)	
	<ul style="list-style-type: none"> If Attached Private Garage 	1,200 square feet 1,201 – 1,500 square feet with CUP
	<ul style="list-style-type: none"> If Detached Private Garage 	750 square feet 751 – 1,000 square feet with CUP
	<ul style="list-style-type: none"> Size of Exception for Two Private Garages 	Up to 2,400 square feet based on lot size, see Section [12-4A-8.D.2]
	Front Yard Setback (attached)	Minimum Front Yard Setback of Principal Building
F	Front Yard Setback (detached)	Behind Principal Building front facade
	Side and Rear Yard Setbacks (minimum)	Corner lots must meet Principal Building side yard setback
H	<ul style="list-style-type: none"> 144 to 2,000 square feet 	10 feet
	<ul style="list-style-type: none"> Over 2,000 square feet 	15 feet
	Height (Maximum)	May not exceed height of Principal Building
	<ul style="list-style-type: none"> 144 to 2,000 square feet 	15 feet, 1.5 stories
	<ul style="list-style-type: none"> 2,000 to 2,400 Square Feet 	18 feet, 1.5 stories
I	Setback from Principal Building	5 feet
	Garage Doors	
	<ul style="list-style-type: none"> Width (maximum measured horizontally) 	36 linear feet as viewed from the public right-of-way
	<ul style="list-style-type: none"> Height (maximum) 	9 feet, up to 12 feet with Conditional Use Permit
Storage Building		
	Number (maximum)	One (1); See [Section 12-4A-8.E.a.iii.] for Exception for two Storage Buildings if Chicken Coop/Run.
	Size	144 square feet for one (1) Storage Building; maximum of 225 square feet of combined Storage Building and Chick Coop/Run.
	Front Yard Setback (minimum)	Behind Principal Building front facade
G	Side and Rear Yard Setbacks (minimum)	5 feet
	Height (maximum)	10 feet, 1 story
Accessory Structure (not meeting definition of Building)		
	Setbacks	Must meet all Accessory Building yard setbacks
	Size	No limit; must meet impervious surface requirements for all combined improvements.
Other Standards		
	Impervious Surface Coverage (maximum)	35%, or up to 50% with approved Best Management Practices (BMPs)

Figure 12-2B-3.1 R-1 Lot Diagram Example



12-2B-4 Medium Density Residential (R-2)

- A. Purpose of Medium Density Residential (R-2) Zoning District. The R-2 Zoning District designates areas in the community that are developed with small-lot detached residential or attached residential uses. Properties zoned R-2 are predominantly developed with duplex, triplex, townhome or rowhome residential uses and are located within platted developments. The properties designated within the R-2 Zoning District were generally developed as part of a Planned Unit Development (PUD) and are subject to additional standards and requirements as established within the PUD.
- B. Permitted Uses. See Chapter 3: Allowed Uses.
- C. Zoning District Dimensional Standards. Table [12-2B-4.1] identifies the Dimensional Standards for Principal and Accessory Structures.

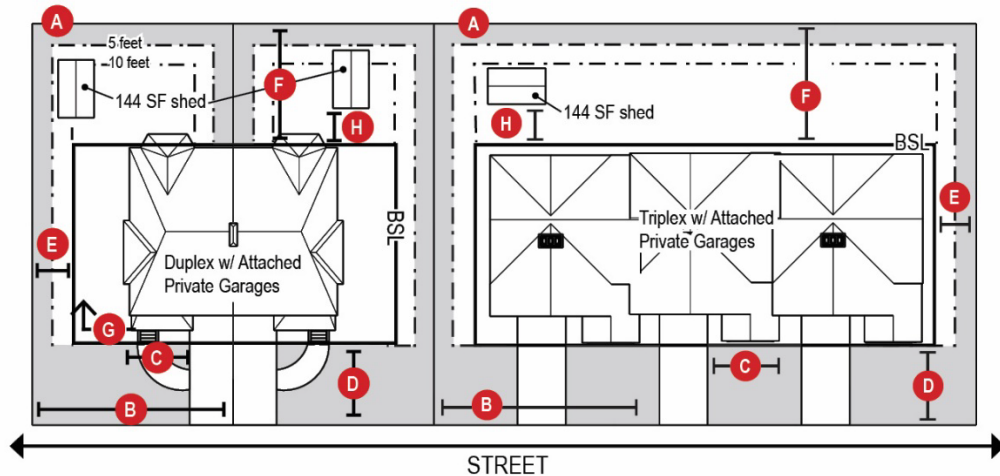
Table 12-2B-4.1 R-2 Dimensional and Lot Standards

Lot Dimensions		
A	Lot Size (minimum)	5,500 square feet per unit
B	Lot Width (minimum)	35 feet per unit
Principal Building Standards		
C	Minimum Width of Principal Building	20 feet (per unit)

	Minimum finished habitable floor area	1,000 square feet
D	Front Yard Setback (minimum)	20 feet
E	Side Yard Setback (minimum)	0 feet if attached unit 10 feet interior lot line 30 feet abutting a street
F	Rear Yard Setback (minimum)	30 feet
	Height (maximum)	25 feet, 2 stories
Accessory Structure Standards		
Private Garages		
	Number (maximum)	One (1) detached private garage <u>or</u> one (1) attached private garage per unit.
	Size (attached or detached)	Minimum of 220 square feet and maximum of 750 square feet 751 – 1,000 square feet with CUP
	Front Yard Setback (attached)	Principal Building Setbacks (minimum)
G	Front Yard Setback (detached)	Behind Principal Building front facade
	Side and Rear Yard Setbacks (detached) If corner lot/unit	5 feet Must meet Principal Building front yard setback on all road frontage
	Height (maximum)	15 feet, 1.5 stories
H	Setback from Principal Building (minimum)	5 feet
	Garage Doors	
	Width	No more than 36 linear feet can be viewed from the public right-of-way, measured horizontally
	Height (maximum)	9 feet
Storage Building		
	Number (maximum per lot)	One (1); See [Section 12-4A-8.E.a.iii] for Exception for two Storage Buildings if Chicken Coop/Run.
	Size (maximum per lot)	144 Square Feet for one (1) Storage Building; maximum of 225 Square Feet of combined Storage Building and Chicken Coop/Run.
	Front Yard Setback (minimum)	Behind Principal Building front facade
	Side and Rear Yard Setback (minimum)	5 feet
	Height (maximum)	10 feet, 1 story
Accessory Structure (not meeting definition of Building)		
	Setbacks	Must meet all accessory building yard setbacks
	Size	No limit; must meet impervious surface requirements for all combined improvements.
Other Standards		

Impervious Surface Coverage (maximum)	35%, or up to 50% with approved Best Management Practices (BMPs)
Parking (minimum)	One (1) space per unit or one (1) space per bedroom, whichever is greater (1 must be enclosed)

Figure 12-2B-4.1 R-2 Lot Diagram Example



12-2B-5 Multi-Family Residential (R-3)

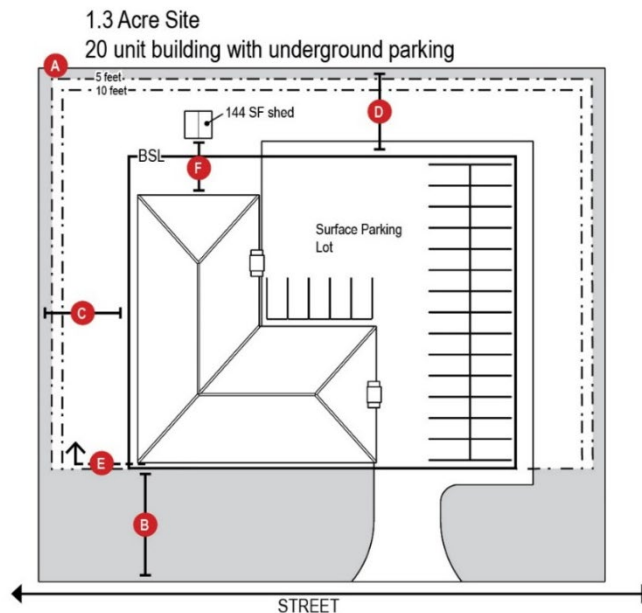
- A. Purpose of Multi-Family Residential (R-3) Zoning District. The R-3 Zoning District designates areas in the community that are developed with attached multi-family residential uses and supporting accessory uses. Properties zoned R-3 are predominantly developed with apartments, condominiums and may include townhomes or rowhomes. The properties designated within the R-3 Zoning District were generally developed as part of a Planned Unit Development (PUD) and may be subject to additional standards and requirements as established within the PUD.
- B. Permitted Uses. See Chapter 3: Allowed Uses.
- C. Zoning Dimensional Standards. Table [12-2B-5.1] identifies the Dimensional Standards for Principal and Accessory Structures.

Table 12-2B-5.1 R-3 Dimensional and Lot Standards

Minimum Lot Area per Dwelling Unit		
A	Minimum Lot Size	20,000 square feet
	Minimum Lot Size Per Unit	3,500 square feet per unit
Principal Building Standards		
B	Front Yard Setback	50 feet
C	Side Yard Setback	40 feet
D	Rear Yard Setback	40 feet
	Height (maximum)	60 feet; may exceed maximum with CUP
Accessory Structure Standards		
Private Garage		
E	Front Yard Setback (minimum)	50 feet
	Side and Rear Yard Setbacks (minimum)	Corner lots must meet Principal Building side yard setback
	144 to 2,000 Square Feet	10 feet
	Over 2,000 Square Feet	15 feet
	Height (Maximum)	May not exceed height of Principal Building
	144 to 2,000 Square Feet	15 feet, 1.5 stories
	Over 2,000 Square Feet	18 feet, 1.5 stories
F	Setback from Principal Building (detached)	5 feet minimum; or as determined by the Building Official
Storage Building		
	Number (maximum)	One (1); See Section [12-4A-8.E.a.iii. for Exception for two Storage Buildings if Chicken Coop/Run. All other detached Storage Buildings Require a CUP.
	Size	144 square feet for one (1) Storage Building, maximum of 225 square feet of combined Storage Building and Coop/Run. All other detached Storage Buildings require a CUP.
	Front Yard Setback (minimum)	Behind Principal Building front façade
	Side and Rear Yard Setback (minimum)	5 feet
	Height (maximum)	10 feet, 1 story
Accessory Structure (not meeting definition of Building)		
	Setbacks	Must meet all Storage Building yard setbacks
	Size	No limit, must meet impervious surface requirements for all combined improvements
Parking and Other Standards		
	Impervious Surface Coverage (maximum)	50%, or up to 65% with approved Best Management Practices (BMPs)

	Parking (minimum)	One (1) space per unit or one (1) space per bedroom, whichever is greater
	<ul style="list-style-type: none"> Enclosed Parking 	One space must be enclosed per unit
	<ul style="list-style-type: none"> Surface Parking minimum setback 	40 feet from public ROW and 10 feet from any Principal Building
	Design Standards	See Section [12-4B-3E]

Figure 12-2B-5.1 R-3 Lot Diagram Example



12-2B-6 Mixed-Use (MU)

- A. Purpose of Mixed-Use Zoning District. The MU Zoning District designates areas in the community that are developed with a mix of both residential and business uses within an area, on an individual parcel, or lot. Properties zoned MU are predominately developed with a mix of multi-family attached residential uses, retail, and commercial uses. The properties designated within the MU are regulated by a Planned Unit Development (PUD) plan and are subject to additional standards and requirements as established within the PUD.
- B. Permitted Uses. The allowed uses are established within the Planned Unit Development (PUD) agreement for a specific area. Generally, the permitted, conditional, and accessory uses contained in the R-2, R-3, B-1 and B-2 Zoning Districts are potentially allowable. See Chapter 3. Allowed Uses for specific uses.
- C. Zoning District Dimensional Standards. All MU Districts are subject to a PUD. The PUD for the development establishes the specific dimensional standards for the development

type. The Base District considerations for residential uses are the R-2 Medium Density Residential or R-3 Multi-Family Residential Zoning District standards, and for business uses are the B-2 Neighborhood Business District standards.

12-2B-7 General Business (B-1)

- A. Purpose of B-1 General Business District. The B-1 Zoning District designates areas in the community that are developed, or intended to be developed, with retail, commercial, office, and service uses that serve the larger region. Examples of uses within the General Business Zoning District may include office or business parks, larger shopping areas, or a medical service campus. Properties zoned General Business have access to larger roadways and collectors and are located in areas not intended to connect to residential neighborhoods.
- B. Permitted Uses. See Chapter 3: Allowed Uses.
- C. Zoning District Dimensional Standards. Table [12-2B-7.1] identifies the Dimensional Standards for Principal and Accessory Structures.

Table 12-2B-7.1 General Business Dimensional and Lot Standards

Lot Dimensions		
A	Lot Size (minimum)	20,000 square feet
B	Lot Width (minimum)	150 feet
Principal Building Standards		
C	Front Yard Setback (minimum)	50 feet
	• Abutting a major thoroughfare	100 feet
D	Side Yard Setback (minimum)	40 feet
	• Adjacent to a street	40 feet
	• Adjacent to a Residential District	50 feet
E	Rear Yard Setback (minimum)	40 feet
	• Adjacent to a Residential District	50 feet
	Height (maximum)	Two (2) stories or 35 feet (height exceeding 30 feet must obtain a CUP)
Accessory Structure Standards		
All Accessory Buildings		
	Front Yard Setback	Behind Principal Building
F	Side and Rear Yard Setbacks (minimum)	
	• Less than 144 Square Feet	5 feet

12-2B-8 Neighborhood Business (B-2)

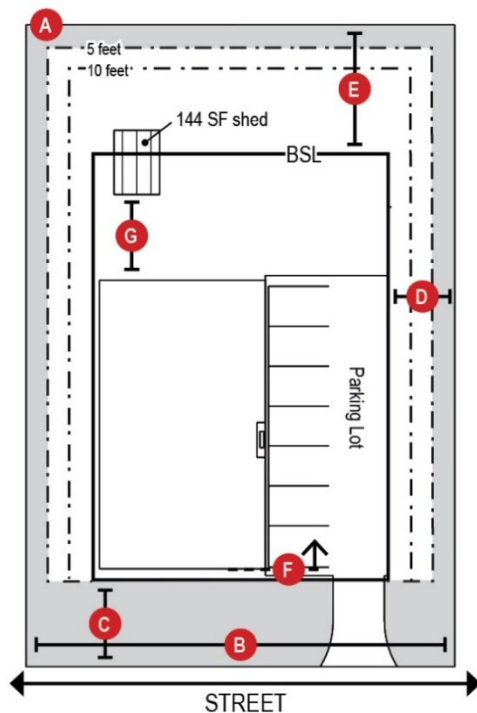
- A. Purpose of Neighborhood Business (B-2) District. The B-2 Neighborhood Business Zoning District designates areas in the community that are developed, or intended to be developed, with small-scale retail, commercial and service uses that are supportive of the surrounding residential neighborhoods. Properties zoned B-2 are located along key neighborhood corridors and at neighborhood nodes and are intended to serve the local community.
- B. Permitted Uses. See Chapter 3: Allowed Uses.
- C. Zoning District Dimensional Standards. Table [12-2B-8.1] identifies the Dimensional Standards for Principal and Accessory Structures.

Table 12-2B-8.1 Neighborhood Business Dimensional and Lot Standards

Lot Dimensions		
A	Lot Size (minimum)	15,000 square feet
B	Lot Width (minimum)	100 feet
Principal Building Standards		
C	Front Yard Setback (minimum)	20 feet
D	Side Yard Setback (minimum)	15 feet or equal to height of structure, whichever is greater
E	Rear Yard Setback (minimum)	30 feet or equal to height of structure, whichever is greater
	If adjacent to Residential Base Zoning District or Residential Use	50 feet from all property lines
	Height (maximum)	3 stories or 30 feet, whichever is less
Accessory Structure Standards		
All Accessory Buildings		
F	Front Yard Setback	Behind Principal Building
	Side and Rear Yard Setbacks (minimum)	
	• Less than 144 Square Feet	5 feet
	• 144 to 2,000 Square Feet	10 feet
	• Over 2,000 Square Feet	15 feet
G	Setback from Principal Building (minimum)	5 feet
	Height (Maximum)	May not exceed height of Principal Building
	Size and Number	One (1) Storage Building not to exceed 144 Square Feet is Permitted; All other requires a CUP
Accessory Structures (Not meeting definition of Building)		
	Setbacks	Must meet all Accessory Building yard setbacks

	Size	No limit, must meet impervious surface requirements for all combined improvements.
Other Standards		
	Building Coverage (maximum)	50%
	Impervious Surface Coverage (maximum)	60%, or up to 75% with approved Best Management Practices (BMPs)
	Parking	See Section [12-4A-9]

Figure 12-2B-8.1 Neighborhood Business Lot Diagram Example



12-2B-9 Industrial (I)

- A. Purpose of Industrial (I) District. The Industrial Zoning District designates areas in the community that are developed, or intended to be developed, with light and creative industrial uses. Examples of uses within the Industrial Zoning District may include warehouses, light manufacturing, office, and utilities.
- B. Permitted Uses. See Chapter 3: Allowed Uses.

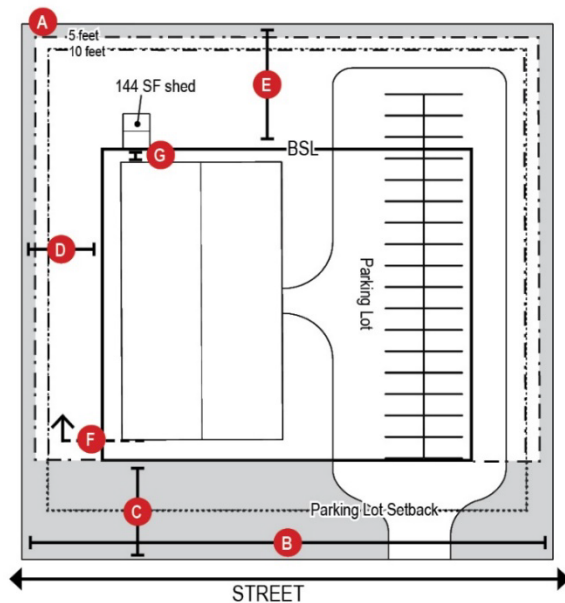
- C. Zoning District Dimensional Standards. Table [12-2B-9.1] identifies the Dimensional Standards for Principal and Accessory Structures.

Table 12-2B-9.1 Industrial Dimensional and Lot Standards

Lot Dimensions		
A	Lot Size (minimum)	1 acre
B	Lot Width (minimum)	100 feet
Principal Building Standards		
	Front Yard Setback (minimum)	40 feet
C	Front Yard Setback (minimum)	50 feet abutting a Residential Base Zoning District or Residential Use
D	Side Yard Setback (minimum)	30 feet interior lot line 40 feet abutting a public street 50 feet abutting a Residential Base Zoning District or Residential Use
E	Rear Yard Setback (minimum)	50 feet 100 feet abutting a Residential Base Zoning District or Residential Use
	Height (maximum)	45 feet
Parking Setbacks		
F	Parking Spaces or Aisles	
	From any Public Right-of-Way (ROW)	20 feet
	Any building or lot line	10 feet
Accessory Structure Standards		
F	Front Yard Setback	Behind Principal Building
G	Side and Rear Yard Setbacks (minimum)	
	• Less than 144 Square Feet	5 feet
	• 144 to 2,000 Square Feet	10 feet
	• Over 2,000 Square Feet	15 feet
H	Setback from Principal Building	5 feet
	Height	May not exceed height of Principal Building
	Size and Number	One (1) Storage Building not to exceed 144 Square Feet is Permitted; All other requires CUP
Accessory Structure (Not meeting definition of Building)		
	Setbacks	Must meet all Accessory Building yard setbacks
	Size	No limit, must meet impervious surface requirements for all combined improvements.

Other Standards		
	Building Coverage (maximum)	50%
	Impervious Surface Coverage (maximum)	75%, up to 90% with approved Best Management Practices (BMPs)
	Parking	See [Section 12-4A-9]

Figure 12-2B-8.1 Industrial Lot Diagram Example



12-2B-10 State Park (SP)

- A. Purpose of State Park District. The State Park District designates areas which are owned by the State of Minnesota Department of Natural Resources and located within Fort Snelling State Park.
- B. Permitted Uses. The uses permitted in the areas designated as State Park shall be as regulated and permitted by Minnesota Department of Natural Resources.
- C. Zoning District Dimensional Standards. The City of Mendota Heights incorporates the Minnesota Department of Natural Resources (MNDNR) any applicable dimensional standards by reference into this Chapter.

ARTICLE C. OVERLAY ZONING DISTRICTS

12-2C-1 Public/Semi-Public Overlay District (PSP-O)

- A. Purpose of Public Semi-Public (PSP) Overlay District. The PSP Overlay Zoning District designates areas in the community that are developed and used for public and semi-public uses that are non-residential. Examples of uses within the PSP Overlay Zoning District may include schools, golf courses, cemeteries, parks, municipal buildings, religious campuses. Properties zoned Public Semi-Public Overlay are often adjacent to existing neighborhoods and serve the residents of the community.
- B. Termination of PSP Overlay Use. If a property that is zoned PSP-O is no longer used consistent with the standards established herein, the Base Zoning District standards, regulations and provisions shall govern.
- C. Permitted Uses. See Chapter 3: Allowed Uses and reference the applicable Base Zoning District and Public/Semi-Public Uses. Within the Residential Zoning Districts defined as RE, R-1, R-2 and R-3 the Public/Semi-Public uses are only permitted within a designated PSP-O district area.
- D. Zoning District Dimensional Standards. Table [12-2C-1.1] identifies the Dimensional Standards for non-residential Principal and Accessory Structures.

Table 12-2C-1.1 PSP-O Dimensional Standards

Lot Dimensions	
Lot Size (minimum)	1 acre
Lot Width (minimum)	100 feet
Principal Building Standards	
Front Yard Setback (minimum)	75 feet
Side Yard Setback (minimum)	50 feet
Rear Yard Setback (minimum)	50 feet
Height (maximum)	Base Zoning District, or up to 40 feet with CUP
Accessory Structure Standards	
All Accessory Buildings	
Front Yard Setback	Principal Building Setback or Behind Principal Building, if present
Side and Rear Yard Setbacks	
• Less than 144 Square Feet	10 feet
• 144 to 2,000 Square Feet	20 feet
• Over 2,000 Square Feet	50 feet

Setback from Principal Building	5 feet
Height	May not exceed height of Principal Building; or 25 feet whichever is greater
Size and Number	One (1) Storage Building not to exceed 144 square feet is Permitted; All other requires CUP
Accessory Structures (not meeting definition of Building)	
Setbacks	Must meet all accessory structure setbacks
Size	No limit; must meet impervious surface requirements for all combined improvements.
Other Standards	
Building Coverage (maximum)	50%
Impervious Surface Coverage (maximum)	60%, or up to 75% with approved Best Management Practices (BMPs)

12-2C-2 Planned Unit Development Overlay Districts (PUD)

- A. Purpose of Planned Unit Development Overlay Zoning Districts (PUD). The purpose of the Planned Unit Development is to encourage innovative and creative development of land that would not be permitted under the strict application of a Base Zoning District. Such innovative or creative development may be:
1. Development that preserves the natural and scenic quality of open areas.
 2. Development that encourages a diverse mix of housing types.
 3. Usage of multiple Base Zoning Districts within one development area.
 4. Other development solutions as approved by the City Council.
- B. PUD as an Overlay Zoning District. All proposed PUD developments must be rezoned with a Base Zoning District(s) and a designating PUD Overlay.
- C. Permitted Uses. The permitted, conditional and accessory uses are generally as established within the Base Zoning District. Flexibility, modifications or additional restrictions regarding uses shall be established by the City Council during the PUD approval process.
- D. Required Standards. A PUD Overlay District must demonstrate the following:
1. That the development and design is an appropriate use for the property and is compatible with surrounding development.
 2. That the streets and utilities are adequate and do not adversely affect the economical and efficient delivery of municipal services.
 3. That the scale of the development is compatible with adjacent land uses and is consistent with the standards established in Chapter 4 of this Zoning Ordinance.
- E. Overlay District Dimensional Standards. A separate PUD Overlay District shall govern each development project or development area. The PUD must identify a Base Zoning District from which the development is derived. The PUD must clearly state the

dimensional standards from which flexibility is requested. If approved, the approved standards for the PUD shall be established within the PUD Agreement and shall be deemed the Dimensional Standards for that PUD Overlay District. The process and administration for each PUD Overlay District is established in Chapter 5 of this Zoning Ordinance.

12-2C-3 Floodplain Overlay District (FP-O)

- A. Purpose of Floodplain Overlay (FP-O) District. The FP-O Zoning District identifies lands that are designated by the Federal Emergency Management Agency (FEMA) as contained within the floodway or floodway that is further defined in Title 15: Environmental Standards of the City's Code of Ordinances.
- B. FP-O as an Overlay Zoning District. The land contained within the FP-O may not follow parcel boundaries or lot lines and the standards established are applicable to that portion of a property within the mapped overlay. Determination of the land area contained within the FP-O is determined by the FIRM maps that are managed and produced by FEMA. The process for amending or modifying the boundaries is established and regulated by FEMA or its designated assigns.
- C. Permitted Uses. The Permitted Uses are established for the Floodway and Floodplain District Areas as follows:
 - 1. *Floodway District Permitted Uses.*
 - a. All buildings, structures, construction grading and deposits that are essential to the operation of the community such as bridges, sewer outfalls, power and telephone line supports, and other services structures.
 - b. Low damage or no damage potential uses such as agriculture, parking lots, parks, recreation areas and docking facilities. Provided that no building, structure or improvements are erected, and no filling or grading is undertaken unless they are designed and constructed to not obstruct flood flow. Plans for such work must be approved in writing by the Public Works Director and must be filed with the City Council.
 - 2. *Floodplain District Permitted Uses.* All buildings, structures, construction grading and deposits that are permitted under the Base Zoning District as established in Chapter 3. Allowed Uses, provided that:
 - a. No residence shall be constructed unless the ground upon which such residence is to be erected, and 20-feet beyond the limits of such residence, and the entire access drive to the public street shall prior to or at the time of such construction, be raised to an elevation not less than one foot (1') above the design flood

elevation as shown on the FIRM maps, and the first floor of such residence shall not be less than three feet (3') above the design flood elevation.

- b. No basement floor shall be constructed to an elevation lower than the design flood elevation unless such basement has been designed to withstand pressure from water at the design flood elevation and certified by a registered professional engineer with such condition being made a part of the building permit. No street grades shall be placed at a lower elevation than the design flood elevation.
 - c. Filling or excavating in the bed of a lake or stream below high-water mark or pumping water into or out of water bodies may be permitted subject to the approval of the City Council and subject to a permit previously obtained from the commissioner of natural resources as required by Minnesota State Statutes.
 - d. Construction of streets, residences and other buildings at elevations below design flood elevations may be permitted if adequate flood protection is provided. Any flood protective works must be approved in writing by the City Council prior to the granting of building permits.
 - e. *Issuance of Building Permit.* Before a building permit shall be issued for a building, structure, construction, grading or deposit for a floodway or floodplain, the applicant must provide a completed application for building permits, all plans, exhibits and certification required by this Chapter and the written approval of other governmental agencies as required by this Chapter and Zoning Ordinance 15: Environmental Standards.
- D. Overlay District Dimensional Standards. The dimensional standards are as established within the Base Zoning District and within Zoning Ordinance Title 15: Environmental Standards.

12-2C-4 Mississippi River Corridor Critical Area (MRCCA) Overlay District

- A. Purpose of MRCCA Overlay District. The purpose of the MRCCA Overlay Zoning District is to establish standards and requirements for land within proximity to the Mississippi River Corridor. The standards and areas contained within the MRCCA Overlay District are established in Chapter [6] of this Zoning Ordinance.
- B. Permitted Uses. The permitted, conditional and accessory uses are generally as established for the Base Zoning District as identified in Chapter 3. Allowed Uses. Additional standards regarding land within the MRCCA Overlay District boundary are established in Chapter 6. Mississippi River Corridor Critical Area.
- C. Overlay District Dimensional Standards. The dimensional standards of the Base Zoning District and as contained within Chapter [6] shall be applicable.

CHAPTER 3: ALLOWED USES

ARTICLE A. GENERAL PROVISIONS

12-3A-1 Uses contained in this Chapter.

- A. Purpose. This Chapter is intended to describe the land uses that are permitted; permitted provided certain performance standards or requirements are met; permitted with a conditional or interim use permit; or that are prohibited within the City.
- B. Uses within the Base Zoning District. This Chapter is organized to establish the allowed and prohibited uses by Base Zoning District. All properties and land within the City have been assigned a Base Zoning District that shall regulate the uses contained within this Chapter.
- C. Uses within an Overlay District. Properties fully or partially contained within an Overlay District may be subject to additional standards, requirements, or prohibitions regarding use. Established uses are categorized by the Base Zoning District, with additional restrictions, regulations or prohibitions provided in the applicable Overlay District following the Table of Uses.
- D. Required Permits and Process. If a use requires an Administrative, Conditional, Interim or Administrative Permit the process shall be followed as described in Chapter [5] of this Zoning Ordinance.

12-3A-2 Uses not Identified in this Chapter.

- A. Uses not identified in this Chapter. If a proposed use is not specifically identified, permitted or prohibited in any Base Zoning District, the use shall be considered prohibited. In such case, the following steps may be taken to consider a Text Amendment to this Chapter:
 - 1. The City Council or Planning Commission, on their own initiative, may conduct a study to determine if the use is acceptable, and if so, initiate a Text Amendment.
 - 2. The Applicant, and the Fee Owner of the property if different, may make an application to the City to consider an amendment to this Chapter.
 - 3. When a valid request, as established by subsection 1 or 2, is made for a Text Amendment the City shall initiate a study to determine if the use is appropriate, and if so, what Base Zoning District is most appropriate. The study shall also include any conditions and standards relating to the use.

4. The Zoning Text Amendment Process shall follow the process as established in Section [12-5B-3] of this Zoning Ordinance.

12-3A-3 General Standards Applicable for Uses

- A. Other Agencies with Jurisdiction of Uses in the City. In addition to the standards and regulations established by the City contained within this Chapter, any use of property must comply with the standards established by other regulatory agencies and authorities that may have jurisdiction over the use. It is the Applicant or Property Owner's responsibility to comply with any required regulations, standards and permitting of other agencies. The following list of other agencies are provided as reference, but such list may not be all inclusive.
 1. Minnesota Department of Natural Resources (MnDNR), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health, Minnesota Board of Water and Soil Resources, Minnesota Department of Transportation (MnDOT), Minnesota Department of Agriculture, Dakota County, Federal Communications Commission (FCC).

ARTICLE B. PERMITTED AND PROHIBITED USES

12-3B-1 Table of Uses

- A. Table of Uses. The following Table [12-3B-1.1] Table of Uses is organized by Use Type/Classification and Base Zoning District. The Table of Uses classifies the identified use as either permitted, permitted through regulation, requirement, permit or prohibited.
- B. Establishing Principal Use. The Table of Uses generally identifies principal uses of property except the subsection which explicitly identifies Accessory Uses. Each property must establish a Principal Use; however more than one use of a property may exist. In all cases the proper permits must be obtained for any principal or accessory uses of a property. It should be noted that if a mix of uses is present on a property the property may be subject to a Planned Unit Development (PUD).

Table 12-3B-1.1 Table of Uses

P Permitted Principal Use CUP Conditional Use Permit IUP Interim Use Permit AP Administrative Permit blank Prohibited									
<i>*Note: If a use is not identified on the Table, then it is prohibited.</i>									
Land Use	BASE ZONING DISTRICTS								
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	Use Specific Section (See referenced section for more information; other requirements may also apply.)
RESIDENTIAL USES									
Customized (assisted) living facilities	CUP	CUP	CUP	CUP	CUP				12-3B-3B.1
Farming Operations	P	P	P	P					12-3B-3B.2
Manufactured home park				CUP					
Mixed Use Building including residential use				CUP	CUP		CUP		
Multi-family attached dwelling units (5-24 Units)			CUP	P	CUP				
Multi-family attached dwelling units (25+ Units)				CUP	CUP				
Nursing homes, rest homes or retirement homes				CUP	CUP	CUP	CUP		
Single Family Detached Dwelling Unit	P	P	P	CUP	CUP				
Single Family Attached Dwelling Units (2-4 Units)			P	P	P				
State licensed residential program with a licensed capacity from seven (7) through sixteen (16) persons			CUP	CUP	CUP	CUP	CUP		12-3B-3B.3
COMMERCIAL/BUSINESS USES									
Adult Uses								CUP	12-3B-4B.1
Animal hospital (cat clinic, veterinary clinic, or similar)						CUP	CUP		12-3B-4B.2

P Permitted Principal Use CUP Conditional Use Permit IUP Interim Use Permit AP Administrative Permit blank Prohibited									
<i>*Note: If a use is not identified on the Table, then it is prohibited.</i>									
Land Use	BASE ZONING DISTRICTS								Use Specific Section <i>(See referenced section for more information; other requirements may also apply.)</i>
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
Armories, convention halls, community centers, sports arenas and stadiums (excluding school uses)						CUP	CUP	CUP	
Art studio, interior decorating studio, photographic studio, music studio, provided no retail sales are made of products not manufacturing on the site					CUP	CUP			
Banks and banking institutions without drive-in facilities					P	P	P		
Boats and marine sales when conducted entirely within a building						P			
Bowling alleys, billiard and pool rooms, skating rinks, liquor stores, fraternal organizations and similar uses					CUP	CUP	CUP		
Brewery, Cidery or Micro-Distillery					CUP	CUP	CUP	CUP	12-3B-4B.3
Commercial recreation, when conducted within a completely enclosed building						CUP		CUP	
Commercial recreation, outdoor					CUP	CUP	CUP	CUP	12-3B-4B.4
Crematorium								CUP	
Daycare centers					P	P	P		
Drive through/Drive-in business					CUP	CUP	CUP		12-3B-4B.5
Dry cleaning and laundry service					CUP	CUP	CUP		
Fitness and health club					CUP	P	CUP	CUP	
Food Trucks	AP	AP	AP	AP	AP	AP	AP	AP	
Food Hall						CUP	CUP	CUP	

<p>P Permitted Principal Use CUP Conditional Use Permit IUP Interim Use Permit AP Administrative Permit blank Prohibited</p> <p style="text-align: right;"><i>*Note: If a use is not identified on the Table, then it is prohibited.</i></p>									
Land Use	BASE ZONING DISTRICTS								Use Specific Section <i>(See referenced section for more information; other requirements may also apply.)</i>
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
Funeral homes and mortuaries						CUP		CUP	
Garden supply store, provided it is conducted entirely within an enclosed structure						P	P		
Greenhouse, commercial, provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street						P		P	
Laundromat of the self-service type					P	P	P		
Massage therapy business, subject to the licensing requirements of this code					P	P	P		
Massage therapy services to the general public for purposes of a teaching program accredited by the National Certification Board for Therapeutic Massage and Bodywork and the Accrediting Commission of Career Schools and Colleges of Technology as an accessory use to colleges, universities, and permitted postsecondary institutions in which no fee is charged for the services						CUP		CUP	
Medical and dental clinics or services					P	P	P	CUP	
Motel and hotel						CUP		CUP	12-3B-4B.6
Motor fuel stations and motor fuel station convenience stores					CUP	CUP	CUP	CUP	12-3B-4B.7

<p>P Permitted Principal Use CUP Conditional Use Permit IUP Interim Use Permit AP Administrative Permit blank Prohibited</p> <p style="text-align: right;"><i>*Note: If a use is not identified on the Table, then it is prohibited.</i></p>									
Land Use	BASE ZONING DISTRICTS								Use Specific Section <i>(See referenced section for more information; other requirements may also apply.)</i>
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
Offices (non-retail)					P	P	P	P	
Optical and jewelry sales or manufacturing					P	P	P	P	
Pet shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside of the building, and the business is operated so as to not cause offensive odor or noise						P			
Pipe and tobacco shop					CUP	CUP	CUP		
Publishing houses, printing shops						P			
Private clubs and lodges				CUP	CUP	CUP			
Radio and television repair						P			
Research centers and laboratories						P			
Residential programs for treatment of chemically dependent adults						CUP			12-3B-4B.8
Restaurant, café, tearoom, coffee shop, ice cream shop, delicatessen, etc. no drive-in					P	P	P	CUP	
Retail Sales and Services less than 15,000 square feet (e.g. clothing shop, book store, pharmacy, grocery store, barbershop, salon, etc.)					P	P	P		12-3B-4B.9
Retail Sales and Services greater than 15,000 square feet (e.g. clothing shop,					CUP	CUP	P		12-3B-4B.10

P Permitted Principal Use CUP Conditional Use Permit IUP Interim Use Permit AP Administrative Permit blank Prohibited									
<i>*Note: If a use is not identified on the Table, then it is prohibited.</i>									
Land Use	BASE ZONING DISTRICTS								Use Specific Section <i>(See referenced section for more information; other requirements may also apply.)</i>
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
book store, pharmacy, grocery store, barbershop, salon, etc.)									
Sporting goods store, excluding the sale of firearms of any variety or ammunition					P	P	P		
Theaters, excluding drive-ins					CUP	CUP	CUP		
Ticket offices and travel bureaus					P	P			
INDUSTRIAL, TRANSPORTATION & UTILITY USES									
Airports, truck and freight terminals, team tracks and open sales lots								CUP	
Alternative Energy Systems (Ground mounted solar energy systems that are accessory to the principal use of the land and are designed to onsite uses)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	12-3B-5B.1
Alternative Energy Systems (Roof mounted solar energy systems that are accessory to the principal use of the land and are designed to supply energy to on site uses)	P	P	P	P	P	P	P	P	12-3B-5B.1
Automobile and other vehicles of transportation sales when conducted entirely within a building						P		CUP	

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Land Use	BASE ZONING DISTRICTS								Use Specific Section (See referenced section for more information; other requirements may also apply.)
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
Automobile repair, major or minor, when conducted completely within an enclosed building					CUP	CUP	CUP	P	
Bus terminals and maintenance garages						CUP		P	
Dog daycare, may include overnight boarding								CUP	
Dog training facility								CUP	12-3B-5B.2
Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop, provided they do not employ more than six (6) persons in repair or processing						CUP		CUP	
Essential service structures	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	12-3B-5B.3
Landscaping, and construction, requiring equipment								P	12-3B-5B.4
Manufacturing, conducted within a completely enclosed building (Excluding the manufacturing uses as expressly defined in this Table of Uses)						P		P	
Manufacturing, conducted within a completely enclosed building, of one or more of the following: Batteries,								C	

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Land Use	BASE ZONING DISTRICTS							
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial (See referenced section for more information; other requirements may also apply.)
laundries, metal polishing and plating, paper products from previously processed paper, rubber and synthetic rubber products, sheet metal work, ornamental iron, welding, stamping								
Outdoor storage and display of materials and equipment accessory to landscaping and building design and construction								CUP 12-3B-5B.5
Personal self-storage facility								CUP 12-3B-5G
Sales and servicing of heating equipment, air conditioning equipment and electrical appliances; provided, that there shall not be more than six (6) persons employed upon said premises in the repair or servicing of said equipment or appliances						CUP	CUP	P
Stone and monument sales						CUP		CUP
Scientific research, investigation, testing and experimentation, including laboratories					CUP	CUP		P
Railroad spurs and siding								P

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<i>*Note: If a use is not identified on the Table, then it is prohibited.</i>									
Land Use	BASE ZONING DISTRICTS								Use Specific Section <i>(See referenced section for more information; other requirements may also apply.)</i>
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
Ready mix concrete and concrete products plants								CUP	
Through train operation, but not switching, storage or any other railroad operation	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Uses which are permitted under Section [12-11-8] of this Chapter which involve the storage or uses of materials which decompose by detonation						CUP		CUP	
Warehousing and distribution, abutting a Residential Base Zoning District						CUP		CUP	12-3B-5B.6
Warehousing and distribution, not abutting a Residential Base Zoning District						CUP		P	
Wholesale office and showroom						P		P	
Wireless Antennas, Towers, and Accessory Structures	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	12-3B-5B.7
PUBLIC/SEMI-PUBLIC USES (Note that PSP Uses in RE, R-1, R-2, and R-3 are only permitted within the designated PSP-O district as shown on the Official Zoning Map)									
Business or trade school when conducted entirely within a building						CUP		CUP	
Cemeteries and/or cemetery structures; provided, that no buildings shall be located within fifty feet (50') of any abutting property line	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

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Land Use	BASE ZONING DISTRICTS								Use Specific Section (See referenced section for more information; other requirements may also apply.)
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
Colleges, universities, and post-secondary schools, public and private includes postsecondary skill based educational institutions that offer programs that award certificates, degrees, or certified training to full and/or part time students						CUP	CUP	CUP	
Cultural Centers, Places of Assembly						CUP		CUP	12-3B-6B.1
Elementary, Middle, and Secondary, public and private	CUP	CUP	CUP	CUP	CUP	CUP	CUP		12-3B-6B.3
Golf courses, country clubs, tennis clubs, public swimming pools, archery range	CUP	CUP	CUP	CUP	CUP	CUP			
Governmental buildings and structures					CUP	CUP	CUP	CUP	12-3B.6B.4
Historical buildings, museums, art institutes, galleries and playhouses					CUP	CUP	CUP		
Hospitals for human care, sanatoriums, rest homes and nursing homes	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Library			CUP	CUP		P	P		
Municipal buildings and structures	CUP	CUP	CUP	CUP	P	P	P	P	12-3B-6B.4
Off leash dog area (not associated with multi-family residential use)					IUP			IUP	12-3B-6B.5
<u>Outdoor Recreational Facilities, including Athletic Fields</u>	CUP	CUP	CUP	CUP	P	P	P	P	12-3B-6B.6
Public parks and playgrounds	P	P	P	P	P				
Private nursery and/or daycare schools	CUP	CUP	CUP	CUP	CUP				12-3B-6B.7

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Land Use	BASE ZONING DISTRICTS								
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	Use Specific Section (See referenced section for more information; other requirements may also apply.)
Religious institutions and places of worship	CUP	CUP	CUP	CUP	CUP				12-3B-6B.8
ACCESSORY USES									
Accessory Buildings or Structures (CUP required as regulated by use or Zoning District)	AP (CUP)	AP (CUP)	AP (CUP)	AP (CUP)	AP (CUP)	AP (CUP)	AP (CUP)	AP (CUP)	12-4A-7B.1
Buildings temporarily located for purposes of constructing on the premises for a period not to exceed time necessary for such constructing	AP	AP	AP	AP	AP	AP	AP		
Commercial Outdoor Recreation facilities, must be accessory to principal building with compatible use					CUP	CUP	CUP	CUP	
Enclosed retail sales accessory to permitted industrial use								CUP	12-3B-7B.2
Gardening and other horticultural uses where no sale of products is conducted on the premises	P	P	P	P	P				
Home occupation	P	P	P	P	P				12-3B-7B.3
Incidental repair, processing or storage necessary to conduct a permitted principal use not to exceed more than 20					AP	AP	AP	AP	

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*Note: If a use is not identified on the Table, then it is prohibited.									
Land Use	BASE ZONING DISTRICTS								Use Specific Section <i>(See referenced section for more information; other requirements may also apply.)</i>
	RE Residential Estate	R-1 Low Density Residential	R-2 Medium Density Residential	R-3 Multi-Family Residential	MU Mixed Use	B-1 General Business	B-2 Neighborhood Business	I Industrial	
percent of the gross floor area of the principal building									
Keeping of bees	AP	AP	AP	AP					12-3B-7B.4
Keeping of chickens for noncommercial purposes	AP	AP	AP	AP	AP				12-4A-7B.5
Keeping of Domestic animals	P	P	P	P	P				
Keeping of Livestock (typical farm animals)	AP	AP							FOR DISCUSSION
Off-leash dog area or run (typically associated with multi-family use)			AP	AP					
Off street parking	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	12-4A-7B.6
Outdoor Storage						CUP		CUP	
Private swimming pool, tennis courts, or similar recreational facilities intended for use by the occupants of a multi-family building and their guests of the property			AP	AP	AP				12-3B-7B.7
Signs	AP	AP	AP	AP	AP	AP	AP	AP	12-4A-7B.8
Temporary storage of hazardous waste					P	P	P	P	
Video/electronic display scoreboard for an athletic field on the campus of a school	AP	AP	AP	AP	AP				12-3B-7B.9

12-3B-2 Use Specific Regulations

- A. Minimum Standards Established. The following Use Specific Regulations are established as minimum requirements. Any use identified on [12-3B-1.1 Table of Uses] that requires an Interim Use Permit or Conditional Use Permit may be subject to additional reasonable conditions as established during the applicable permitting process.
- B. Applicability. All uses must comply with the rules and regulations of the Base Zoning District, and any applicable Overlay District. Any use must also meet the rules and regulations of any other applicable agencies with jurisdiction of the subject use including local, State and Federal Agencies.

12-3B-3 Residential Use Specific Regulations

- A. General Residential Standards. The City has determined that a variety of residential uses are permitted or permitted with certain conditions provided certain standards and regulations are met, and that proper permitting and processes are followed. The following standards are applicable to all uses identified in the RE, R-1, R-2 and R-3 Base Zoning Districts:
 - 1. A principal residential use shall be present on each property.
 - 2. Separate licenses or permits, which may be regulated by other Titles or Chapters of the City Code may be applicable and it is the responsibility of the Owner to obtain all necessary or required permits.
 - 3. Accessory uses must be clearly incidental to the principal residential use.
- B. Specific Residential Use Standards: The following specific use standards are established for Residential Uses as identified on the Table of Uses [12-3B-1.1] and are organized alphabetically.
 - 1. Customized (Assisted) Living Facilities . The following standards are established:
 - a. The assisted living facility is state licensed.
 - b. A maximum of seven (7) persons (not including the facility manager and professional care attendants) may reside on the premises.
 - c. A maximum of six (6) sleeping rooms (not including rooms utilized by the house manager and professional care attendants) per facility.
 - d. Facility residents must be 65 years of age or older.
 - e. The Applicant must provide proof that room size meets current state licensing standards for two (2) persons.

- f. Facilities shall only be constructed or altered in a manner that is consistent with the single-family character of the neighborhood.
 - g. The property must be compliant with the City's property maintenance code, as well as other applicable municipal codes, including, but not limited to, minimum parking requirements.
2. Farming Operations. All existing farms will be permitted to continue operation after the abolition of the Farm Residence District within the City, subject to the following conditions:
- a. *Agriculture Permitted; Exceptions:* Agriculture, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, and horses for use of the occupants of the premises, is a permitted use in the district in which an existing operation or private stable is located; provided, that any new private stable or other new building in which farm animals are kept shall be a distance of 100-feet or more from any other lot in an R District.
 - b. *Sales Of Agricultural Products.* Limited sales of products produced may be conducted on the premises from a roadside stand, but such stand shall not exceed one story in height or 500 square feet in floor area, and no portion of any such stand shall be located or erected nearer than 50-feet from any street line.
3. State Licensed Residential Program. The following standards are established:
- a. Must be a licensed program with capacity from seven (7) through 16 persons.
 - b. Must obtain a Conditional Use Permit.
 - c. The City Council may set reasonable conditions deemed necessary to assure proper maintenance and operation of a residential program that protects the health and safety of the residents of the facility.

12-3B-4 Business/Commercial Use Specific Regulations

- A. General Standards. The City has determined that the following uses are permitted provided certain regulations and standards are met, and that proper permitting and processes are followed. The following standards shall be applicable to all uses identified in the Neighborhood Business and General Commercial Zoning Districts:
- 1. *Any non-residential principal use shall meet the following minimum requirements, regardless of Base Zoning District:*
 - a. *Non-residential Principal Use:* A minimum setback of 50-feet from all property lines abutting a Residential Base Zoning District or established residential use.

- b. *Any Use or Structure associated with the keeping of animals:* 100-foot setback from all property lines abutting a Residential Base Zoning District or established residential use.
 - c. A Site Plan must be submitted for review and approval for any proposed changes or modifications to the exterior of building, site, or for a change in use, as established in Section [12-5B-4].
- B. Specific Business/Commercial Use Standards. The following specific use standards are established for Business/Commercial Uses as identified on the Table of Uses [12-3B-1.1] and are organized alphabetically.
- 1. Adult Uses.
 - a. *Intent and Purpose.*
 - (1.)The City Council for the City of Mendota Heights deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which operate as adult uses and similar sexually-oriented services operating under different names in order to protect the public health, safety and welfare, and to guard against the inception and transmission of disease.
 - (2.)The City Council also finds the nature of Adult Uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as Schools, Daycare Centers, Libraries or Parks. Furthermore, the concentration of Adult Uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of Adult Uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of Adult Uses is necessary to ensure that the adverse secondary effects will not contribute or enhance criminal activity in the area of such uses nor will it contribute to the blighting or downgrading of the surrounding property and the lessening of its value.
 - (3.)The City Council further finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the police department and other departments of the City. As a consequence, the concentrated use of City services in such control detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals and safety of the community. In consideration for the necessity on the part of the City to provide numerous services to all segments of the community without a concentration of public services in one

area working to the detriment of the members of the general public, it is hereby decided that the above described uses should be limited to the I-Industrial Zoning Districts as a Conditional Use only.

- b. *Definitions.* The Definitions applicable to Adult Uses are established within [Chapter 8] and are categorized as Adult Uses.
- c. *Standards.* Adult Uses shall be permitted by a Conditional Use Permit only, and in accordance with City Code [Section 12-5B-5] of this Zoning Ordinance and subject to the following conditions:
 - (1.) *Conditional Use.* The provisions and standards of Section [12-5B-5] are fully considered and satisfactorily met.
 - (2.) *Location.* Adult Uses shall be located at least 600 radial feet, as measured in a straight line from the closest point to the property line of the building upon which the Adult Use is located to the property line of the following uses or areas:
 - (i.) Any Residential Base Zoning District(s) and any established residential use(s).
 - (ii.) Any building which is utilized for residential purposes.
 - (iii.) Licensed daycare centers, pre-school and/or nursery schools.
 - (iv.) An elementary, middle or secondary school.
 - (v.) A government building.
 - (vi.) A public park, pool or community center.
 - (vii.) A commercial recreational use.
 - (viii.) A church, chapel, temple, synagogue or faith-based place.
 - (ix.) Another Adult Use.
 - (3.) *Single Uses Only.* Each Adult Use activity, as defined by this Chapter, shall be classified as a single use. No two Adult Uses shall be located in the same building or upon the same property, except that adult bookstores, motion picture rental and sales and novelty sales may be permitted in combination in the same building.
 - (4.) Any related retail sales services area for an allowed Adult Use shall meet the provisions and standards of Section [12-3B-7] Accessory, enclosed retail sales.
 - (5.) *Signs.* In order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding adult-oriented uses

and business, the following sign regulations shall apply to all Adult Uses in the City:

- (i.) All signs shall be a simple nameplate or business sign as regulated by Section [12-4A-11].
 - (ii.) No sign shall be freestanding, located on the roof, or contain any flashing lights, moving elements, electronically or mechanically changing messages, or manual reader boards.
 - (iii.) No sign shall contain any message or image that identifies specified sexual activities or specified anatomical areas as defined herein.
 - (iv.) No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the sexually oriented business is located.
 - (v.) No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.
- d. *Prohibited with Certain Entertainments.* Adult use activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical, or other performance or exhibition presented to the general public where minors are permitted.
 - e. *Hours To Be Closed.* No Adult Uses as defined in this article, shall be open for business between the hours of 1:00 AM to 8:00 AM.
 - f. *City Licenses.* Nothing in this Article shall be construed to abrogate any Adult Use operation from obtaining any and all necessary State and City licenses for such operation.
 - g. Adult-oriented businesses or adult-oriented uses shall be prohibited in any establishment where alcoholic beverages are licensed or served.
 - h. *Obscene Activities Prohibited.* Activities classified as obscene, as defined by Minnesota Statutes Section [617.241] are not permitted and are strictly prohibited.
2. Animal Hospital (Cat Clinic, veterinary clinic, similar).
- a. As used hereunder, the term “animal hospital or veterinary clinic” shall be deemed to mean a facility for the diagnosis, treatment and medical care of small animals, in which all professional services are conducted within an enclosed building, and which includes the kenneling of animals. The term “cat clinic” shall

be deemed to mean a facility for the diagnosis, treatment and medical care of domestic cats only.

- b. Any Conditional Use Permit for an animal hospital, cat clinic, veterinary clinic or similar shall be subject to the following conditions:
 - (1.) *Noise*. No noise from the operation of the facility shall be discernible beyond the boundaries of the lot on which the use is conducted.
 - (2.) *Odors*. Odor control shall consist of a ventilation system designed so that no odors or organisms will spread between wards or to the outside air. An air conditioning system may be required, with windows double glazed with fixed sash.
 - (3.) *Dead Animal Storage and Disposal*. An approved system shall be provided for the storage and disposal of dead animals off the premises.
 - (4.) *Large Dog Facilities*. Large dog facilities for indoor exercise of such animals shall be provided. No outside pens shall be permitted.
 - (5.) *Screening and Landscaping*. When abutting a Residential Base Zoning District, an approved screening and landscaping plan shall be filed and developed along the property boundary lines that abut the R District.
 - (6.) *Hours of Operation*. Hours during which the facility will be open to the public for the receiving and pick up of animals shall be approved by the City Council to ensure compatibility with surrounding land uses.
 - (7.) *Off Street Parking*. Off street parking facilities shall be provided, of at least the ratio required for professional offices under [12-4A-9] of this Ordinance.
 - (8.) *Live In Facility*. An animal hospital may include a live-in facility to permit a staff member to be on the premises 24-hours per day. Such facility shall be limited to six hundred twenty (620) square feet of floor space.
- 3. Brewery, Cidery or Micro-Distillery. A brewery, cidery, or micro-distillery must comply with the following standards and regulations:
 - a. A full operations plan must be submitted with the application to describe, at a minimum, the hours of operations, number of employees, events/tours plans, etc.
 - b. Any proposed food service must be accessory to the proposed use as a brewery, cidery, or micro-distillery unless a separate permit (if applicable) is obtained for restaurant services.
 - c. Sale of retail goods that support the business must be promotional branded/directly applicable to the operations.

- d. Any proposed brewery, cidery or micro-distillery must comply with the standards established within the Minnesota State Statutes for operations including on and off sale standards, licensing, etc.
 - e. Production and/or operations that exceed the micro-distillery standard as established by the applicable Minnesota State Statute are not permitted.
4. Commercial Recreation, Outdoor. The following conditions must be met:
- a. The outdoor commercial recreation use must be accessory to a permitted or conditionally permitted principal use.
 - b. Outdoor recreation uses must be compatible and consistent with the principal use.
 - c. Adequate parking, that complies with Section [12-4A-9] must be provided on site. The total area used for the outdoor commercial recreation use shall be used to determine the required number of stalls.
 - d. A site plan must be submitted to show the site layout, type and location of outdoor recreation uses proposed, the parking configuration, any proposed exterior lighting locations, and proposed landscaping.
 - e. An operations plan must be submitted that includes the proposed hours of operation.
5. Drive-thru/Drive-In Business.
- a. *Site Requirements.*
 - (1.) *Access.* The facility shall be located on a site having direct access to a minor arterial street, collector or service road.
 - (2.) *Lot Area.* Minimum lot area shall be one-half acre.
 - (3.) *Parking, Driveways and Drive through facilities.*
 - (i.) *Setbacks.* All portions of the drive through facilities including, but not limited to, service windows, ordering stations and stacking spaces, shall be set back at least 200-feet from any property zoned or guided for residential uses; unless screened by an intervening building or located across an arterial or major collector street.
 - (ii.) *Parking and driveway areas shall be at least 15-feet from any exterior property line.*
 - (iii.) There shall be required one parking space for each employee per shift in addition to at least one parking space for each 15 square feet of gross floor area in the building as per [Table 12-4A-7.3], entry reading "drive-in and fast food restaurant".
 - (iv.) *Required Stacking Spaces.*

(a.) Businesses with one drive through lane must provide stacking space for at least four vehicles, and businesses with two or more drive through lanes must provide stacking space for at least six vehicles total as measured from the pick-up station. Stacking spaces must not interfere with parking spaces or traffic circulation.

(4.) *Landscaping and Lighting.* A landscaping and lighting plan shall be submitted for approval.

(5.) *Screening and Fencing.* If the drive through facilities abuts a Residential Base Zoning District, a landscaping screen or fence must be constructed to screen all elements of the drive through service area. If a fence is installed it must be six feet (6') tall and must be constructed to a minimum of 80-percent opacity. A fence is not required in the front yard.

(6.) Food, goods and services are permitted within a drive through business operation. No alcoholic beverages may be sold or served within a drive through or drive-in business.

(7.) *Signs.*

(i.) Banners, pennants and other similar promotional devices shall not be permitted.

(8.) *Exterior Materials of Structures.* All structures shall be finished, and the materials must be compatible and visually consistent to create a cohesive appearance.

6. Hotel/Motel.

- a. Any hotel or motel may be a maximum of 60-feet in height.
- b. Hotel or motel operations must include 24-hour on-site management and/or staff.
- c. A security and operations plan must be submitted for review and approval as part of the permit process. Any change in management or operations shall be submitted to the City for review of compliance with the Conditional Use Permit and any other applicable permit.

7. Motor Fuel Stations and Motor Fuel Station Convenience Stores.

- a. *Conditional Use Permit Required.* All motor fuel stations and motor fuel station convenience stores shall require the issuance of a Conditional Use Permit as per Table [12-3B-1.1] Table of Uses of this Chapter.
- b. *Compliance With State Regulations; Flammable Liquids.*

- (1.) Any building used as a motor fuel station or convenience store shall be constructed and maintained as required by the rules and regulations relating to the State Fire Marshal governing the handling, storage and transportation of flammable liquids.
 - (2.) Every facility, whether underground or aboveground and whether indoors or outdoors, for the handling, storage, and movement of flammable liquids shall be constructed and maintained in accordance with the rules and regulations of the State Fire Marshal.
- c. *Yards and Setbacks.*

- (1.) Notwithstanding anything to the contrary in other Sections of this Chapter, the following minimum requirements shall be observed for yards and setbacks of motor fuel stations and convenience stores:

Table 12-3B-4.1 Motor Fuel Station Yard Setbacks

Dimension	Minimum Standard
Minimum lot size	1 acre
Lot width	200 feet
Front yard	60 feet
Side Yard:	
Interior	30 feet
Adjacent to a street	60 feet
Rear Yard	50 feet
Pump setback	40 feet

- (2.) Each side abutting a public street shall be considered a front yard.
 - (3.) A setback of any overhead canopy structure, whether freestanding or projecting from the station, must be setback a minimum of 20- feet from the street right-of-way line and from any adjacent property line. If abutting a residential use, the setback must comply with Section [12-3B-4.A.1].
- d. *Height Limit.* Total height of any overhead canopy or weather projection shall not exceed 20-feet.
- e. *Parking And Driveways.*

- (1.) The surface parking and service areas, except for access driveways, must be setback a minimum of 20-feet from any exterior property line.
 - (2.) Entire motor fuel station site other than that part devoted to landscaping and structures shall be surfaced with asphalt or cement concrete surfacing to control dust and provide adequate drainage, and such surfaces shall be designed to fit the requirements of a minimum seven (7) ton axle load.
 - (3.) All interior curbs shall be constructed within the property lines to separate driving, parking and service areas from landscape and the public right-of-way areas. Such curbing shall be constructed of concrete and shall be of a six inch (6") insurmountable design.
 - (4.) The minimum distance between driveways shall be 30-feet measured along the property line.
 - (5.) The minimum driveway angle shall be 45 degrees.
 - (6.) All surface parking spaces must be located in the side and/or rear of the principal structure and may not be adjacent to the street.
 - (7.) A minimum of four (4) outside parking spaces plus three (3) additional outside parking spaces for each enclosed service stall shall be provided. One additional outside space shall be provided for each 150 square feet of floor space devoted to retail sales in a motor fuel station convenience store. In the case of rental of trailers, trucks and other vehicles, one parking space shall be provided for each rental unit.
 - (8.) Access and parking areas shall be designed to provide an adequate means of access to a public alley or street. Said driveway access may not exceed 30-feet in width at the public street right-of-way line and must be limited to cause the least interference with the traffic movement. All public parking areas shall have access off driveways and not directly off a public street. All outside parking spaces shall be clearly marked on the pavement.
- f. *Storage and Sale of Vehicles and Products.*
- (1.) All rental campers, trailers, or motor vehicles must be stored within the rear and/or side yard and may not be stored or parked adjacent to a public street.
 - (2.) Service station premises shall not be used as a place of storage for wrecked, abandoned or junked automobiles. No motor vehicle in need of repair shall be stored on the premises of a service station for a continuous period of more than seven (7) days, except when so stored pursuant to a police directive.

- (3.) Open storage of inoperable motor vehicles is not permitted for a period of more than forty eight (48) hours.
- (4.) Service station premises may be used as a place of sale or resale, or as a place for display for sale or resale, of new or used motor vehicles with a gross vehicle weight of 10,000 pounds or less, subject to the following standards:
 - (i.) Only businesses that provide on-site automotive repairs will be licensed to conduct such vehicle sales;
 - (ii.) No vehicles shall be marked or have any visible signs indicating "For Sale" or similar;
 - (iii.) Vehicles for sale under this provision will be limited to a maximum of two (2) vehicles on the site;
 - (iv.) Vehicles for sale shall not be placed in any front yard setback (including a corner front yard) of the subject property, and vehicles must be stored in an inconspicuous area of the property as approved by the Zoning Administrator.
- (5.) All goods for sale by the motor fuel station or convenience store shall be displayed within the principal structure. Outside display or sales is not permitted.
- (6.) Tires for sale may not be stored or displayed outside the service station structure, except: a) in a display rack during business hours; or b) in a permanent outside display container that is completely enclosable, which must be located in conformance with the setback requirements of this Chapter. Such display container must be closed when the station is not open for business.

g. Architecture and Landscaping.

- (1.) A minimum of a 20-foot landscaped yard shall be planted and maintained within all property lines except at driveway entrances.
- (2.) Each motor fuel station shall be architecturally designed to be compatible with the general architectural intent of the area in which it is located.
- (3.) For the purposes of architectural appropriateness, every side of the motor fuel station is considered a front face.
- (4.) Wherever a motor fuel station abuts a Residential Base Zoning District, a fence or compact evergreen hedge that is a minimum of 50 percent opaque and a minimum of six feet (6') high must be erected and maintained along any property line that abuts the Residential Base Zone District. A compact

evergreen hedge or fence within 15-feet of any street right-of-way line is not required.

- h. *Lighting.* All outdoor illumination shall be provided with lenses, reflectors or shades which shall concentrate the light upon the premises to prevent any glare or rays of light being directly visible upon adjacent street or roadway, or adjacent property. Site lighting must comply with Section [12-4D-3] of this Ordinance.
 - i. *Debris, Trash and Waste.*
 - (1.) Used oil cans, discarded auto parts, discarded tires, trash, waste materials, and similar items of debris shall not be stored on service station premises, unless such items of debris are located in an enclosure and are completely out of public view. Such debris shall be removed from the premises at least once a week.
 - (2.) No materials shall be burned on the premises of a service station, except in an approved commercial incinerator complying with the ordinances of the City. Barrels and similar containers shall not be used for incineration.
8. Residential Programs for Treatment of Chemically Dependent Adults. In reviewing a Conditional Use Permit for such a facility, the City Council shall consider the following:
- a. The program shall at all times hold and be entitled to a valid license from the Minnesota Department of Human Services.
 - b. A maximum of ten (10) adults may reside at the facility.
 - c. All residents must be of the same gender.
 - d. 24-hour supervision must be provided for all residents.
 - e. No person whose residency is imposed by court order is allowed to reside at the facility.
 - f. A maximum of 30 days within one year commencing with the resident's first day of admission is permitted. No more than three (3) such admissions per resident are permitted during said year.
 - g. The facility must be designed to meet all requirements regarding utilities and on-site parking to support the operations and estimated number of residents.
 - h. The City Council may apply any other reasonable conditions based on the proposed operation.
 - i. The admitted residents must have the primary diagnosis of chemical dependency.

- j. Residential treatment facilities must occupy a building that are not used for any other purpose.
9. Retail Sales and Services. Retail sales and services are any establishments where goods or services are bought and sold, and where patrons and customers visit the location. Examples of retail sales and services include, but are not limited to, clothing stores, jewelry shops, shoe stores, hair salons/barber shops, craft stores, grocery stores, etc. The level of activity generally corresponds to the size of the store or shop and clients and/or customers predominantly visit in person. All retail sales and service operations must comply with the following standards.
- a. *General Standards.*
 - (1.) All proposed retail operations must provide adequate parking for employees and customers. Required parking must be accommodated on-site, and any shared parking agreements must be reviewed and approved by the City. Required parking ratios are established in Table [12-4A-7.3] of this Zoning Ordinance.
 - (2.) Parking areas may be set back ten feet (10') from a front property line or side property line abutting a street provided all Principal Building Setbacks are met.
 - (3.) Any required parking proposed to be met through a shared parking lot, must be granted and agreed to into perpetuity and recorded by a covenant, deed restriction, or other agreement acceptable to the City.
 - (4.) *Open to the Public.* To be considered a Retail Sales or Service business, a minimum of ten percent (10%) of the floor area must be open to the public.
 - (5.) *Landscaping.* At least 25 percent of the land area shall be landscaped with grass, approved ground cover, shrubbery and trees. All lots within the proposed retail sales and service complex development may be calculated together to meet the 25 percent requirement.
 - (6.) *Flexibility in Site Setbacks.* Building setbacks may be reduced to 35-feet from a front property line or side property line. Building setbacks may be reduced to 40-feet from a rear property line. Setbacks to interior side property lines (not abutting a street) may be reduced to zero (0).
 - (7.) Samples of exterior finishes must be submitted with the Site Plan application for review and approval by the City.
 - b. *Retail and Service Uses less than 15,000 Square Feet.*

- (1.) Proposed buildings and reuse of existing buildings must be consistent with the surrounding neighborhood character.
 - (i.) Building and site design should encourage a walkable, pedestrian friendly scale using signs, awnings, planters and other streetscape elements.
 - (ii.) The front facing primary façade may not include a span longer than 25-feet without a plane break. The break may include a change in materials, actual offset of the building plane, or other architectural detail that visually breaks the façade.
 - (iii.) The main entrance or front door must be defined and clearly articulated. Porticos, columns, awnings, signage, shopfronts, windows, and other types of architectural detail should be incorporated consistent with the architecture of the building.
- c. *Retail and Service Uses greater than 15,000 Square Feet, including multi-tenant or mixed use buildings.*
 - (1.) *Site Requirements.* The retail sales and service complex must be located adjacent to an interstate highway and within 300-feet of an interchange entrance or exit ramp with such highway. The site may be comprised of more than one lot but the lot area for each retail user may not exceed one acre.
 - (2.) *Mix of Uses.* Any retail building must contain a minimum of two (2) tenants or uses.
 - (3.) *Signage.* Approved signage shall be based on the overall size of the retail sales and service complex but flexibility may be granted to allow more than one sign on a particular lot that is part of the retail sales and service complex. Freestanding or pylon signs may be located at least ten feet (10') from a front property line or side yard abutting a public street and interior side property lines. Pylon signage may be permitted provided that signage included in any retail sales and service complex located along I-494 shall be no higher than 915-feet above mean sea level.

12-3B-5 Industrial, Transportation & Utility Use Specific Regulations

- A. General Standards. The City has determined that the following uses are permitted provided certain regulations and standards are met, and that proper permitting and processes are followed. The following standards shall be applicable to all uses identified in the Industrial, Transportation and Utility Zoning Districts:

1. *Any non-residential principal use shall meet the following minimum requirements, regardless of Base Zoning District.*
 - a. Principal Non-residential Use. 50-feet setback from all property lines abutting a Residential Base Zoning District or established residential use.
 - b. Any Use or Structure associated with the keeping of animals. 100-feet setback from all property lines abutting a Residential Base Zoning District or established residential use.
 - c. A Site Plan must be submitted for review and approval for any proposed changes or modifications to the exterior of building, site or a change in use, as established in Section [12-5B-4].
- B. Specific Industrial, Transportation & Utility Use Standards. The following specific use standards are established for Industrial, Transportation & Utility Uses as identified on the Table of Uses [12-3B-1.1] and are organized alphabetically.
 1. Alternative Energy Systems.
 - a. *Solar Energy Systems.* Solar energy systems are allowed with an appropriate permit in all Base Zoning Districts subject to the following regulations:
 - (1.) *Building Permit.* No solar energy system shall be erected, altered, improved, reconstructed, maintained, or moved without obtaining a building permit.
 - (2.) *Exemptions.* The following systems shall be exempt from the requirements of this Section and shall be regulated as any other building element requiring a building permit:
 - (i.) Building integrated solar energy systems.
 - (ii.) Passive solar energy systems.
 - (3.) *Roof Mounted System.*
 - (i.) *Height.* The maximum height of the system shall not exceed the structure height requirements in the applicable Base Zoning District.
 - (ii.) *Setbacks.* The system shall comply with all building setback requirements in the applicable Base Zoning District and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
 - (iii.) *Mounting.* The system shall be flush mounted on pitched roofs or may be bracket mounted on flat roofs. Bracket mounted collectors shall only be permitted when a determination is provided by a licensed professional qualified to certify that the underlying roof structure will

support loading requirements and all applicable building standards are satisfied.

- (iv.) *Maximum Area.* The system shall not cover more than 80 percent of the roof section upon which the panels are mounted.

(4.) *Ground Mounted Systems.*

- (i.) *Height.* The maximum height of the system shall not exceed 15-feet in height from the average natural grade at the base of the system.
- (ii.) *Setbacks.* The system shall be set back a minimum of 15-feet from all property boundary lines and 30-feet from all dwellings located on adjacent lots, including any appurtenant equipment.
- (iii.) *Location.* The systems shall be limited to rear yards in all Base Zoning Districts.
- (iv.) *Maximum Area.*
 - (a.) *Residential Districts.* The system shall be limited in size to the maximum requirement allowed for accessory structures.
 - (b.) *Business and Industrial Districts.* The system shall be limited in size to a maximum of 25 percent of the rear or side yard in which the system is located.
- (v.) *Reclamation.* Upon abandonment or decommissioning and removal of the system, the disturbed area shall be restored to an appearance that is compatible with the surrounding area.

- (5.) *Screening.* Solar energy systems shall be screened from view to the extent possible without impacting their function. Systems located within the business and industrial zoning districts may be required to comply with the standards in Section [12-4D-1.D.7] where practical.

- (6.) *Color.* Solar energy systems shall use colors that are visually compatible with the color of the roof material on which the system is mounted or other structures.

- (7.) *Glare.* Reflection angles from collector surfaces must be oriented away from neighboring windows and minimize glare toward vehicular traffic and adjacent properties. Where necessary, the City may require additional screening to mitigate glare.

(8.) *Utility Connection.*

- (i.) All utilities must be installed underground.

- (ii.) An exterior utility disconnect switch must be installed at the electric meter serving the property.
- (iii.) Solar energy systems must be grounded to protect against natural lightning strikes in conformance with the national electrical code.
- (iv.) No solar energy system shall be interconnected with a local electrical utility company until the company has provided the appropriate authorization to the City, in compliance with the national electrical code.

(9.) *Safety.*

- (i.) *Standards.* Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC), the American Society Of Heating, Refrigerating, And Air-Conditioning Engineers (ASHRAE), ASTM International, British Standards Institution (BSI), International Organization For Standardization (ISO), Underwriters Laboratories (UL), the Solar Rating And Certification Corporation (SRCC) or other standards as determined by the City building official.
- (ii.) *Certification.* Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating And Certification Corporation or other body as determined by the community development director. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

(10.) *Easements.* Solar energy systems shall not encroach upon any public drainage, utility, roadway, or trail easements.

(11.) *Abandonment.* Any solar energy system which remains nonfunctional or inoperable for a continuous period of 12 months shall be deemed to be abandoned and shall be deemed a public nuisance. The owners shall remove the abandoned system, including the entire structure and transmission equipment, at their expense after obtaining a demolition permit.

b. *Variance.* Any required standard in this Section that cannot be met may be considered by a Variance Request, in accordance with [Section 12-5B-7] and considering the following criteria unique to solar energy systems:

- (1.) That the deviation is required to allow for the improved operation of the solar energy system;
- (2.) That the solar energy system has a net energy gain;

- (3.) That the solar energy system does not adversely affect solar access to adjacent properties;
 - (4.) That the solar energy system complies with all other engineering, building, safety, and fire regulations; and
 - (5.) That the solar energy system is found to not have adverse impacts on the area, including the health, safety, and general welfare of the public.
2. Dog Training Facility. A dog training facility is permitted as shown in [12-3B-1.1 Table of Uses], provided that:
- a. *Screening and Landscaping.* When abutting a Base Residential Zoning District, an approved screening and landscaping plan shall be filed and developed along the property boundary lines.
 - b. *Noise.* No noise from the operation of the facility shall be discernible beyond the boundaries of the lot on which the use is conducted.
 - c. *Odors.* Odor control must include a ventilation system designed so that no odors or organisms will spread between tenant spaces, wards or to the outside air.
 - d. *Hours of Operation.* The City Council must approve the hours of operation to ensure compatibility with surrounding land uses.
 - e. *Restrooms.* An enclosed building with restrooms to support the facility and operations is required.
 - f. *Outdoor Areas.* No permanent outdoor pens are allowed with the exception of a separate outdoor relief area. Any outdoor areas to be used for the animal training facility, including any relief areas, shall be completely enclosed with a fence that is at least four feet (4') in height, or all dogs utilizing an outdoor area shall be leashed at all times. No animals shall remain unattended in outdoor areas.
 - g. *Waste Removal.* Outdoor areas shall be maintained in a clean and sanitary condition at all times. Solid waste material shall be removed daily and disposed of in dedicated waste containers and in a sanitary manner.
 - h. *Boarding.* The overnight boarding of dogs is not to be permitted.
3. Essential Services.
- a. *Permitted Essential Services.* Permitted essential services shall be a permitted use as authorized and regulated by State law and ordinances of the City in all Base Zoning Districts, provided they do not fall within Subsection [2] of this Section.
 - b. *Essential Services Requiring Conditional Use Permit.* The following essential services, and those deemed similar by the City Council, shall require a

Conditional Use Permit within any Base Zoning District. Prior to granting a permit, it shall be found that the architectural design of service structure or building is compatible to the neighborhood in which it is to be located:

- (1.) Those listed as a Conditional Use within the Base Zoning District in which they are to be located.
- (2.) Those in which 75 percent of the services provided or produced are not provided for, used, consumed or required within the City.
- (3.) Those higher than the maximum height as set forth in the Base Zoning District in which it is to be located when increased by 50 percent.
- (4.) Those in which the architectural design and/or use would not normally be compatible to the neighborhood and/or Base Zoning District in which it is to be located.

4. Outdoor Storage and Display of Materials and Equipment Accessory to Landscaping and Building Design and Construction. Outdoor storage and display of materials and equipment accessory to landscaping and building design and construction is permitted as shown on [12-3B-1.1 Table of Uses], provided that:

- a. The site must be occupied by a principal building containing a minimum of 15,000 square feet.
- b. All storage and display is located in the rear or side yard of the property and behind the front building line of the principal building, and may not be located in a yard that abuts any local public street.
- c. No storage and display shall be located on any parcel that is within one thousand 1,500' from any Residential Base Zoning District, measured from the closest point of the lot lines.
- d. The storage and display area shall not be open to retail sales, and shall be utilized only for stock and supply for clients of the landscaping or building design and construction business.
- e. All storage and display must be located on paved surfaces that are properly maintained to prevent deterioration.
- f. The storage and display area may occupy a maximum of 60 percent of the total lot area.
- g. The storage and display area must be setback a minimum of ten feet (10') from all lot lines.
- h. The storage and display area must be fully screened from surrounding property by fencing, walls, and/or landscaping.

- i. All storage and display must be covered by three (3) sided, roofed structures, with the exception of landscape plant materials and trucks or equipment as shown on a specific and detailed Site Plan.
 - j. Trucks and equipment kept within the storage and display area shall be located within designated striped parking spaces and shall not be used for storage.
 - k. Fencing utilized for screening purposes must be constructed of wood or other materials as approved by the City Council.
 - l. Circulation and water service on the property shall meet the requirements of the City's Fire Chief for access and fire protection.
 - m. Covered structures used to protect stored materials or equipment must comply with the following requirements:
 - (1.) Structures greater than eight feet (8') in height must be designed and constructed of materials consistent with the requirements of [Section 12-4D-1].
 - (2.) Structures of eight feet (8') in height or less may be constructed of alternative materials as approved by the City Council, provided such structures are not visible from surrounding property or public streets.
 - (3.) All structures shall comply with applicable Building and Fire Codes.
5. Personal Self Storage Facility. Personal self-storage facilities are permitted as shown on [12-3B-1.1 Table of Uses], provided that:
- a. All storage shall be inside the building. Exterior storage of personal vehicles, recreational vehicles, trailers, and equipment is strictly prohibited.
 - b. The storage facility shall have a security system adequate to limit access to persons renting at the facility.
 - c. Facility may not be located closer than one-quarter (1/4) mile from any residential use and/or Base Residential Zoning District.
 - d. All drive aisles and parking surfaces must be constructed with curb and gutter, with asphalt or concrete.
 - e. A maximum of three (3) overhead doors or bays to be used for entering/exiting the facility.
 - f. Access to any fenced-in exterior area shall be available to emergency responders in a manner acceptable to the Fire Marshal.
 - g. Common parking space available to all visitors must be provided at a minimum ratio of one space per 6,000 square feet of storage area.

6. Warehousing and Distribution, Abutting a Residential Use. Warehousing and distribution, abutting a Base Residential Zoning District or established residential use is permitted as shown on [12-3B-1.1 Table of Uses], provided that:
 - a. A fence along the property boundary line abutting the residential use is constructed, in compliance with [Section 12-4A-10.D].
 - b. Loading areas shall not be serviced by loading docks, unless completely screened from the ground level view from abutting properties and streets, except at access points, in compliance with Subsection [12-4A-9.G] of this Chapter.
 - c. Truck traffic shall not impede vehicle circulation, as determined by the Public Works Director.
 - d. Operations shall not include retail sales, unless compliant with this Section concerning accessory, enclosed retail sales.
 - e. Any exterior improvements to the building and/or property are compliant with [Section 12-4D-1].
 - f. The proposed use shall be compliant with all applicable performance standards in [Section 12-3B-5] of this Chapter.
 - g. Hours of operation for delivery/distribution are limited to seven o'clock (7:00) A.M. to eight o'clock (8:00) P.M.
 - h. Additional conditions that mitigate potential negative impacts may be included, as determined by the City Council.
7. Wireless Antennas, Towers, and Accessory Structures. Wireless telecommunication towers, antennas, and accessory structures, including, but not limited to, cellular, Personal Communications Service (PCS) technology, and wireless internet, are a Conditional Use in all Base Zoning Districts, subject to the requirements and exceptions of this Section.
 - a. *Purpose.* To protect the public health, safety and general welfare of the community while accommodating the communication needs of residents and businesses, the City Council finds that this Section is necessary to:
 - (1.) Avoid potential damage to adjacent properties and personal injury from tower collapse through structural standards and setback requirements.
 - (2.) Protect the aesthetic qualities of the community by requiring tower and antenna equipment to be designed in a manner to blend in with the surroundings and complement existing structures.

- (3.) Maximize the use of existing and approved freestanding antenna towers, buildings, and existing light poles for new wireless telecommunication antennas.
 - (4.) Minimize the number of freestanding antenna towers needed to serve the community by requiring co-location.
 - (5.) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City.
 - (6.) Ensure that a competitive and broad range of telecommunications services and high-quality telecommunications infrastructure are provided to serve the community, as well as serve an important and effective part of the city's emergency response network.
 - (7.) Place telecommunication facilities in suitable locations, with residential locations being a last resort.
- b. *Definitions.* The defined terms identified in this subsection are provided in Chapter [8] of this Zoning Ordinance.
- c. *Building Mounted Antennas.*
- (1.) *Permitted Buildings.* Antennas may be mounted on institutional buildings (churches, schools, businesses, etc.) or multiple-family dwellings two (2) stories or higher. Wireless telecommunications antennas are not permitted on attached or detached single-family homes or attached single-family (townhome) homes.
 - (2.) *Flush Mounting; Color.*
 - (i.) Building mounted antennas must be flush mounted to the sides of the building and painted the color of the building exterior unless the applicant can demonstrate to the City Council that protrusion above the roofline is necessary for communication effectiveness.
 - (ii.) In no case shall building mounted antennas or any attachment thereto be allowed to protrude more than 15-feet above the roofline of the building.
 - (3.) *Agreement to Mount on City Property.* If both the applicant and the City consent to mounting the antennas on the City's water tower or other municipal building, a developer's agreement may be necessary at the discretion of the City in addition to a Conditional Use Permit.
- d. *Freestanding Antennas and Towers.*
- (1.) *Location limitations.* The location of any antenna support structure on a particular parcel of land shall be located to have the least impact possible on

adjoining properties, and so that any negative impacts of the antenna support structure shall be confined as much as possible to the property on which the antenna support structure is located.

(2.) *Height.* The maximum height of a freestanding antenna tower is 150-feet, as measured from the ground to the highest point of any portion of the tower, antenna, or any other component attached thereto, or the distance between the base of the antenna tower and the nearest setback line, whichever is least.

(3.) *Setbacks.* All freestanding antenna towers and accessory structures must adhere to all appropriate setbacks for the Base Zoning District of the property on which the structure is located.

(i.) Antenna support structures between 75-feet and 150-feet tall shall not be constructed within 200 feet of any residential principal structure.

(ii.) Notwithstanding (i), if an antenna support structure is located on the same parcel of land as a residential structure, the setback to that residential structure may be equal to the height of the antenna support structure plus 15 feet.

e. *Preferences for antenna and support structure locations.* When selecting sites for the construction of new antenna support structures and/or for the placement of new antennas, the following preferences shall be followed:

(1.) Preferred Land Use Areas.

(i.) Property in the B-1, B-2 or Industrial Zoning District.

(ii.) Athletic complexes, municipal property or Public/Semi-Public uses.

(iii.) Parking lots, if the monopole replicates, incorporates or substantially blends in with the overall lighting standards of the lot.

(iv.) Within the easement of a high-power overhead transmission line, or within 50 feet of the transmission line easement on the same side of the road.

(2.) Alternate land use areas.

(i.) Public parks or open spaces.

(ii.) Golf courses.

(iii.) Residential area.

(3.) Preferred Support Structures.

(i.) Water towers

- (ii.) Co-location on existing antenna support structures.
- (iii.) Church steeples.
- (iv.) Sides of buildings over two stories high.
- (v.) Existing power, lighting or phone poles.

(4.) Prohibitions.

- (i.) No new support structures shall be approved at any location other than a Preferred Land Use Area, unless the applicant shows to the reasonable satisfaction of the city that such locations are not feasible from an engineering standpoint.
- (ii.) No new support structures shall be approved for construction, unless the applicant shows to the reasonable satisfaction of the city that a preferred support structure is not feasibly available for use from an engineering standpoint.

f. *Aesthetics.*

- (1.) *Design.* All freestanding antenna towers shall be of a monopole type design. The use of guyed towers is prohibited.

(2.) *Color.*

- (i.) Those portions of all freestanding antenna towers and all antennas which protrude into the air shall be painted eggshell.
- (ii.) Those portions of all antennas that are flush mounted to the sides of buildings shall be painted to match the exterior of the building.

- (3.) *Screening.* All accessory buildings to all freestanding towers shall be screened from public view by a landscape plan according to the landscape standards of the applicable Base Zoning District and as described in [Section 12-4A-5] of this article subject to City Council review.

- (4.) *Advertising.* Advertising of any kind is not permitted on any freestanding antenna tower, antenna, or accessory structure.

- (5.) *Lighting.* Artificial lighting of any kind is not permitted on any freestanding antenna tower, antenna, or accessory structure unless such lighting is required by the FCC, the FAA, or another federal or state regulatory body. If such a requirement exists, only the minimum amount of lighting required is allowed.

(6.) *Prohibitions.* Structures, functions, uses or activities that are not found by the City to be specifically necessary for the proper functioning of the antennas are prohibited on any antenna or tower without express permission from the City and the City grants a waiver to this requirement.

g. *Safety.*

- (1.) *Report of Compliance.* For a freestanding antenna tower, the applicant must provide a report from a licensed qualified professional structural engineer certifying that the tower will meet or exceed current EIA/TIA-222-E standards including, but not limited to, standards for withstanding meteorological conditions such as high winds and radial ice.
- (2.) *Compliance with Building and Electrical Codes.* All antennas, freestanding antenna towers, and accessory structures shall conform to all building and electrical codes.
- (3.) *Fencing.* The applicant may be required by the City Council to erect a security fence around any freestanding antenna.

h. *Accessory Structures for Antennas.*

- (1.) *Location and General Requirements.* Accessory buildings to antennas or freestanding antenna towers must comply with all applicable setbacks from all property lines and must otherwise conform to all requirements for accessory buildings within the description of the Base Zoning District on which the structure is located.

i. *Architecture.*

- (1.) Accessory structures and equipment buildings shall be designed to be architecturally compatible with any principal structures on the site or, in the absence of such structures, with their immediate surroundings in an aesthetically pleasing manner.
- (2.) Accessory structures must be finished on all sides.
- (3.) The Planning Commission must review, and the City Council shall approve, the design of any accessory structures and equipment buildings.

C. Submission Requirements.

- a. Initial Application Requirements. In addition to the information required for a Conditional Use Permit or Administrative Permit, the following additional information must be supplied by the Applicant and a qualified, licensed registered professional engineer:

- (1.) Description of the tower height and design, including a cross-section, elevation and site elevation.
- (2.) Documentation of the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
- (3.) Description of the tower's capacity, including the number and type of antennas that it can accommodate.
- (4.) Coverage Capacity Analysis. Coverage map and or analysis that demonstrates that no other support structures, or if applicable Preferred Land Use Areas, are available to meet coverage demand. The applicant shall demonstrate, by providing a coverage/interference analysis and capacity analysis, that the location and height of any freestanding antenna tower or antenna as proposed is necessary to meet the communication, frequency reuse and spacing needs of the communication services system, and to provide adequate coverage and capacity to areas that cannot be adequately served by locating the towers in a less restrictive district or on an existing structure, freestanding antenna tower or antenna including such in neighboring municipalities.
- (5.) *Area Map*. All applications for either a freestanding antenna, a freestanding antenna tower, or a building mounted antenna shall be accompanied by a map of all existing towers and antennas of the same provider within a two (2) mile radius of the proposed site and all future planned antennas of the same provider for the next five (5) years within a two (2) mile radius of the proposed site.
- (6.) Inclusion of the engineer's stamp and registration number.
- (7.) The city, at its reasonable discretion, may require visual impact demonstrations including mock-ups and/or phot simulations that provide an accurate visual depiction of the tower.
- (8.) A written description of the type of technology each company/carrier will provide to its customers.
- (9.) A listing of all existing, existing to be upgraded or replaced, and proposed communication sites within the city and within five miles of the city for these services.
- (10.) An electronic, to-scale copy of a map of the city showing the five-year plan for communication sites, or if individual properties are not known, the geographic service areas of the communication sites. Any existing tower locations must be clearly identified.

D. Additional Requirements.

a. *Abandoned Structures.*

(1.) *Removal Required.* Unused or obsolete freestanding antenna towers, antennas, structures or apparatus must be removed within six (6) months of when the operation ceases.

(2.) *Bond.* A successful applicant shall provide an abandonment bond to the City equal to one and a half (1 1/2) times the current cost of removal and disposal of all antennas and accompanying apparatus as estimated by a consultant selected by the City and paid for by the applicant, which bond shall be used by the City to remove the antennas and apparatus should they become unused or obsolete and the applicant or its successors or assigns become disbarred or otherwise fail to remove said antennas and apparatus.

b. No new antenna support structures shall be constructed if it is feasible to locate the proposed new antenna on existing support structures. Feasibility shall be determined according to generally accepted engineering principles. If a new antenna support structure is to be constructed, it shall be designed structurally to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the antenna support structure is 75-feet or more. Any antenna support structure must also be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at different heights. Other users shall include, but not be limited to, other cellular communication companies, personal communication systems companies, local police, fire and ambulance companies.

c. *Other Required Licenses.* The applicant must submit proof of any applicable federal, state, or local licenses to the City prior to receiving a building permit.

(1.) *Interference with Public Safety Systems Prohibited.* The applicant must agree in writing to support, participate in and refrain from interfering with public warning systems and public safety communications and other radio frequencies as may be regulated by the Federal Communications Commission (FCC).

d. *Compliance with FCC Regulations; Noninterference Required.* All new or existing telecommunications service and equipment shall meet or exceed all Federal Communications Commission (FCC) standards and regulations and shall not interfere with any other communications, computers, laboratory equipment or manufacturing equipment, including television and other home electronics. The applicant shall provide to the City a report from a qualified professional engineer

guaranteeing noninterference and a copy of the FCC approval of the antenna in regard to noninterference.

- (1.) *Environmental Impact Statement (EIS)*. In the event that the FCC or other agency or other governmental body having jurisdiction requires the applicant to submit an Environmental Impact Statement or similar document, a copy of this document shall be submitted to the City.
- (2.) *Nonconformances*. Existing nonconforming freestanding antenna towers, antennas, or accessory structures shall be allowed to continue operation unless use of the freestanding antenna tower, antenna, or accessory structure for its intended purpose ceases for a continuous period of six (6) months, in which case, resumption of use shall require a reapplication for a Conditional Use Permit.
- (3.) *Costs to Applicant*. All costs of an application, including, but not limited to, those incurred by City staff time and resources, engineering studies by consultants, and other data as may be required by the City staff, the planning commission or the City council shall be borne in full by the applicant.
- (4.) *Variances*. The City Council may at its discretion waive any or all of the requirements of this Section in order to approve a unique "stealth" or "camouflage" design of freestanding antennas or poles or building mounted antennas if, in the opinion of the City Council, said apparatus will be sufficiently disguised as trees, light poles, church steeples, or other similar objects.
- (5.) *Prohibitions*. Use of mobile cell/PCS sites or COWs (cell sites on wheels), or any other temporary antenna apparatus is strictly prohibited except in the case of emergency equipment used for public safety purposes for a limited time during or in the immediate aftermath of a natural disaster or other emergency.
- (6.) *Administrative Procedures and Exemptions*. The Zoning Administrator will review Conditional Use Permit requests for improvements to existing wireless antenna facilities and follow the process as established in Chapter [5] of this Zoning Ordinance. The City may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and ensure compliance with the standards and purposes of this code.
 - (i.) *Exceptions for Administrative Permit*. An Administrative Permit may replace the need for Conditional Use Permit when all of the following conditions exist:
 - (a.) Requirements in of this Section [D] are met and submitted for review.

- (b.) Request seeks to adjust, maintain, repair, or replace existing antennas and accessory structures or the elements of an antenna array, including remote radio units (RRU), affixed to a tower or antenna.
- (c.) No increase in the total number of the existing antennas.
- (d.) No increase in the total height of the existing antenna structure. Height of individual building mounted antennas may be increased in compliance with [Section 12-3B-5B.8.C.2(ii)] of this Section.
- (e.) No external modification or expansion of the existing accessory structure.
- (f.) Existing wireless antenna facility, including the wireless antenna structure and accessory structure, is compliant with all conditions contained in the original Conditional Use Permit.

12-3B-6 Public, Semi-Public Use Specific Regulations

- A. General Standards. The City has determined that the following uses are permitted on land within the Public Semi-Public Overlay District provided certain regulations and standards are met, and that proper permitting and processes are followed. The following standards shall be applicable to all uses identified in the Public Semi-Public Overlay Zoning District:
 - 1. Any non-residential principal use shall meet the following minimum requirements, regardless of Base Zoning District.
 - a. *Non-residential principal use.* 50-foot setback from all property lines abutting a Residential Base Zoning District or established residential use.
 - b. A Site Plan must be submitted for review and approval as established in [Section 12-5B-4].
- B. Specific Public, Semi-Public Use Standards. The following specific use standards are established for Public, Semi-Public Uses as identified on the Table of Uses [12-3B-1.1], and are organized alphabetically.
 - 1. Cultural Centers, Places of Assembly, or similar.
 - a. *Lot Size.* Minimum of 1.0 Acres
 - b. Any use that includes a dedicated space for assembly or gathering of people that comprises 50 percent of the total floor area or more shall be subject to these requirements.

- c. A Cultural Center, Place of Assembly, or similar may be located on a site with another compatible use such as a Place of Worship. In the case where more than one use is present the most restrictive permitting process, and regulations, shall be followed.
 - d. The required parking shall be determined based on the total occupancy of the building and must be provided on site.
 - e. All events and/or gatherings must be held indoors, unless outdoor gatherings are expressly allowed by Conditional Use Permit.
2. Elementary, Middle, and Secondary Schools (public and private).
- a. Any Accessory Structures or Accessory Buildings that support the principal school use must be setback a minimum of 100-feet from any property line that abuts a Residential Base Zoning District or established residential use.
3. Government Buildings and Structures.
- a. A Government Building or Structure means a principal building or structure owned or operated by a regulatory agency other than the City of Mendota Heights.
 - b. The use of a government building or structure must be for the purpose of benefiting the public including, but not limited to, a service center, DMV, maintenance building, administrative building, or similar.
 - c. Governmental Buildings or Structures containing a residential use are not permitted unless specifically permitted within the Base Zoning District of the subject property. Any residential use must comply with the Base Zoning District Standards and the adopted Comprehensive Plan.
4. Municipal Buildings and Structures.
- a. A Municipal Building or Structure means a principal building or structure owned or operated by the City of Mendota Heights.
 - b. The use of the Municipal Building or Structure must be for the purpose of benefiting the public including, but not limited to, a city hall, service center, public works facility or use, administrative building, or similar.
 - c. Any Municipal Buildings or Structures containing a residential use must comply with the Base Zoning District Standards and the adopted Comprehensive Plan.
5. Off Leash Dog Area. An off-leash dog area is permitted as shown in [12-3B-1.1 Table of Uses], provided that:

- a. The minimum parcel size shall be five (5) acres, which may include a combination of adjoining lots under control by the City.
 - b. No structures shall be located on the lot(s).
 - c. Proper fencing shall be installed around the entire off leash area with height and materials approved by the City Council.
 - d. Hours of operation shall be limited to between seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M.
 - e. Fixed lighting structures are prohibited.
 - f. All dogs must be appropriately licensed.
 - g. All dogs must be kept on leash at all times except within the designated off leash area.
 - h. No dog(s) shall be left unattended within the off leash area.
 - i. Dog waste receptacles shall be provided and all dog waste must be properly disposed of on site by the user or removed immediately.
6. Outdoor Recreational Facilities, including Athletic Fields.
- a. Any outdoor field or recreational facility that is intended to be lit with overhead light fixtures must be setback a minimum of 100-feet from any property line that abuts a Residential Base Zoning District or established residential use. The light fixtures associated with the field or recreational facilities must comply with the City's footcandle standards established in Section [12-4D-3].
 - b. Any outdoor field or recreational facility not intended to be lit with fixtures must comply with the principal building setbacks established in the Base Zoning District.
7. Private Nursery and/or Daycare Schools.
- a. The minimum lot size shall be at least one (1) acre.
 - b. The nursery and/or daycare school is registered with the State and meets the standards for all schools specified by the State.
8. Religious Institutions and Places of Worship.
- a. Any religious institutions and places of religious worship, including those related structures located on the same site which are an integral part of the principal use, convent or homes for persons related to a religious function on the same site are permitted to have a maximum of ten (10) persons residing on the site.

12-3B-7 Accessory Use Specific Regulations

- A. General Standards. All uses explicitly defined as an Accessory Use must be accessory to a Principal Use on the same property or lot. The Accessory Uses are only permitted provided that the Principal Use is identified as permitted or conditionally permitted on the Table of Uses.
- B. Specific Accessory Use Standards. The following specific use standards are established for Accessory Uses as identified on the Table of Uses [12-3B-1.1] and are organized alphabetically.
1. Accessory Buildings and Structures to Business, Commercial, Industrial and Public/Semi-Public Uses. All Accessory Buildings and Structures that exceed the standards established in Chapter 2 must comply with the following:
 - a. A Conditional Use Permit must be obtained.
 - b. The Accessory Structure or Building must comply with the required setbacks as stated within this Chapter for non-residential uses.
 - c. The Accessory Structure or Building must be designed to be compatible with the Principal Building and/or Principal Use of the site.
 - d. The Accessory Structure or Building may not exceed 25-feet in height but may exceed the height of a Principal Building if permitted by the Conditional Use Permit.
 2. Accessory, Enclosed Retail Sales. Enclosed retail sales as an accessory use are permitted as shown in [12-3B-1.1 Table of Uses], provided that:
 - a. *Accessory Use.* The retail sales portion of the business shall be an accessory use to the existing permitted or conditionally permitted use in the I district.
 - b. *Site Requirements.* The retail sales portion of the business shall be conducted within the same building as the principal use.
 - c. *Building requirements.* The retail sales portion of the business shall not constitute more than five percent (5%) of the gross floor area of the principal use.
 - d. *Building Design.* The building design shall be in compliance with the standards established for Industrial buildings in [Section 12-4D-1D].
 - e. *Parking.* adequate off street parking and off street loading shall be provided and shall be in compliance with the provisions of Section [12-4A-9].
 - f. *Signage.* All signage shall be in compliance with the provisions of Section [12-4A-11] of this Chapter. Separate wall signage may be considered at the retail entrance, but not separate freestanding signage shall be considered.

- g. *Landscaping*. All landscaping shall be in compliance with Section [12-4A-5].
 - h. *Screening*. All screening shall be in compliance with Section [12-4D-2].
 - i. *Hours of Operation*. The hours of operation of the retail sales portion of the business shall be limited from eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. on weekdays and eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. on Saturdays and Sundays.
3. Home Occupation.
- a. A home occupation means any gainful occupation or profession engaged in by an occupant only of a dwelling unit which is a use that is clearly incidental to the use of the dwelling unit for residential purposes when conducted on the premises. The following criteria must be met, or the proposed use must be established as a conditional use in the zoning district in which the property is located, and the proper permit obtained:
 - (1.)No persons other than the residents of the dwelling unit that reside on the property may be engaged in the Home Occupation; and
 - (2.)No more than 30 percent of the floor area of the principal dwelling unit may be used for the conduct of the Home Occupation; and
 - (3.)The Home Occupation may not visible from the street and no changes to the principal building that distinguish the property as a business are permitted;
 - (4.)No traffic shall be generated by the Home Occupation in greater volume than would normally be expected to a residence in a residential neighborhood.
 - (5.)The Home Occupation may not include the retail sales of products produced off the site and sold from principal or accessory building.
 - (6.)Any visitor or client parking must be accommodated on site and on an improved residential driveway.
 - (7.)No equipment, activity, or process shall be used in a Home Occupation that creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot.
 - (8.)No accessory building shall be used for such Home Occupation.
 - (9.)No outside storage is permitted as a part of any Home Occupation.
4. Keeping of Bees as an Accessory Use.
- a. *Minimum lot size*. 50 Acres

- b. A maximum of ten (hives) may be maintained, and all buildings, hives, apiaries, or other areas for colonies of bees shall not be located no closer than 100-feet from any property line.
- 5. Private Swimming Pool, tennis courts, or similar recreation facilities serving Multi-Family Buildings.
 - a. Swimming Pool. Private swimming pools intended for and used solely by the occupants of the property on which they are located and their guests are permitted as shown in [12-3B-1.1 Table of Uses], provided:
 - (1.)The water surface is located a minimum of 50 feet from any lot line.
 - (2.)That the pump and filter is installed a minimum of 40 feet from any lot line.
 - (3.)That the pool area is fenced to prevent uncontrolled access from the street or adjacent property.
 - b. Tennis Courts, or similar outdoor recreational facilities must comply with the following standards:
 - (1.)Minimum of 50-foot setback from all property lines.
 - (2.)Comply with all outdoor lighting standards and requirements identified in section [12-4D-3].
- 6. Video/Electronic Display Scoreboard as an Accessory Use. Any video/electronic display scoreboard for an athletic field on the campus of a school shall comply with the following:
 - a. The scoreboard shall only be used for organized events at an athletic field, or similar outdoor facility, in which the permitted user is participating in or hosting.
 - b. The scoreboard shall be equipped with industry standard security and brightness control features.
 - c. The video/electronic display portion(s) shall not face a residential neighborhood, not including the back of the scoreboard, unless screened or otherwise obscured from view.
 - d. The scoreboard shall not exceed 800 square feet in area per surface and the video/electronic display portion(s) shall not exceed 600 square feet of the total area.
 - e. The scoreboard shall not exceed 45-feet in height from the natural grade at the base of the scoreboard.

- f. Organizers sponsoring the scoreboard may include identifying information within the area allowed for the scoreboard in a combined amount not to exceed 30 percent of the total scoreboard area.
- g. No permitted use shall have more than one scoreboard structure equipped with video/electronic display(s) and no video/electronic display(s) or signage shall be affixed to the back of the scoreboard.
- h. The hours of operation for the video/electronic display portion(s) of the scoreboard shall be limited to between eight o'clock (8:00) A.M. and eleven o'clock (11:00) P.M. with an allowance of up to 30 minutes before or after a permitted event.

CHAPTER 4: BUILDING, CHARACTER AND DESIGN STANDARDS

ARTICLE A. GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS

12-4A-1 General Character and Form of Property

- A. Purpose. Each Base and Overlay Zoning District has a distinct physical form that establishes the character of an area or neighborhood. The intent of the regulations contained within this Chapter is to support and reinforce the physical form of Property to support the City's neighborhoods as described herein, and to ensure that development or redevelopment is compatible with adjacent and surrounding properties.
- B. Applicability. The standards contained within this Chapter shall apply to all Base and Overlay Zoning Districts, unless otherwise specified.
- C. Physical Form of Property. For purposes of this Chapter, the physical form of Property is described as the following:
 - 1. *Building mass and volume of structure.* The mass, or form, is generally described as the area contained by height, width and depth of a structure or building.
 - 2. *Relationship or setback of Principal Building and/or Accessory Building with the public street.* The relationship of a Principal and/or Accessory Building with the public street is generally described as including the front yard setback of the Building from the right-of-way, the relative position of Accessory Buildings or Structures, the presence of trails or sidewalks, and/or the presence of front stoops or porches, etc.
 - 3. *Accessory Building Location and Size.* The location of an Accessory Building, whether it is attached or detached, the driveway access location and the size.
 - 4. *Environmental Features.* The presence of vegetation, significant bluffs, waterways, ponds, wetlands, and other natural resource features.

12-4A-2 Utilities and Services

- A. Purpose. The City acknowledges the importance of properly managing and maintaining its utilities and public infrastructure. This Section generally describes required utilities and references other regulations that are implemented by either the City or other agencies with respect to permitting and requirements.
- B. Sanitary Sewer and Water Systems.
 - 1. *Use of Municipal Public Systems Required.* All new development in the City must be served by the municipal sanitary sewer and water distribution systems.
 - a. *Exceptions.* The Public Works Director may grant special or temporary permission for a private sanitary sewer system and/or private water system if the property is not served by the municipal sanitary sewer system and/or water distribution system. The Public Works Director must determine that the proposed

private system or systems will prevent pollution to existing groundwater resources, will not result in a hazard to health, and that the design and location of the proposed system will not adversely affect the health, safety and general welfare of the residents of the City and adjacent communities.

2. *Private Sanitary Sewer Systems.* There are some existing private or individual septic systems in the City. Plans for and installation, maintenance or replacement of existing private on-site sanitary sewer systems must comply with [Section 10-3-3] of this Code and Dakota County [Ordinance 113].

C. Drainage.

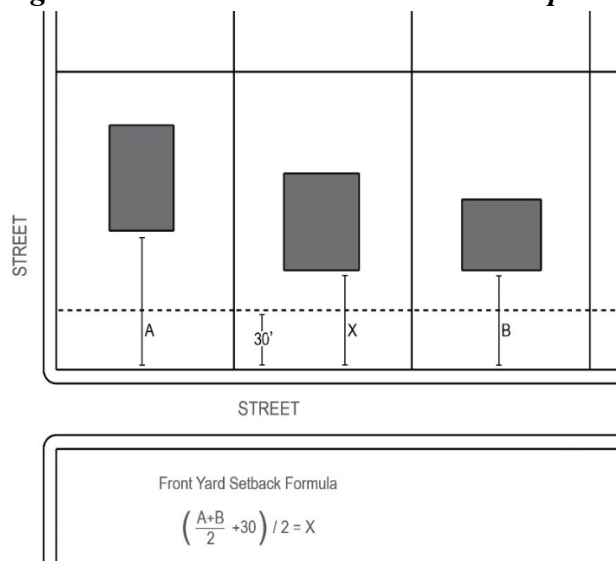
1. No land shall be developed and no use shall be permitted that results in water runoff causing flooding or erosion on adjacent properties. Such runoff must be properly channeled into a storm drain, water course, ponding area or other suitable facility as set forth in the soil protection ordinance and wetland system ordinance. In no event shall drainage be allowed into a sanitary sewer.

12-4A-3 Yards and Open Space

- A. Purpose. This Section regulates yard setbacks and required open space in the City. This Section applies to all Base Zoning Districts, except where explicitly stated otherwise.
- B. Minimum Yards and Open Spaces. No yard or other required open space shall be reduced in area or dimension to make such yard or open space less than the minimum required by this Chapter. If the existing yard or open space is less than the minimum required, it must not be further reduced.
- C. Allowed Encroachments. The following encroachments on yard, open space and setback requirements are permitted:
 1. *All Yards:*
 - a. Belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves and the like, provided they do not extend more than one and one-half feet (1 ½') into a yard.
 - b. Yard lights and nameplate signs for one- and two-family dwellings in the RE, R-1, and R-2 Zoning Districts may be located up to five feet (5') from the front lot line.
 - c. Uncovered and/or open terraces, steps, porches, decks, egress windows, accessibility ramps, stoops or similar structures that do not extend above the height of the ground floor level of the principal building and do not extend more than five feet (5') in into the front yard or rear yard; or more than three feet (3') into a side yard.
 - d. Lights for illuminating parking areas and loading areas for yards for safety and security purposes.
 2. *Front Yard:*

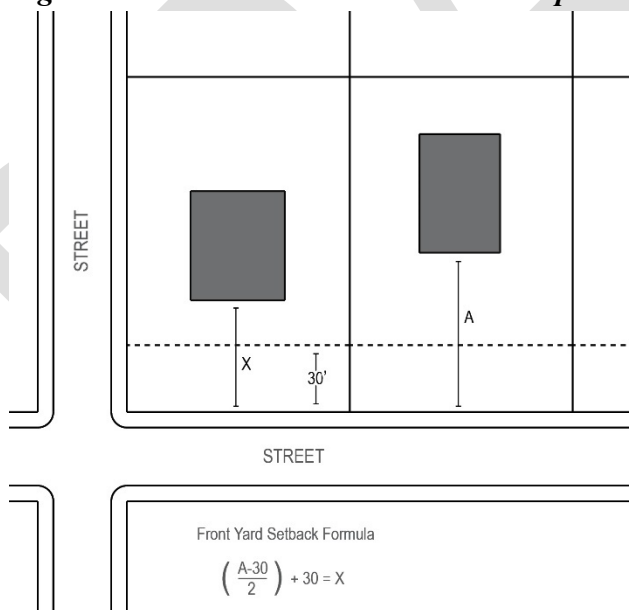
- a. Covered and/or enclosed entryways (porches, decks, stoops or similar structures) that extend into the front yard setback are permitted after Site Plan review and approval by the Zoning Administrator, subject to compliance with the following conditions:
 - (i.) The covered and/or enclosed entryway may not extend into the front or side yard more than five feet (5').
 - (ii.) The covered and/or enclosed entryway shall be a maximum of 50 square feet.
 - (iii.) The covered and/or enclosed entryway may not extend above one (1) story.
 3. *Side or rear yards only:* Bays or building extensions that extend into the side or rear yard shall meet the following standards:
 - a. May not exceed a width of two feet (3').
 - b. Contain a maximum area of 20 square feet.
- D. Front Yard Requirements.
1. All structures and buildings shall meet the front yard requirements as established by the Base or Overlay Zoning District as established in Chapter 2 of this Zoning Ordinance.
 2. *Infill Determination.* Whenever buildings have been built on one side of the street between two (2) intersections, no building or structure may be erected to extend closer toward the street than the average of the required setback as established in the applicable Zoning District and must be setback at a minimum the average setback of the Principal Building on the adjoining lots. See [Figure 12-4A-3.1] of this Section.
 - a. For any infill lot, the maximum front yard setback of a new Principal Building shall be established by adding 10-feet to the calculated Minimum Setback established by Figure [12-4A-3.1].

Figure 12-4A-3.1 Front Yard Setback Requirements



3. In the case of a building to be erected or extended on a corner lot, the minimum front yard depth shall be increased by an amount not less than one-half (1/2) the depth in excess of 30-feet of the front yard of the nearest building. See [Figure 12-4A-3.2] of this Section.

Figure 12-4A-3.2 Front Yard Setback Requirements – Corner Lot



4. Subsections [D2 and D3] of this Section shall not be applied to require a front yard in excess of one-third (1/3) of the average depth of the lot.

12-4A-4 Wetland Requirements

- A. Purpose. The requirements established herein are intended to support the regulations and requirements established in Title 15. Environmental Standards of the City Code and to comply with the State of Minnesota Wetland Conservation Act (WCA) rules. The City will:
1. Reference the City's wetland inventory and the National Wetland Inventory, to determine whether a wetland may be present on a property that is the subject of a Land Use Development Application.
 2. Coordinate wetland requirements with the Floodplain and Shoreland Protection regulations as established in Title 15. Environmental Standards.
 3. Determine whether a wetland replacement or mitigation plan is required based on proposed improvements to a structure or lot.
- B. Identification and Delineation of Wetlands.
1. This Section shall apply to all land containing wetlands and land within the buffer strip or setback areas as required herein. Wetlands shall be subject to the requirements of this Section and to the requirements established in Title 15. Environmental Standards.
 2. Wetlands shall be located and identified according to the standards established in Title 15. Environmental Standards.
 3. Only that portion of the land within the boundaries of the wetland and its required buffer or setback shall be subject to the requirements of this Section.
- C. General Standards. The following standards apply to all lands containing or abutting a wetland:
1. The standards contained in this Section shall be applicable if any portion of a wetland or a required buffer area are located on a lot or parcel, regardless of if the delineated wetland, or a portion thereof, is on the property.
 2. Any septic or soil absorption area must be setback a minimum of 75-feet from the delineated wetland boundary.
 3. The lowest ground floor elevation must be a minimum of two feet (2') above the 100-year flood elevation, or a minimum of three feet (3') above the Ordinary High Water Mark of public waters, as regulated by Title 15. Environmental Standards.
 4. Structures, such as a bridge, intended to provide access across a wetland are prohibited unless a permit is obtained in conformance with State Regulations.
 5. The MPCA's Best Management Practices and Minnesota Storm Water Manual, as applicable, shall be followed to avoid erosion and sedimentation during any construction process that may impact a wetland or its buffer area.
 6. Before the City issues a Building Permit for a lot with a required wetland buffer area, the lot owner shall clearly mark the buffer boundary with flags or other physical monumentation to denote the area that will be protected and untouched during the construction process.

7. Wetlands and any required buffer area must be kept free of any impervious surface and of any structures and features including play equipment, fences, retaining walls, accessory structures or buildings, unless an approved mitigation and replacement plan is obtained.
8. Wetlands and their required buffer area may not be used for any filling or dumping.
9. Wetlands and their required buffer area may not be used for outside storage of any household or personal items, lawn equipment, furniture, firewood, parts, yard waste, or similar.
10. Any swimming pools, patios, decks, drive aisles, parking lots, etc., must be setback a minimum of five feet (5') from any required buffer area, whichever is greater, unless otherwise permitted by Title 15. Environmental Standards.
11. Water quality ponds may encroach into required wetland buffer areas provided that the amount of encroachment may not exceed 50 percent of the total area required for the buffer.
12. All Structures and Buildings on land affected by a delineated wetland or buffer shall be subject to the requirements of Table [12-4A-4.1].

Table 12-4A-4.1 Wetland Required Buffers and Setbacks

	Standard
Wetland Buffer Area (Minimum)	10'
Wetland Buffer Area (Maximum)	50'
Wetland Buffer Area (Average)	25'
Structure or Building Setback from Buffer	10'

D. Buffer Requirements.

1. The vegetation requirements for all required Buffer Areas are established in Title 15. Environmental Standards.
2. The vegetation plan for revegetation of any disturbed Buffer Areas may be subject to review and approval by the Natural Resources Commission.
3. Any request for a Variance from the required setback from the Buffer Area, or reduction in Buffer Area must follow the Variance requirements and process as established in Chapter [5] Administration.

E. Wetland Alteration or Replacement Plans.

1. Any request for wetland alterations or modifications shall be subject to Minnesota Rules, Chapter 8420.
2. Wetland Replacement Plans must be reviewed and approved by the City Council.
3. Wetland Replacement Plans must provide a planting list which contains both the common and botanical names of each species to be planted.

4. If a Wetland Replacement Plan is approved, the established delineated boundary shall be used in calculating the required setback and Buffer Area.

12-4A-5 Landscaping Requirements

- A. Purpose. The purpose of this Section is to regulate the installation and maintenance of landscape improvements in areas of the City developed with uses other than single-family detached and attached residential uses. The regulations that follow are intended to support and reinforce the City's commitment to natural resources and green space throughout the City.
- B. Applicability. The following landscape requirements apply to all new development or redevelopment of multi-family, mixed-use, industrial, and business uses. Landscape requirements for single-family detached and attached residential uses are provided in Section [12-4B-2] of this Chapter.
- C. Landscape Plan Required, Contents. Landscape plans prepared by a registered landscape architect shall be submitted as part of the application for Building Permit or Site Plan approval. Landscape plans must be drawn to a scale of not less than one-inch equals fifty feet (1" = 50') and must include the following information:
 1. Boundary lines of the property with accurate dimensions.
 2. Locations of existing and proposed buildings, parking lots, roads and other improvements.
 3. Location, approximate size and common name and botanical name of existing trees and shrubs.
 4. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials and root condition.
 5. Planting details illustrating proposed locations of all new plant material.
 6. Details of restoration of disturbed area including areas to be sodded or seeded.
 7. Locations and details of other landscape features including berms, fences and planter boxes and all other landscaped features.
 8. Location and details of irrigation systems; and details and cross sections of all required screening.
 9. Identification of all Significant Trees as defined in Title 15. Environmental Standards, existing stands of trees and tree removal plan identified.
- D. Minimum Area and Plant Material Required.
 1. At least 25 percent of the land area must be landscaped with grass, ground cover, shrubbery and trees.
 2. At least ten percent of any surface parking lot or area must contain landscape medians, tree trenches, or other pervious landscape area.
 3. The minimum tree and vegetation planting size requirements are established in Table [12-4A-5.1].

Table 12-4A-5.1 Minimum Sizes of Required Plantings

Required Planting	Minimum Size
Overstory deciduous trees	2 ½ inches in diameter
Ornamental trees	1 ½ inches in diameter
Coniferous trees	6 feet tall
Major shrub plantings	5 gallons

4. As many existing native and non-invasive trees as is practicable must be preserved and must be shown on the Site Plan. All Significant Trees scheduled for removal must be identified on the Site Plan. A Significant Tree is defined in Title 15. Environmental Standards.
5. Removal of all invasive trees or plants should be identified as part of the initial landscape plan.
6. All new overstory trees must be balled and burlapped or moved from the growing site by tree spade.
7. All site areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials must be sodded or planted with a native ground cover, except undisturbed areas to be preserved in a natural state and areas planned for future building expansion may be seeded.
8. A maximum of 50 percent of the required number of trees may be composed of one species. The following trees species do not qualify for the Required Plantings:
 - (i.) A species of the genus *Ulmus* (except those elms bred to be immune to Dutch elm disease).
 - (ii.) Box elder.
 - (iii.) A species of genus *Populus* (poplar).
 - (iv.) Female ginkgo.
 - (v.) Amur maple.
 - (vi.) Norway maple.
 - (vii.) Russian olive.
 - (viii.) Ash.
 - (ix.) Buckthorn.
 - (x.) Black locust.
9. *Maintenance of Landscaping.* The owner, tenant and their respective agents are jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat and orderly appearance that is free from refuse and debris. The owner or developer is responsible for the removal of all invasive species during the construction or redevelopment process. After site development or redevelopment,

the owner or their assigns, must continue to remove invasive species from their lot or landscape areas according to an agreed maintenance schedule. Trees, plants and ground cover that die and are required by an approved Site Plan or Landscape Plan must be replaced as soon as seasonal or weather conditions allow.

- a. A plan to provide adequate maintenance of landscaped areas must be provided as part of the Landscape Plan review. An underground sprinkler system may be required as part of any new development depending on the planting plan and the required maintenance based on the plant types. A sprinkler system must be designed to water and maintain all manicured landscape areas that are not designed with native plants.

10. *Bond Requirements.*

- a. When screening, landscaping or similar improvements to property are required by this Chapter, a performance bond must be supplied by the owner in an amount equal to at least one and one-half (1.5) times the value of such screening, landscaping, or other improvements. The bond, with security satisfactory to the City, shall be conditioned upon reimbursement of all expenses incurred by the City for engineering, legal or other fees in connection with making or completing such improvements. The bond shall be provided prior to the issuance of any Building Permit and must be valid for a period of time equal to one full growing season after the date of installation of the landscaping. The City may accept a letter of credit, cash escrow or equivalent in lieu of a bond in an amount and under such conditions as the City may determine to be appropriate. In the event construction of the project is not completed within the time prescribed by the City Council, the City may, at its option, complete the work required at the expense of the owner and the surety.
- b. The City may allow an extended period of time for completion of all landscaping if the delay is due to conditions which are reasonably beyond the control of the developer or owner. Extensions may not exceed nine (9) months and may be granted due to seasonal or weather conditions. When an extension is granted, the City shall require such additional security as it deems appropriate.

12-4A-6 Impervious Surface Requirements

- A. Purpose. The purpose of this Section is to establish standards for calculating impervious surface on a lot to ensure that each lot has pervious area to help support localized surface water and stormwater management.
- B. Applicability. The following standards apply to all Base Zoning Districts. Additional standards and regulations may be identified in an Environmental Overlay District, and where such standards exist, the more restrictive standard shall apply.
- C. General Provisions.

1. Impervious Surface Coverage calculations must include any ground surface material or structure that retards water from being absorbed into the ground. Such impervious surfaces include, but are not limited to, covered structures such as buildings and structures, gazebos and decks, asphalt, concrete, class 5, pavers or similar.
 - a. If an Owner proposes to use a pervious paver or pavement and exclude it from the impervious calculation, the Public Works Director must review the specification and determine that the material if properly maintained does not meet the definition of impervious and can be excluded from this requirement.
2. To determine the impervious surface coverage on a lot the total ground floor area of buildings, structures and improvements such as sidewalks, driveways, accessory buildings or structures, etc., must be added to determine the combined total square footage. The total square feet of impervious surface may not exceed the maximum impervious surface coverage percent of a lot as established in Chapter 2 of this Zoning Ordinance.
3. A property Owner may appeal the decision of the Zoning Administrator or Public Works Director that a material or structure is pervious and therefore does not contribute to the impervious surface calculation. The appeal process is established in [Chapter 5. Administration] of this Zoning Ordinance.

12-4A-7 Structure Height Standards

- A. Purpose. The purpose of this Section is to establish certain exceptions or regulations to the maximum height permitted in a Base Zoning District.
- B. Exceptions for Increased Maximum Height in all Zoning Districts.
 1. The maximum height established in each Base Zoning District contained in Chapter 2 may be increased by 50 percent for the following structures:
 - i. Belfries, chimneys, church spires, cooling towers, cupolas and domes which do not contain usable space, elevator penthouses, fire and hose towers, flagpoles, monuments, observation towers, smokestacks, water towers.
 2. Parapet walls extending a maximum of three feet (3') above the permitted height of the building established by the Base Zoning District.
 3. Properties or lots located in the Mississippi River Corridor Critical Area (MRCCA) are subject to the height standards if more stringent than the exceptions stated herein.
- C. Height Standards for Infill Development in R-1 Zoning District. The following height standards are established for any infill lot in the R-1 Zoning District:
 1. The permitted maximum height shall be determined by taking the average of the two adjacent principal residential structures, but in no case shall the maximum be set lower than 15-feet.

2. To exceed the maximum height established in C.1, a Conditional Use Permit must be obtained. In no case shall the permitted height exceed 25-feet unless a Variance is also obtained.
- D. Properties or lots located in the Mississippi River Corridor Critical Area (MRCCA) are subject to the height standards established by Chapter [6] if more stringent than the exceptions stated herein.

12-4A-8 Accessory Structure Standards

- A. Purpose. The purpose of this Section is to regulate the type, placement, size, and use of all Accessory Structures in the City. The City has determined that regulating Accessory Structures protects the character of neighborhoods by ensuring that development and use of individual lots is consistent and maintains orderly development patterns.
- B. Applicability and Type. All Accessory Structures in the City are subject to certain standards and regulations as described herein. In addition to the General Provisions, the City has classified Accessory Structures into three categories:
1. *Private Garage.* Means an Accessory Structure that is generally used for storage of personal vehicles and other residential storage and is for the purpose of serving a single-family attached or detached residential unit.
 2. *Storage Building.* Means an Accessory Structure that is generally used for the storage of personal items. Such structures may include a small storage shed or chicken coop, etc.
 3. *Non-Building Structures.* A Non-Building Accessory Structure means any permanent physical improvement to a lot that does not meet the definition of a Building. Such Accessory Structure is permanently affixed to the land and may increase the impervious coverage of a property, is subject to certain dimensional requirements and may require an Administrative Permit. Examples of Accessory Structures include, but may not be limited to: sport courts, above ground or inground swimming pools, swing sets, children's play structure or treehouse, sandboxes/volleyball courts, sport court, gazebos, patios, etc. There is no limit on the number of permitted non-building accessory structures permitted on a lot.
- C. General Provisions. The following standards are established and are applicable to all residential and non-residential Accessory Structures in the City.
1. *Setback Requirements.* All lots must meet the following standards:
 - a. No detached Accessory Structure that is a building shall be located closer to the front lot line than the Principal Building on that lot.
 - b. *Setback from Principal Building.* No detached Accessory Structure that is a Building shall be erected, altered, or moved within five feet (5') of the Principal Building.
 - c. All other Accessory Building setback requirements are established in Chapter 2 of the Base Zoning District in which the lot is located.

- d. All Accessory Structures that are not Accessory Buildings must be a setback a minimum of five feet (5') from any lot line,
2. *Impervious Surface Requirements.* All lots must meet the impervious surface coverage requirements as established in the Base Zoning District in which the lot is located. The calculation must include all Accessory Structures as described herein if they meet the definition of impervious.
3. No Accessory Structure shall be permitted to be constructed on a site without a Principal Building or Use.
4. *Time for Construction.* No Accessory Structure, including parking area, shall be constructed on any lot prior to the time of construction of the Principal Building to which it is accessory.
5. *Use Restrictions.* No Accessory Building, tent, or any other temporary Accessory Structure may be used as an occupied dwelling for human habitation.
6. *Subdivision.* In the event that any property upon which an Accessory Structure has been erected and is later subdivided, then the number and size of Accessory Structures on the subdivided property shall conform to the requirements of this Zoning Ordinance. Any Accessory Structures that do not conform must be relocated, removed or reconstructed so that all resulting lots and improvements conform with this Zoning Ordinance.
7. *Administrative Permit Required.* All Accessory Structures require an Administrative Permit to verify size and location of the structure to ensure compliance with the standards and requirements identified in this Chapter.
- D. Private Garage. The following standards shall apply to all Accessory Structures that are defined as a Private Garage.
 1. *General Provisions applicable to all lots or parcels.*
 - a. One (1) Private Garage, which may be attached or detached to the Principal Building, per residential lot or unit is permitted in all Residential Base Zoning Districts.
 - b. The size of a Private Garage shall be calculated based on the building footprint area. The following size standards shall apply:
 - (i.) *Private Garage Attached to Principal Building.*
 - (i.) Up to 1,200 square feet; or
 - (ii.) Greater than 1,200 square feet to 1,500 square feet with a Conditional Use Permit.
 - (ii.) *Private Garage Detached from Principal Building.*
 - (i.) Up to 750 square feet; or
 - (ii.) Greater than 750 square feet to 1,000 square feet with a Conditional Use Permit.
 2. *Exception for Two (2) Private Garages on a Lot.* On parcels that contain more than 0.75 acres of Buildable Area a second detached Private Garage may be permitted

provided the standards established in Table [12-4A-8.1] and any other applicable standards are met.

Table 12-4A-8.1. Maximum Size of Second Detached Private Garage.

Buildable Area of Lot	Permitted	Conditional Use Permit
>0.75 – 1.5 acres	750 sq. ft.	1,000 sq. ft.
>1.5 acres – 2.5 acres	1,000 sq. ft.	1,200 sq. ft.
>2.5 acres – 5.0 acres	1,500 sq. ft.	1,800 sq. ft.
>5 acres	2,000 sq. ft.	2,400 sq. ft.

3. *Standards For Private Garages.*

- (i.) *Floor Elevation.* The floor of a Private Garage must be at least one and one-half feet (1 ½') above the street grade at the curb unless a deviation is granted by the Public Works Director upon determination that a lower elevation is appropriate.
- (ii.) *Garage Doors.* No more than 36 linear feet of garage door per structure as viewed from the public right-of-way, measured horizontally, may be installed to provide access to any Private Garage or other Accessory Building on a single- or two-family residential property. More than 36 linear feet of garage door as viewed from the public right-of-way may be permitted with a Conditional Use Permit.
- (iii.) *Height.* Maximum height of a garage door is nine feet (9'), or up to 12 feet may be permitted with a Conditional Use Permit (CUP).
- (iv.) *Total Size.* The total building footprint area of all attached and detached Private Garages on a lot may not exceed the finished square footage of the Principal Building.
- (v.) *Design Compatibility.* Detached Private Garages must be architecturally compatible with the Principal Building, including exterior design, materials and colors.

E. Storage Building. The following standards shall apply to all Accessory Structures defined as a Storage Building.

a. *General Provisions applicable to all Zoning Districts.*

- (i.) One (1) Storage Building is permitted on each lot or parcel in all Base Zoning Districts.
- (ii.) The maximum size of a Storage Building is 144 square feet.
- (iii.) *Exception for two (2) Storage Buildings.* A second Storage Building is permitted on each lot or parcel if the Storage Building is defined as a Chicken Coop and Run that meets the specific requirements as provided in [Subsection (2.) herein]. A lot may contain only a Chicken Coop and Run, and depending

on its size, may impact the permitted square footage of a second Storage Building as identified in (iv.) below.

(iv.) A maximum of 225-square feet of combined Storage Building and Chicken Coop/Run is permitted on each lot/parcel in all Base Zoning Districts.

b. *Storage Building - Requirements for Chicken Coops and Runs.* The following standards are applicable to all Chicken Coops and Runs:

(i.) *Size, Setback and Building Requirements.*

(i.) The required dimensions of a coop and run are:

(a.) The interior floor space of the chicken coop must provide a minimum of two (2) square feet for each chicken authorized under the Administrative Permit. The floor area of the run must have a minimum of five (5) square feet per chicken. The maximum area of the coop and run is 144 square feet.

(b.) The maximum height of the coop and run is ten feet (10'), regardless of if it is attached to an Accessory Structure used for other purposes. The chicken coop portion of such a structure may not be taller than ten feet (10').

(c.) The coop and run must be set back a minimum of ten feet (10') from the side and rear lot lines of the property on which the coop is located. The coop and run must be located in the rear or side yard and are not permitted in the front yard of a property.

(d.) The chicken run shall be fully enclosed (sides and top) by fencing or other similar materials.

(ii.) *Regulations.* The keeping, harboring, maintaining, or possessing of any chicken must comply with the following:

(i.) *Limit.* a maximum of six (6) chickens shall be kept or harbored on the lot to which the Administrative Permit is granted.

(ii.) *Roosters.* The keeping of roosters is prohibited.

(iii.) *Slaughter.* Slaughtering of chickens on any property zoned for residential use is prohibited.

(iv.) *Eggs.* No chicken eggs shall be sold or offered for sale; all chicken eggs shall be for personal use or consumption.

(v.) *Fighting.* Chickens shall not be raised or kept for fighting.

(vi.) *Food.* Food materials stored outside must be contained within closed containers with lids.

(vii.) *Sanitation.* All containment areas and structures shall be maintained in a clean, sanitary and odor free environment and must be free from rodents or other pests at all times.

- (viii.) *Disposal of Waste.* Fecal waste or coop related litter must be removed at such reasonable times to prevent odors from emitting over property lines. Such waste or litter must be double bagged and disposed of properly. Waste or litter is allowed to be composted on the property, provided the composting is done in a sturdy, weather resistant compost bin or dedicated enclosure. Should the composting be done in an unhealthy or ineffective manner, whereby creating a public nuisance or complaint from a neighboring resident, the permit holder shall immediately cease all waste composting on the property and remove such waste composting bin(s) if so ordered by the Zoning Administrator or animal warden.
- (ix.) *Nuisance.* Chickens may not be kept in such a manner as to constitute a public nuisance. Any violation of the provisions of this Subsection shall be deemed a public nuisance.
- (x.) *Inspection.* Any chicken coop and run authorized under this Section may be inspected at any reasonable time by the Zoning Administrator, animal warden or their designee.
- (xi.) In addition to the Administrative Permit application requirements established in Chapter 5, the following information shall be submitted with the application:
- (a.) The number of chickens to be kept on the premises; and
 - (b.) A Site Plan to show the location, the dimensions and design of the coop and run. The Site Plan must show detailed dimensions to demonstrate compliance with the chicken coop and run specifications provided in this Section; and
 - (c.) A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of chickens on the property; and
 - (d.) Any other and further information as the City deems necessary.
- (xii.) *Revocation.* An Administrative Permit granted under this Section of the Code may be revoked by the Zoning Administrator or Animal Warden with a finding in writing to the Applicant that a violation of any of these standards has occurred or that there is a threat to public health, safety or welfare. Such revocation may be appealed to the City Council, whose decision shall be final.

F. Non-Building Accessory Structure. The following standards shall apply to all Accessory Structures defined as a Non-Building Accessory Structure.

a. *General Provisions applicable to all Base Zoning Districts.*

(i.) *Impervious Surface Coverage.* The permitted size and area of Non-Building Accessory Structures is limited by the maximum impervious surface coverage

established for the Base Zoning District in which the lot is located. Such improvements must be calculated and combined with all other improvements on the lot to demonstrate compliance with the maximum impervious surface coverage requirements.

(ii.) *Temporary Non-Building Accessory Structures.* Any temporary structure such as a seasonal hoop house, garden structure, ice rink boards, etc., that is installed for seasonal purposes, must be sited to meet all applicable setbacks and may not be permanently affixed to the ground on a year-round basis and is not subject to the impervious surface calculation.

(iii.) *Location.* A Non-Building Accessory Structure, provided such structure is not covered with a roof or similar architectural treatment, may be located in front of a Principal Building if it is properly screened from the public right-of-way and it meets the required front yard setback.

b. *Specific Provisions regarding certain Accessory Structures.*

(i.) *Childrens Play Structure or Treehouses.* A play structure or treehouse may not include a permanent foundation, sheetrock, power, plumbing or any other improvements that would require a building or electrical permit. A play structure or tree house not meeting this criterion is not permitted.

G. Temporary Family Healthcare Dwellings. Pursuant to authority granted by Minnesota Statutes Section 462.3593, subdivision 9, the City of Mendota Heights opts out of the requirements of Minnesota Statutes Section 462.3593, which defines and regulates temporary family healthcare dwellings. By opting out, the City expressly prohibits temporary family healthcare dwellings as defined in Minnesota Statutes Section 462.3593.

12-4A-9 Off-Street Parking and Loading

A. Purpose. The purpose of this Section is to regulate off-street parking and loading spaces to alleviate or prevent congestion of the public right-of-way; to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking; and to provide standards for loading and unloading motor vehicles based on the use of a lot, parcel or structure.

B. Applicability. The regulations and requirements set forth in this Section shall apply to any required or nonrequired off-street parking facilities in all Base Zoning Districts.

C. Site Plan Required. All applications for an Occupancy Permit must include a Site Plan application as described in Chapter [5] Administration to demonstrate adequate off-street parking and loading facilities are provided.

D. General Provisions.

1. *Floor Area.* For the purpose of calculating the number of off-street parking spaces required, the net usable floor area of the floors devoted to retail sales, services, office

space, processing and fabrication, exclusive of hallways, utility space, and storage areas other than warehousing shall be used.

2. *Reduction of Existing Off-Street Parking and Loading Spaces.* Off-street parking spaces and loading spaces existing upon the effective date of this Chapter may not be reduced in number unless the number of existing spaces exceeds the requirements set forth herein for a similar new use.
3. *Benches in Places of Public Assembly.* In stadiums, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, every 22 inches of seating area is equivalent to one (1) seat for the purpose of determining the number of required parking spaces.
4. *Size of Spaces.* The dimensions of each parking space must be a minimum of nine feet (9') wide by 20 feet in length, exclusive of access drives. The length of the parking space may be reduced to 18 feet if the parking space is designed to overhang a green space or landscape area.
5. *Parking Space and Drive Aisle Standards.* Unless otherwise noted in this Zoning Ordinance, parking space and drive aisle standards shall be designed to comply with the standards established in Table [12-4A-9.1] Parking and Drive Aisle Standards.

Table 12-4A-9.1. Parking Stall and Drive Aisle Standards.

Angle of Parking	Stall Width Parallel to Aisle	Stall Length of Line	Aisle Width	Stall Depth
45 Degrees	9 ft.	19 ft	15 ft (one-way)	17 ft. 6 in.
60 Degrees	9 ft.	19 ft.	20 ft (one-way)	17 ft. 6 in.
90 Degrees	9 ft.	18 ft.	24 ft.	18 ft.
Parallel	8 ft.	20 ft.	26 ft.	20 ft

6. *Use of Parking Facilities.*
 - a. *Residential Base Zoning District.* The following standards apply to all property located in a Residential Base Zoning District.
 - (i.) Off-street parking facilities accessory to a principal residential use must be utilized solely for parking of passenger automobiles.
 - (ii.) Under no circumstances shall parking facilities accessory to residential structures be used for open area storage of commercial vehicles.
 - (iii.) No Semitrailer, Truck Tractor, or a combination thereof, or any Custom Service Vehicle as defined in Title X, Section [6-1-2] of the City Code, or any truck in excess of 9,000 pounds gross vehicle weight may be parked within a Residential Base Zoning District except for the purpose of loading, unloading, or in the process of making a delivery.
 - (iv.) *Exceptions in Residential Base Zoning Districts.* For each dwelling unit, one truck not to exceed 3,000 pounds rated capacity may be parked

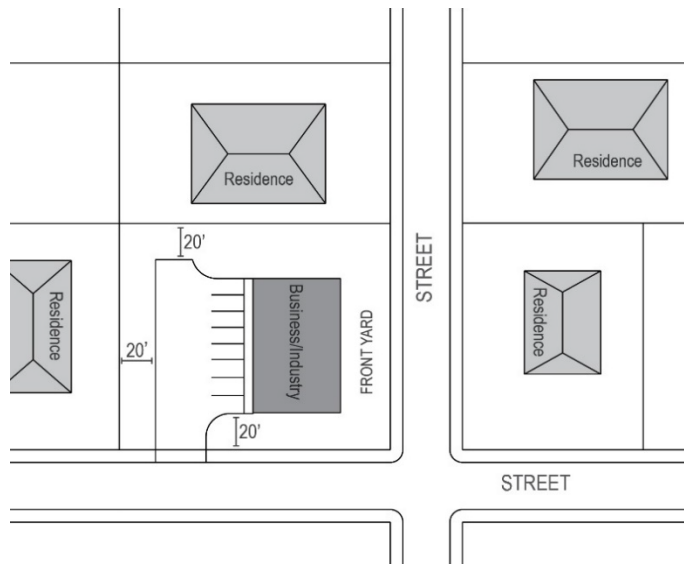
on a residential lot, provided that such truck is used by the occupant of the residence.

- b. *Commercial or Industrial Base Zoning District.* The following standards apply to any property located in the Commercial or Industrial Base Zoning Districts.
 - (i.) Any off-street parking space that is required to be provided for employees, patrons, visitors, etc., of a permitted use may not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for lease, rent or sale.

7. *Location.*

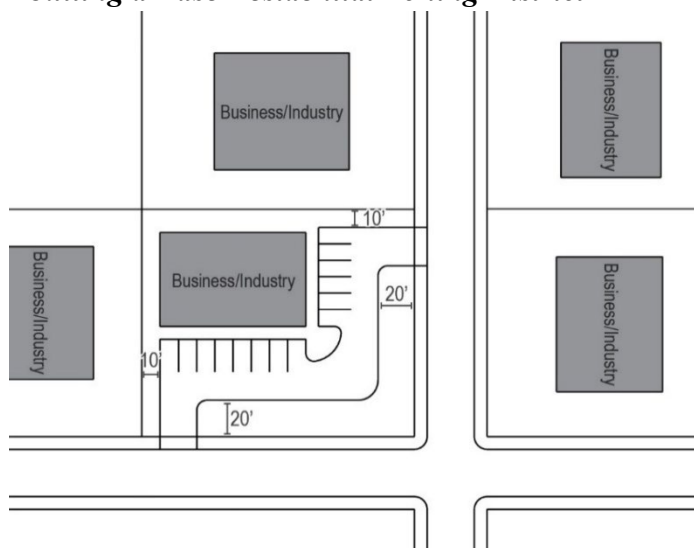
- a. *Residential Base Zoning Districts:* Any required off-street parking in the Residential Base Zoning Districts must be on the same lot as the Principal Building.
- b. *Setbacks in all Base Zoning Districts:* Required off-street parking in all Base Zoning Districts must meet the following setback requirements:
 - (i.) Within all Residential Base Zoning Districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or parking space on the lot in a location other than a required yard; except, that parking may be located in a rear yard to within five feet (5') of an interior side lot line and rear lot line.
 - (ii.) All driveways constructed to serve single-family dwellings on corner lots must be set back a minimum of 30 feet from the property lines adjacent to the street corner.
- c. *Setbacks in Business and Industrial Base Zoning Districts:* (See Figure [12-4A-9.1 and 12-4A-9.2] of this Section.)
 - (i.) In the B-1, B-2 and Industrial Zoning Districts when a property is located across the street from a property zoned R-1, parking spaces may not be located within the front yard.
 - (ii.) In B-1, B-2 and Industrial Zoning Districts, when a property is located across the street or abuts a Residential Base Zoning District, the required parking spaces must be located a minimum of 20-feet from the abutting lot lines.
 - (iii.) In the Industrial Zoning District, parking spaces or aisles serving parking areas must be setback a minimum of 20-feet from any public right-of-way and a minimum of ten feet (10') from a building or lot line.

Figure 12-4A-9.1 Business and Industrial Off-Street Parking - Across or Abutting a Base Residential Zoning District)



8. *Surface and Materials.*
 - a. Any required off-street parking area must be surfaced with a hard, all weather, durable material with an approved curb or bumper stops defining the edge of all parking areas and driveways. All parking areas containing more than six (6) spaces facing a public street or Residential Base Zoning District must have a solid screen, wall or fence a minimum of four feet (4') high but may not exceed six feet (6') high.
9. *Screening.* Screening of off-street parking must comply with the standards established in Section [12-4D-2].
10. If a property is zoned B-1, B-2 or Industrial and is not across the street or abutting a Residential Base Zoning District, the parking spaces must be located at least 20 feet from the front lot line and ten feet (10') from any side or rear lot line. For the purpose of applying this Section, all lot lines abutting a public street are considered a front lot line. See [Figure 12-4A-9.2] of this Section.

Figure 12-4A-9.2 Business and Industrial Off-Street Parking – Not Across or Abutting a Base Residential Zoning District



(i.) Within the B-1, B-2 and Industrial Base Zoning Districts, off-street parking spaces must be setback a minimum of 20' from any public street right-of-way line.

11. *Driveway Access Required.* All off-street parking spaces must have access from a driveway and may not be accessed directly from a public street.
12. *Joint Parking Facilities.* Off-street parking facilities for a combination of one or more uses may be provided collectively in any Base Zoning District except for single-family detached uses, provided that the total number of spaces equals the sum of the separate requirements for each use.
13. *Off Site Parking Facilities.* When required accessory off-street parking facilities are provided other than on the lot on which the principal use is located, written authority for using such property for off-street parking must be filed with the City so that the required number of off-street parking spaces for the duration of the principal use is maintained. No off-site parking facilities may be located more than 100-feet from the principal use.

E. Design And Maintenance of Off-Street Parking Areas.

1. *Access, Width and Location.* Parking areas must be designed to provide an adequate means of access to a public alley or street. The driveway access may not be more than 25-feet in width at the property line in Residential Base Zoning Districts and may not be more than 30-feet in width at the property line in all other Zoning Districts. The driveway access must be located to cause the least interference with traffic movement.

2. *Calculating Space.* When the number of required off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall require a full space.
3. *Signs.* Signs located in any parking area necessary for orderly operation of traffic movement are not to be included as a part of the permitted advertising sign square footage.
4. *Surfacing.* Subject to the provisions of [Section 12-4B-2B2] of this Chapter, the area intended to be utilized for parking space and driveways must be surfaced with a hard, all weather, durable material and is subject to the approval of the City Council, except for parking areas of less than three (3) vehicles.
5. *Lighting.* Lighting must have no direct source of light visible from the public right-of-way or adjacent land in a Residential Base Zoning District.
6. *Curbing, Bumper Guards and Landscaping.* All open off-street parking areas designed to have head in parking along the interior property line must provide a bumper curb or guard of normal bumper height to ensure that no part of any car will project beyond the required setbacks as established in this Chapter. When such area is for six (6) spaces or more and not located to the rear of a building, a curb or fence not over three feet (3') in height must be created at the required parking setback line, and grass or planting must occupy the space between the property line and the required curb or fence.
7. *Maintenance of Off-Street Parking Areas.* The operator of the principal use, uses or structures shall maintain in a neat and adequate manner the parking space, accessways, landscaping and required curbs and fences.

- F. Number of Required Off-Street Parking Spaces. The number of required off-street parking spaces based on the use of a structure or property is identified in Table [12-4A-7.3].

Table 12-4A-7.3 Required Number of Off-Street Parking Spaces

Type of Use	Number of Parking Spaces Required
Auto repair - major, bus terminal, taxi terminal, boat and marine sales, bottling company, shop for trade employing 6 people or less, garden supply store, building material sales	Minimum of 8 spaces, plus 1 additional space for each 800 square feet of floor area over 1,000 square feet.
Bowling alley	5 spaces for each alley.
Church, auditorium, gathering/congregating space	1 space for every 3 1/2 seats based on the design capacity of the main assembly hall.
Community center, post office, YMCA, YWCA, physical culture studio, pool hall, library, private club, lodge, museum	10 spaces, plus 1 space for every 300 square feet of floor area greater than 2,000 square feet in the principal structure.
Daycare center	4 spaces, plus 1 space for every 500 square feet of floor area greater than 1,000 square feet in the principal structure.

Drive-in and fast-food restaurant	1 space for each employee per shift in addition to at least 1 space for every 15 square feet of gross floor area in the building, as per [Section 12-3B-4B.5] of this Title.
Furniture store, appliance store, warehouse - under 15,000 square feet of floor area; auto sales, and studio	1 space for every 500 square feet of floor area in the principal structure.
Golf course, country club, tennis club, public swimming pool	20 spaces, plus 1 space for every 300 square feet of floor area greater than 1,000 square feet in the principal structure.
Hospital	1 space for each 1 hospital bed.
Manufacturing, fabricating or processing of a product or material	Minimum of 4 spaces, plus 1 space for every 800 square feet of building; and 1 space for every 2,500 square feet or fraction thereof of land devoted to outside storage.
Motel, motor hotel, motor court, or hotel	1 space for each guestroom.
Motor fuel station and motor fuel station convenience store	Minimum of 4 surface spaces, plus 3 spaces for each enclosed service stall; and 1 outside space for every 150 square feet of floor area devoted to retail sales in a motor fuel station convenience store. In the case of rental of trailers, trucks and other vehicles, 1 space must be provided for each rental unit stored on site.
Multi-family residential use (5+ dwelling units)	1 space per dwelling unit, or 1 space per bedroom, whichever is greater.
Office building and professional office having less than 6,000 square feet of floor area	3 spaces, plus 1 space for every 500 square feet of net usable floor area.
Office building and professional office having 6,000 square feet or more of floor area, bank, savings institution	1 space for every 200 square feet of net usable floor area.
Restaurant, cafe, bar, tavern, nightclub	1 space for each employee per shift and 1 space for every 3 seats in the facility.
Retail sales and service establishment	Minimum of 7 spaces, and 1 space for every 200 square feet of gross floor area greater than 1,000 square feet.
School, high school	1 space for every 7 students (based on design capacity) plus 1 space for every 3 classrooms.
School, trade school and college	1 space for each classroom, plus 1 space for every 2 students, (based on design capacity) plus parking ratios based on other uses established on this table.
Single-family detached or attached dwelling unit (1 to 4 dwelling units)	2 spaces for each unit, one must be covered.
Skating rink, dance hall, public auction house, golf driving range, miniature golf, trampoline center and similar uses	Minimum of 15 spaces, plus 1 additional space for every 300 square feet of floor area greater than 2,000 square feet.
Theater, athletic field	1 space for every 3 seats (based on design capacity).
Warehouse, storage handling of bulk goods	1 space for every 2,000 square feet of gross floor area.
Uses not specifically noted	As determined by the City Council following review by the Planning Commission.

G. Off-Street Loading and Unloading.

1. *Location:*

- a. All Loading Berths must be off-street and must be located on the same lot as the building or use to be served.
- b. *Minimum Setbacks of a Loading Berth.*
 - (i.) A minimum of 50 feet from the intersection of two (2) street rights-of-way.
 - (ii.) A minimum of 100 feet from the intersection of street rights-of-way of major thoroughfares.
 - (iii.) A minimum of 50 feet from a Residential Base Zoning District, unless the Loading Berth is fully enclosed within a building.
- c. Loading Berths must be located outside the required front yard setback.
- d. *Size.* Unless otherwise specified, the first Loading Berth shall be not less than 12 feet in width and 50 feet in length. Additional Loading Berths must not be less than 12 feet in width and 25 feet in length. All Loading Berths must maintain a height of 14 feet or more.
- e. *Access.* Each Loading Berth must be located with appropriate means of access to a public street or alley in a manner that will interfere least with traffic.
- f. *Surfacing.* All Loading Berths and accessways must be surfaced with asphalt or concrete.
- g. *Screening.* External loading and service areas must be completely screened from the ground level view from any abutting residential or commercial properties and any public right-of-way, except at access points and driveways. Minimum screening requirements are set forth in [Section 12-4D-2B].
- h. *Accessory Use Prohibited.* Any area allocated as a required Loading Berth or access drive to comply with the terms of this Chapter may not be used for the storage of goods, inoperable vehicles, and may not be included as a part of the area required to meet the off-street parking area.

- H. Required Loading Berths.** The use of a property is correlated to the required number of Loading Berths on a site. All uses must comply with the standards established in Table [12-4A-9.4.]

Table 12-4A-9.4 Required Number of Loading Berths

Type of Use	Loading Berth Required
Auditorium, convention hall, public building, hospital, school, hotel, sports arena	1 Berth 25 feet in length for each building having 1,000 to 10,000 square feet of floor area; for those buildings having 10,001 square feet of floor space to 100,000 square feet of floor area or fraction thereof, 1 additional Berth 50 feet in length.
Manufacturing, fabrication, processing and warehousing	1 Berth 25 feet in length for each building having 3,000 square feet or fraction thereof, plus 1 Berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet, plus

	1 Berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area. The operator of the business shall have the option to declare the length of the Berth required for buildings above 100,000 square feet of floor area; except, that $\frac{1}{2}$ or more of the total number of Berths required shall be 50 feet in length.
Retail sales and service store, office	1 Berth 25 feet in length for each building having 6,000 square feet of floor area or more, plus 1 additional Berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet.
Nonresidential uses having 5,000 square feet of floor space or more and not included as part of the above 3 listed uses	4,000 to 20,000 square feet of floor area, 1 Berth; for every additional 10,000 square feet of floor area or fraction thereof above 2,500 square feet, 1 additional Berth.

12-4A-10 Fences

- A. Purpose. The purpose of this Section is to regulate the placement, height and type of fencing permitted in the City. The City has determined that fencing can be an effective buffer or screen between visually incompatible uses and can function to separate or delineate between individual lots. The following standards are established.
- B. Applicability. The following standards shall be applicable to all Base Zoning Districts.
1. *Permit and Compliance Required:*
 - a. *Application.* An application for a Fence Permit is required for any fence six feet (6') or less in height. A Fence Permit and a Building Permit are required for any fence in excess of six feet (6').
 - b. *Exception.* Temporary fences installed to surround a hockey or skating rink do not require a Fence Permit during the winter season. Fences for this purpose are permitted to be a maximum of four feet (4') or less in height and must be removed no later than March 31 of each year.
 2. *Location.*
 - a. All fences must be located entirely on the private property of the persons, firms or corporations constructing or causing the construction of such fence unless the owner of the adjoining property agrees in writing that such fence may be erected on the property line of the respective properties.
 - b. No fence may be installed in a location that would prevent a fire hydrant from being immediately discernible or in any manner to deter or hinder the fire department from gaining immediate access thereto.
 3. *Construction and Repair.*
 - a. *Construction and Maintenance:*
 - (i.) Every fence must be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used.

- (ii.) Every fence must be maintained in a condition of reasonable repair and may not become, or remain, in a condition of disrepair or danger, or constitute a nuisance, public or private.
- (iii.) Any fence that is in violation of this Chapter, or has become dangerous to the public safety, health or welfare, is a public nuisance and the Code Enforcement Officer shall commence proper proceedings for the abatement thereof.
- (iv.) *Face Side:* That side of the fence considered to be the face (the side opposite the post) must face abutting property or the street or other public right-of-way.
- (v.) *Height:* The Fence height shall be measured at a point six inches (6") below the top of the supporting posts. No fence or material between posts is permitted to be greater in height than the highest post on either side of said fence material.

C. Fences in Residential Base Zoning Districts.

1. *Height, Style and Location.*

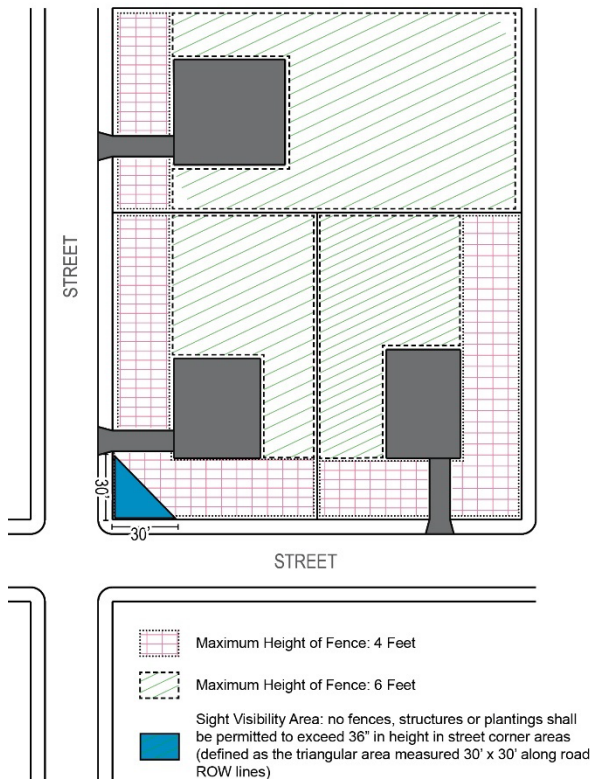
- a. *Front Yard.* The maximum height of a fence in a front yard is four feet (4') in height.
- b. *Interior Lot Line.* The maximum height of a fence erected on interior lot lines behind the front yard setback line and on any rear lot line is six feet (6') in height.
- c. *Rear Yard.* The maximum height of a fence erected on a rear lot line is six feet (6') in height.
- d. *Corner Lot.* The maximum height of fence along that portion of the side lot line equal to the front yard setback is four feet (4'). A fence up to six feet (6') may be permitted but must be reviewed and approved by the Public Works Director. Additional setbacks from the property line may be required at the discretion of the Public Works Director based on existing improvements or the presence of any easements.
- e. *Style of Fences.* Fences in front yards must be an open decorative style fence so that at least 30 percent of the plane between the ground and the top of the fence is open.
- f. *Gates.* Where a gate is proposed to obstruct access to a driveway in a yard abutting a street or other public right-of-way, such gate requires a Conditional Use Permit, and must comply with the following conditions:
 - (i.) The applicant must show that the gate is needed to mitigate an unsafe condition related to visibility of the driveway and gate area from the principal building, intersection of the driveway with the public street, or other unsafe condition as approved by the City.
 - (ii.) All plans and specifications for the proposed gate must be reviewed, and approved, by the Police and Fire Departments prior to installation.

- (iii.) The minimum setback of a gate from the paved edge of a street is 25 feet.
- (iv.) Gates may be a maximum of five (5') feet in height.
- (v.) The gate must be able to be opened in the event of a power failure.
- (vi.) All gates must be equipped with an override to any latch or electronic closure to ensure access by Police and Fire Department or a Code Enforcement Officer at all times. The override mechanism must be properly functioning and must not be disabled by the property owner.
- (vii.) Gates are considered fences for the purposes of this Subsection [12-4A-10C], requiring a Building Permit, and are subject to all other applicable fence regulations, including, but not limited to, building materials.
- (viii.) Any gate that does not meet the standards set forth in this Subsection [12-4A-10-C1e], or that is determined by the Police or Fire Department or a Code Enforcement Officer to not be properly functioning or properly maintained, must be immediately repaired or removed upon notice to the property owner. For purposes of this Subsection [12-4A-10-C1e], the Police or Fire Department or Code Enforcement Officer may determine that a gate is not being properly maintained if the gate is rusted or deteriorated or if the condition of the gate poses a threat to health, safety or welfare in any manner.

2. *Chain-link Fences.*

- a. *Exception to Height.* chain-link fences used for the enclosure of tennis courts may be a maximum of ten feet (10') in height and may not be located within the required front yard setback.
- b. *Barbed Wire Fences Prohibited.* Chain-link fences must be constructed in such a manner that no barbed ends shall be at the top.

Figure 12-4A-8.1 Residential Fence Requirements



D. Fences In Business, Industrial Zoning Districts and Public/Semi-Public Overlay District.

1. *Height.* Fences may be erected along the property line and to a maximum height of six feet (6').
2. *Specifications.* Fences on Business, Industrial and PSP-O properties abutting a Residential Base Zoning District must be erected a minimum of six inches (6") from the property line, must be one hundred percent opaque, and may not exceed six feet (6') in height, except for those provided in Subsection [12-4A-D3] of this Section.
 - a. If the required fence is adjacent to a public right-of-way it must be four feet (4) in height, and must be erected and maintained in the front portion of the lot or along the side or rear property line that abuts the Residential Base Zoning District.
 - b. If a Business, Industrial or PSP use has a required off-street parking lot with six (6) or more vehicles, and the parking lot is located abutting a Residential Base Zoning District, a six foot (6') fence must be erected along the required parking setback line, and any fence in the front yard must meet the standards in (a.) of this subsection. The required fence must be a minimum of 80 percent opaque.
3. *Conditional Use Permit for Certain Fences.* Fences over six feet (6') in height or fences with a security arm or barbed wire must obtain a Conditional Use Permit.

E. Permitted Encroachments onto Public Ways. Notwithstanding the other requirements of Subsection B, C or D , fences between four feet (4') in height and six feet (6') in height

may be allowed to encroach into rear yards of corner and through lots or side yards of corner lots through administrative approval by the Public Works Director and Zoning Administrator (or their assigns) when said yard abuts a public street; provided that the fence is not be constructed on a public easement for street, utility, or drainage purposes.

12-4A-11 Signs

- A. Purpose. The purpose of this Section is to regulate the size, placement and visual appearance of signs in the City. Signs are a permitted accessory use in all Zoning Districts subject to the following regulations.
- B. Permit Requirements.
1. *Permit Required.* Except as herein exempted, no person, firm or corporation shall install, erect, relocate, modify, alter, or change the color on any sign in the City without first obtaining a permit.
 2. *Application.* Application for permits must be made in writing upon printed forms furnished by the City, and must be accompanied by a complete description of the sign, its proposed location, the manner of construction and materials used in the sign, a sketch of the sign and such other information as the Code Enforcement Department deems necessary.
 3. *Enforcement.* In addition to any other remedies available to the City, a triple fee shall be charged if a sign is erected without first obtaining a permit for such sign.
 4. *Exemptions.* No permit is required for the following signs; provided, however, that all signs herein exempted from the permit requirements must conform with all other requirements of this Zoning Ordinance:
 - a. Signs erected by a governmental unit.
 - b. Signs which are entirely within a building and not visible from outside the building.
 - c. Address, nameplate and/or identification signs having an area of two (2) square feet or less.
 - d. Garage sale, rummage sale and other similar temporary signs in conjunction with the sale of household goods and materials from private residences.
 - e. Real estate signs as regulated in Subsection [C] of this Section.
 - f. Election signs as regulated in Subsection [G] of this Section.
 - g. Holiday displays are not considered signs for the purposes of this Section.
- C. Real Estate Signs.
1. For purposes of selling or leasing property, a sign with a maximum of 15 square feet per surface may be placed within the front yard of the property to be sold or leased.
 2. For the purpose of selling or promoting a residential project of six (6) or more dwelling units, a commercial area of three (3) acres or more, or an industrial area of ten (10) acres or more, or a commercial building, or an industrial building the total sign area to promote the project or building shall not to exceed 100 square feet of

- advertising surface. For any new development, such sign shall not remain after 90 percent of the project is developed or occupied.
- a. A banner or other sign affixed to a building may be permitted provided such sign is temporary and is removed once the property is bought or leased. Such banner may only promote a real estate transaction of the subject property.
- D. Temporary Signs. There shall be no more than one temporary (3 months or less) sign on any lot. The maximum total area of such sign is 25 square feet.
- E. Prohibited Signs. Unless a sign is specifically permitted under this Chapter, the sign is prohibited. By way of example and not by way of limitation, the following signs are specifically prohibited:
1. Signs within the public right-of-way or easement; except, that the City Council may grant an Interim Use Permit to locate signs and decorations on or within city right-of-way for a specified time not to exceed 60 days.
 2. Illuminated flashing signs within the RE, R-1, R-2, R-3, MU, B-1 or B-2 Base Zoning Districts.
 3. Illuminated signs or devices giving off an intermittent, steady or rotating beam consisting of a collection or concentration of rays or lights greater than two (2) square feet in area.
 4. Any sign that, by reason of position, shape or color would interfere in any way with the proper functioning or purpose of a traffic sign or signal.
 5. Signs painted on fences, rocks, or similar structures or features.
 6. Feather flag signs.
 7. Animated signs, lighter than air inflatable devices, string lights, strip lighting outlining structures, and signs attached or mounted on a vehicle parked primarily for use as a sign.
 8. Roof signs.
- F. Nonconforming Signs. Signs existing on the effective date of this Chapter which do not conform to the regulations set forth in this Chapter or any previous ordinance are nonconforming uses.
- G. Election Signs.
1. Election signs are permitted on private property in any Base Zoning District, provided such signs are removed within ten (10) days following the State General Election or within ten (10) days following the election the sign relates to in a year during which no State General Election is held.
 2. No election sign shall be permitted in any Residential Base Zoning District 46 days or more before the state primary in a State General Election year, or more than one month preceding the election the sign relates to in a year during which no State General Election is held.

3. No election sign shall be permitted on election day within 100-feet of a building in which a polling place is situated or anywhere on public property on which a polling place is situated. This restriction does not apply to adjacent private property.
- H. Signs In Residential Base Zoning Districts. Within any Residential Base Zoning Districts, the following signs are permitted:
1. *One nameplate sign per dwelling unit.* Such sign shall not exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 2. *One nameplate sign for each dwelling group of six (6) or more units.* Such sign shall not exceed six (6) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 3. One nameplate sign for each permitted use or use by Conditional Use Permit other than residential use, and such sign shall not exceed 12 square feet in area per surface.
 - a. By Conditional Use Permit, a nonresidential use in a Residential Base Zoning District which is allowed either as a Permitted or Conditional Use may qualify for a second nameplate sign, provided that each of the following requirements are met:
 - (i.) The parcel on which such a sign is proposed must be a minimum of 40 acres.
 - (ii.) The parcel on which such a sign is to be located must have frontage on at least two (2) public roadways.
 - (iii.) No more than one sign may be allowed to be oriented toward any one public roadway.
 - (iv.) The sign may be a maximum of 100 square feet in area per surface.
 - (v.) The sign may be a maximum of nine feet (9') in height from the average natural grade at the base of the sign.
 - (vi.) The sign may be illuminated, provided the direct source of light is not visible from the public right-of-way or any adjacent Residential Base Zoning District.
 - (vii.) The sign may not be constructed as an internally lit cabinet.
 - (viii.) The sign must be constructed in a monument style fashion, including a base of natural stone, brick or other masonry material.
 - (ix.) The sign area shall be landscaped with materials subject to a plan submitted with the CUP application and approved by the City Council.
 - (x.) Lighting of the sign must be limited from dusk to twelve o'clock (12:00) midnight.
 4. By Conditional Use Permit, a use in a Residential Base Zoning District which is allowed either as a Permitted or Conditional Use may qualify for a wall sign in addition to a nameplate sign, provided that each of the following requirements are met:
 - a. The parcel on which such a sign is proposed must be a minimum of five (5) acres.

- b. The sign is a maximum of 100 square feet in area.
 - c. The sign may be illuminated, provided the direct source of light is not visible from the public right-of-way or any adjacent Residential Base Zoning District.
 - 5. Symbols, statues, sculptures and integrated architectural features on nonresidential buildings may be illuminated by floodlights, provided the direct source of light is not visible from the public right-of-way or any adjacent Residential Base Zoning District.
 - 6. Any sign over 100 square feet must be set back a minimum of 10 feet from any property line. The maximum height of a sign above the average grade level is 10 feet. Signs may be illuminated, but such lighting must be diffused or indirect and the direct source of light may not visible beyond any lot line.
- I. Signs in the Public/Semi-Public (PSP) Overlay Zoning District.
- 1. Within the PSP-O Zoning District, one freestanding electronic display sign, is permitted provided that each of the following requirements are met:
 - a. The parcel, or campus containing contiguous parcels, on which the sign is proposed must be a minimum of two (2) acres.
 - b. The maximum area of the sign is 100 square feet in area per surface.
 - c. The sign shall not exceed nine feet (9') in height from the average natural grade at the base of the sign.
 - d. The maximum total area per surface for an electronic display is 50 percent of the sign's total area. Only one contiguous electronic display area is allowed per surface.
 - e. The sign must be setback a minimum of 10-feet from any external property boundary line and must be setback a minimum of 50-feet from any abutting Residential Base Zoning District, unless a less intrusive sign placement can be accomplished. Any deviation from the standard must be approved by the City Council.
 - f. The electronic display message may not change more than once every one hour, except for emergency safety messages. Time, date, or temperature is considered one electronic display when displayed alone, however it may be included as a component of any other electronic display but cannot change more than once every three (3) seconds.
 - g. The hours of operation shall be limited to six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.
 - h. The electronic display message shall be limited to static letters and numbers. No portion of a message may contain animation, video or audio, scroll, flash, twirl, fade, or change color.
 - i. The electronic display area shall be a black background and messages shall not contain more than one font color.
 - j. The electronic display message shall be a minimum of four inches (4") in height and must ensure readability.

- k. Messages shall be limited to advertisement of products, events, persons, institutions, activities, businesses, services or subjects which are located on the premises only or which give public service information.
- l. Malfunctioning signs shall be shut off immediately by the owner. Additionally, the sign owner shall immediately stop the display if notified by the City that the sign is noncompliant.
- m. The sign shall be constructed in monument style fashion, including a base of natural stone, brick or other masonry material of at least 24 inches in height from the average natural grade.
- n. The base of the sign shall be landscaped and a plan for such landscaping submitted with the applicable sign permit.
- o. The sign shall be equipped with a sensor that detects the ambient light level and adjusts the brightness of the sign accordingly. Brightness shall not exceed 0.3 foot-candle above ambient light as measured using a brightness meter from a preset distance depending on the sign size, as indicated in the Table 12-4A-11.1 below:

Table 12-4A-11.1 Sign Area and Distance for Brightness Measurement

Sign Area (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89

85	92
90	95
95	97
100	100
Measurement distance = v (sign area x 100)	

2. By Conditional Use Permit, a Public/Semi-Public use in the RE, R-1 or R-2 Base Zoning Districts which is allowed either as a Permitted or Conditional Use may qualify for one additional freestanding electronic display sign, provided that the requirements of [Section 12-4A-11.I.1] are met and each of the following additional requirements:

- a. The parcel, or campus containing contiguous parcels, on which the sign is proposed must be a minimum of 20 acres.
- b. The sign shall not exceed 50 square feet in area per surface and the electronic display area shall not exceed 50 percent of the sign's total area.
- c. The sign shall be set back a minimum of 300-feet from any external property boundary line.
- d. Landscaping shall be installed to provide screening of the sign from any surrounding residential uses.

J. Signs In B-1, B-2 and I Zoning Districts.

1. *Nameplates And Business Signs.* Nameplate signs and business signs are permitted subject to the following regulations:

a. *[B-1 and Industrial Districts:]*

(i.) Within the [B-1 and I] Zoning Districts, the aggregate square footage of such space per lot shall not exceed the sum of two (2) square feet per front foot of building, plus one (1) square foot for each front foot of lot not occupied by such building which fronts on a public right-of-way fifty feet (50') or more in width. The least width of a lot for purposes of this Chapter shall be the front. No individual sign surface shall exceed one hundred (100) square feet in area, nor shall two (2) or more signs be so arranged and integrated as to cause an advertising surface over one hundred (100) square feet.

(ii.) Where a Business Zoning District includes a theater, additional sign surface area may be permitted for the exclusive use of the theater. The total aggregate surface area permitted for theaters including any pylon, marquee or other signage shall not exceed two hundred (200) square feet.

b. [B-2]: Within the B-2 Zoning District, the aggregate square footage of sign space per lot shall not exceed the sum of one (1) square foot per front foot of building

plus one (1) square foot for each front foot of lot not occupied by a building. No individual sign shall exceed 50 square feet in a B-2 area.

2. *Pylon Or Monument Sign.* The erection of one (1) pylon or monument type sign for any single lot in the [B-1, B-2, and Industrial] Zoning Districts is permitted under the following provisions:
 - a. A pylon or monument sign in the [B-2] Districts shall not be higher than twenty feet (20'); and those in the [B-1 and Industrial] Districts may not be higher than twenty-five feet (25') above the average grade level at the base of the sign.
 - b. No part of the pylon or monument sign in any Business or Industrial Zoning District may be less than 10 feet from lot lines or less than five feet (5') from any driveway or parking area.
 - c. The maximum gross area of any surface of a pylon or monument sign in the [B-2] Zoning District is 80 square feet; and the maximum gross area of any surface in the B-2 or I Zoning District is 100 square feet.
3. *Murals or Similar Wall Sign Displays.* A mural or wall sign display including lettering, graphics or other promotions of the business may be permitted with an Interim Use Permit. The design must promote a business that is operational within the structure and may not promote or advertise a specific product.
4. *Electronic Displays at Motor Fuel Stations.* Electronic displays, including light emitting diodes (LED), or similar technologies may be permitted at motor fuel stations under the following conditions:
 - a. The characters in an electronic display must be a uniform color.
 - b. Any electronic display may contain a maximum of four (4) characters.
 - c. The maximum total area for an electronic display is six (6) square feet.
 - d. The text of the sign may not change more than three (3) times in a day (24 hours).
 - e. The electronic display shall be allowed only during the hours of operation approved in the Conditional Use Permit for the motor fuel station.
 - f. Any existing motor fuel station seeking a permit for electronic display of fuel prices must obtain an amendment to their Conditional Use Permit.
5. *Comprehensive Sign Plan.* A comprehensive sign plan shall be provided for industrial developments. Such plan, which must include the location, size, height, lighting and orientation of all signs must be submitted to the Planning Commission for preliminary plan approval regulations. Provided such a comprehensive plan is presented, exceptions to the sign performance standards of this Chapter may be permitted if sign areas and densities for the plan as a whole are in conformity with the intent of this Chapter and if such exception results in an improved relationship between the various parts of the plan.

ARTICLE B. STANDARDS APPLICABLE TO RESIDENTIAL DISTRICTS (RE, R-1, R-2 AND R-3)

12-4B-1 Lot and Building Provisions

- A. Purpose. The purpose of this Section is to define existing lots of record and to establish the orientation and general development of a lot used for residential purposes.
- B. Existing Lot of Record, Buildable. A lot of record existing upon the effective date of this Chapter in a Residential Base Zoning District, that does not meet the criteria established in Section [12-2B-3 Subd. D], may be used for a single-family detached dwelling, provided that the measurements of such area or width meet a minimum of 70 percent of the requirements of the Base Zoning District in which the lot is located. The lot of record may not be developed more intensely than permitted by the Base Zoning District unless combined with one or more abutting lots, or portions thereof, and the resulting lot meets the requirements of the Base Zoning District.
- C. Buildings on a Lot. Except in the case of planned unit developments and multi-family development as provided for in subsequent sections, each lot may contain a maximum of one principal building.
- D. Orientation of Principal Building. If a Principal Building is visible from the public right-of-way, it must be constructed to follow the Character standards of the Base Zoning District in which the structure is located.
- E. Through Lots. On a through lot, both street public right-of-way lines shall be front lot lines for applying the yard requirements and parking regulations of the Base Zoning District in which the lot is located.

12-4B-2 Single-Family Detached and Attached Building Requirements

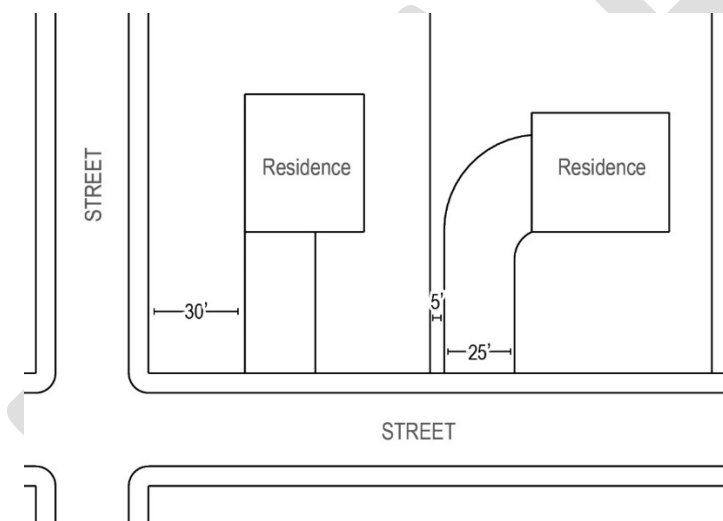
- A. Purpose. The purpose of this Section is to establish general standards for single-family detached and single-family attached buildings to support and maintain the character of the neighborhood. The following standards are established.
- B. Single-Family Attached and Detached Buildings.
 - 1. *Building Standards.*
 - a. *Floor Area.* All single-family dwellings, with the exception of earth sheltered homes, must contain a minimum of 1,000 square feet of usable floor area above grade.
 - b. *Dimensions.* Single-family detached buildings must contain a minimum of 20-feet in width, exclusive of porches and other projections. Single-family attached buildings must contain a minimum of 10 feet in width, exclusive of porches and other projections. The maximum length dimension must not exceed three (3) times the width dimension.

- c. *Basements Required.* All single-family detached buildings must have a basement or an exposed basement under at least 50 percent of the first-floor level. A slab-on-grade home may be permitted with a Conditional Use Permit.
 - d. *Private Attached Garage Required.* One single-level garage with a minimum floor area of 440 square feet is required for any detached single-family building. All single-family attached buildings must contain a single-level garage with a minimum floor area of 220 square feet.
 - e. *Pitch of Roofs.* With the exception of earth sheltered homes, all residential structures must have a pitched roof of at least 3:12 and a maximum of 9:12.
 - (1.) *Exception.* A two-story home may have a roof that is less than 3:12, or a flat roof.
 - f. *First Floor Elevation.*
 - (1.) Construction, including tear-down and redevelopment, of new single-family dwellings and additions, modifications, and alterations to existing dwellings may not raise the first floor elevation more than one foot (1') above the existing condition unless a Conditional Use Permit is obtained [See Subsection 3.]
 - (2.) In the case of a split-level dwelling, the existing first floor elevation is the lowest elevation of an entrance to the dwelling, excluding entrances to the garage and those that do not face the street.
 - (3.) By Conditional Use Permit, the first floor elevation may be increased by more than one foot (1') from the existing condition in order to meet one or more of the following conditions:
 - (i.) Elevate the lowest level of the dwelling to an elevation of two feet (2') above the 100-year flood elevation, as established by the federal emergency management agency (FEMA).
 - (ii.) Protect the dwelling from groundwater intrusion. Existing groundwater elevation shall be determined by a professional registered engineer in the state of Minnesota or by a certified hydrologist, and the results provided for review and consideration.
 - (iii.) Meet State Building Code, City Code or other statutory requirements.
 - (iv.) Comply with standard engineering practices, including, but not limited to, grading, drainage, access, or utility connection at the direction of the Public Works Director.
2. *Driveways And Parking Areas.*
- a. A Driveway Permit is required.
 - b. All curb cuts for driveways in connection with single-family detached and single-family attached dwellings must conform with this Chapter and the specifications set forth on City driveway detail sheets. A plan showing proposed curb cuts and

driveway location and design must be submitted for all new or reconstructed driveways.

- c. All driveways, required off-street parking spaces, and other areas intended to be utilized primarily for parking purposes must be surfaced with concrete or bituminous surfaces.
- d. Driveways must be a minimum of five feet (5') from side lot lines and a maximum of 25-feet wide where the driveway intersects the right-of-way line. All driveways constructed to serve single-family dwellings on corner lots must be set back a minimum of 30-feet from the property lines adjacent to the street corner. A Variance is not required if an existing driveway that was conforming at the time of construction that violates these setback requirements is reconstructed in the same location as the original driveway, including pavement and base material, provided a proper construction permit is obtained from the City. (See Figure [12-4B-2.1])

Figure 12-4B-2.1 Driveway Requirements



- 3. *Landscape Standards.* All single-family detached or attached lots must comply with the following landscape standards.
 - a. New construction, including teardown and reconstruction, of single-family detached or attached structures are required to plant a minimum of one overstory deciduous tree per 50-feet of lineal frontage of public street. The required trees must be planted in the front yard of the lot. A list or reference of trees that meet this requirement are contained within Title 15. Environmental Standards of the City Code.

- b. All lots must be planted with an acceptable ground cover, or a landscape plan must be submitted for review and approval by the Natural Resources Commission, as defined in Title 15. Environmental Standards.
 - c. All retaining walls, gazebos, or other landscape structures as defined in 12-3B-1.1 Table of Uses for Accessory Uses must comply with all setback requirements and must obtain an Administrative Permit.
4. *Screening of Certain Materials.* All waste material, debris, refuse, garbage, fuel including woodpiles of two (2) cords or larger (a cord is 4 feet x 4 feet x 8 feet), or materials not currently in use for construction must be stored indoors or totally screened from the eye level view from the public right-of-way and any adjacent properties.
5. *Construction and Building Plans.*
- a. Any construction of a new detached or attached single-family building must obtain a Building Permit. The Building Permit must be accompanied by a Site Plan and any other information necessary to confirm that the building complies with the Base Zoning District in which it is located. Single-family attached buildings must comply with the standards established in Section [12-4B-3] of this Chapter.
 - b. All construction activities, including additions to existing structures, are required to comply with the requirements below. Failure to comply with any of the requirements may result in issuance of stop work orders, fines, revocation of contractor licenses, and enforcement of the penalty provisions in Section [12-5E-2] of this Zoning Ordinance.
 - (1.) Hours of operation for exterior construction activities are limited to seven o'clock (7:00) A.M. to eight o'clock (8:00) P.M. Monday through Friday and nine o'clock (9:00) A.M. to five o'clock (5:00) P.M. on weekends.
 - (2.) An erosion and sediment control plan must be approved by the Public Works Director to be implemented and properly maintained at all times, in accordance with Title [14, Chapter 1] of this Code the City's land disturbance guidance document.
 - (3.) Streets and surrounding properties shall be free of debris and mud at the end of each workday.
 - (4.) Dumpsters placed on site for more than ten (10) consecutive days during construction activities must be covered or have lids that close and secure to contain debris.
 - (5.) Storage of construction and landscaping materials, dumpsters, portable restroom facilities, and other equipment within the right-of-way is prohibited.
 - (6.) The permit holder must repair any damage to public or private property within three (3) working days from a notice being issued by the City.

- (7.) Contractor vehicle parking is limited to one side of the street to allow adequate space for two-way traffic, emergency service vehicles, and City maintenance vehicles.

12-4B-3 Attached and Multi-Family Residential Building Requirements

- A. Purpose. The purpose of this Section is to establish standards for multi-family buildings and their lots to ensure that multi-family buildings are compatible with surrounding developments and neighborhoods. The following standards are established.
- B. Building Standards. In any multi-family building that contains more than five (5) attached dwelling units each unit must comply with the minimum Floor Area requirements established in Table [12-4B-3.1].

Table 12-4B-3.1. Minimum Floor Area by Unit Type

Unit Type	Minimum Floor Area
Efficiency units	Not allowed
1 bedroom units	700 square feet
2 bedroom units	800 square feet
3 bedroom units	1,000 square feet

- C. The minimum lot area per unit is regulated by Base Zoning District contained in Chapter 2 of this Zoning Ordinance. The total minimum lot area required may be decreased by 300 square feet for each parking space that is provided underground to serve a multi-family building.
- D. Off-Street Parking Requirements for Multi-Family Buildings. In addition to the applicable provisions of [12-4A-9] of this Chapter the following requirements shall apply:
1. *Number and Design of Parking Spaces.* A minimum of one (1) parking space per unit must be fully enclosed. Parking spaces must comply with all parking regulations for size, location, and other standards.
 2. *Setbacks.* Surface parking lots, or other unenclosed parking spaces, must be setback a minimum of 40-feet from the public right-of-way. Surface parking areas must be setback a minimum of 10-feet from any principal building.
 3. *Driveways And Aisles.*
 - a. Driveways shall be a minimum of 50 feet from any street intersection.
 - b. *Screening.* Parking areas which serve buildings housing three (3) or more dwelling units which are contiguous to or across a street from single- or two-family units must be screened with a four-foot (4') wall of masonry or wood. Such wall shall be at least 85 percent opaque.

E. Architecture and Building Design Standards. The following minimum design standards are established for multi-family buildings:

1. *Design Standards*.

- a. All multi-family buildings must be designed and constructed with four-sided architecture.
- b. The exterior façade of any multi-family building must be designed to eliminate large blank or expansive walls without architectural detail or interest. Each building must include, at a minimum, some articulation or detail between floors that may include changes in materials, color, balconies or other architectural details.
- c. No wall may extend more than 40-feet without a plane or material break. If a plane break is designed, it must include a minimum of one (1) foot of relief between the planes.
- d. Each building must include a clear entry and front façade. Such entry must be clearly articulated and facing the primary above ground access.
- e. All accessory or ancillary buildings including garages must be designed and constructed with facing materials of the same quality as those used in the Principal Building.

2. *Construction and Building Plans*.

- a. Any multi-family buildings must be constructed only in conformance to building and site plans certified by a registered architect. The Site Plan may be prepared by a professional site planner, but a registered architect must certify that they have personally reviewed the site and designed the proposed buildings in accordance with the Site Plan, the terrain and neighboring conditions. The following plans must be submitted, reviewed and approved prior to a Building Permit being granted:
 - (1.) Complete details of the proposed site development, including location of buildings, driveways, parking spaces, dimensions of the lot, lot area and yard dimensions.
 - (2.) Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development.
 - (3.) Complete plans for stormwater drainage systems sufficient to drain and dispose of all surface water accumulations within the development area.
 - (4.) Complete structural, electrical and mechanical plans for the proposed building(s).
 - (5.) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory structures.
- b. *Landscape Standards*. Any new multi-family development or PUD including multi-family attached units must comply with the landscape standards as

established in Section [12-4A-5] Landscape Requirements of this Chapter.

12-4B-4 Outside Storage of Personal Recreational Equipment in Residential Districts

- A. Purpose. The purpose of this Section is to regulate the unenclosed storage of Personal Recreational Equipment on a residential lot. The following standards are established for all principal residential uses within the RE, R-1, and R-2 Zoning District.
- B. General Provisions. The outside storage of recreational equipment is permitted in a maximum of one side yard, or in a rear yard in all Residential Base Zoning Districts; provided, that the following conditions are met:
 - 1. Any storage in a side yard shall not be adjacent to a public right-of-way unless the exceptions as noted in subsection C are met; and
 - 2. Outside of all required yard setbacks.
 - 3. Outside storage of vehicles and recreational equipment not originally constructed for recreational use are not be permitted.
 - 4. The storage of recreational vehicles must comply with the standards of the Property Maintenance Code.
- C. Exception for Corner Lot. Recreational equipment may be stored in a side yard abutting a right-of-way provided the following conditions are met:
 - 1. There is not adequate area on the interior side yard to store the equipment, or construct a driveway, and meet the required yard setback.
 - 2. The storage area must be fully screened from the right-of-way by either an opaque fence or coniferous vegetation.
- D. Personal Recreational Equipment shall include the following:
 - 1. Boats and canoes.
 - 2. All-terrain vehicles.
 - 3. Trailers for the transportation of boats, canoes and all-terrain vehicles.
 - 4. All motor vehicles designed, constructed, or used to provide temporary, movable living quarters for recreational use.
 - 5. Travel trailers.
 - 6. Snowmobiles.
 - 7. Utility trailers.
- E. Parking and Storage of Recreational Camping Vehicles. The following additional standards for personal Recreational Camping Vehicles are established:
 - 1. The Recreational Camping Vehicle must be parked on a paved surface.
 - 2. In the case of a residential subdivision surrounding a lake or pond, rear yard storage is prohibited where neighbors can see it from across the water unless it is adequately screened.
 - 3. All Recreational Camping Vehicles stored or parked outside must be adequately screened from abutting residential properties.

4. *Prohibitions.* It is unlawful for any person to park or store a recreational camping vehicle:
 - a. On a residential driveway when the recreational vehicle is greater than ten feet (10') in height, 23-feet in length or 6,500 pounds.
 - b. On a public street or in a public right-of-way.
5. *Exceptions; Special Temporary Permit.*
 - a. A special temporary permit may be issued by the City for the temporary parking of one mobile home or recreational camping vehicle on a residential driveway for a period not to exceed ten (10) days.
 - b. No more than four (4) permits per year may be issued to any one residence and cannot be issued consecutively (there must be at least 14 days between permits).
 - c. Vehicles parked on the driveway must be placed 15-feet from the roadway to allow for visibility of traffic, and vehicles must have a permit.
 - d. Vehicles stored outside must be licensed and operable.

ARTICLE C. STANDARDS APPLICABLE TO OVERLAY DISTRICTS

12-4C-1 Public Semi-Public Overlay District (PSP-O)

- A. Purpose. The purpose of this Section is to describe the standards and flexibility from the Base Zoning District standards for properties located in the Public Semi-Public Overlay district.
- B. Applicability. All uses and standards established in the Base Zoning District shall apply, and the areas of flexibility identified herein shall only apply to those uses categorized on Table [12-3B-1.1]. Table of Uses as “Public/Semi-Public Uses.”
- C. Yard Setback Provisions.
 1. All Principal Buildings and Accessory Buildings must comply with the setback standards established in Chapter 2 of the applicable Base Zoning District, and Chapter 3, whichever is more restrictive. Any proposed deviation from the required setbacks shall require a Conditional Use Permit.
- D. Design and Building Standards.
 1. *Minimum Lot Size:* 1.0 Acres
 2. *Height:* The maximum height of a Principal Building for an established PSP-O use determined by the Base Zoning District height requirements. A Principal Building that exceeds the height of the Base Zoning District, up to a maximum of 40 feet, is permitted by Conditional Use Permit.
 3. *Accessory Structures:* All accessory buildings must comply with the Base Zoning District standards, unless a Conditional Use Permit is obtained.
 - a. Accessory Buildings must be designed to be compatible with the design and character of the Principal Building.

- b. Accessory Buildings must be accessory to the Principal Building. If no Principal Building is present, a Conditional Use Permit must be obtained.
- 4. *Screening or Buffering.* Screening from Residential Base Zoning District. A screening plan is required along the property line of any PSP-O district that abuts a Residential Base Zoning District, unless the owner can demonstrate that there is no adverse impact to the residential use.

12-4C-2 Floodplain Overlay District (FP-O)

- A. Purpose. The purpose of this Section is to establish that certain lands in the City are located within a Floodway, Flood Fringe which is commonly referred to as the Floodplain. Land that is located within the Floodplain Overlay District are subject to additional standards and regulations.
- B. Applicability. The Floodplain Overlay District standards are applicable to that portion of a property, lot, or land that is contained within the mapped floodplain area established by FEMA. Land within the FP-O is regulated by the Base Zoning District in which the property is located and is subject to the FP-O standards, and the more restrictive standards shall apply.
 - 1. The FP-O District standards and regulations are established in Title 15. Environmental Standards.

ARTICLE D. STANDARDS APPLICABLE TO BUSINESS, INDUSTRIAL AND PUBLIC SEMI-PUBLIC USES

12-4D-1 Lot and Building Standards.

- A. Purpose. The purpose of this Section is to establish general lot and building standards for all non-residential buildings in the City.
- B. Applicability. The following standards are applicable to all properties within the B-1, B-2, Industrial and PSP Zoning Districts. The standards are also applicable to any Principal non-residential uses in a Base Residential Zoning District.
- C. Corner Lots. On a corner lot, each side abutting a public street right-of-way is determined to be a front yard and the use must comply with the applicable setback requirements established in the Base Zoning District in which the property is located.
- D. Building Design and Construction. All buildings or structures must meet the following standards:
 - 1. *Exterior Surfaces, Including Roofs.* Buildings must be finished on all sides with permanent finished materials of a quality consistent with the standards set in the Base Zoning District in which it is located. Exterior wall surfaces must comprised of one or more of the following:

- a. *Face brick or natural stone.*
 - (1.) Professionally designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture, or
 - (2.) Decorative block, if incorporated in a building design which is compatible (in terms of exterior design, materials, and colors) with other development throughout the Zoning District.
 - b. Factory fabricated and finished metal framed modular panel construction, if the panel materials are any of those listed in Subsection [C1a] of this Section, glass, prefinished metal (other than unpainted galvanized iron) or plastic used in accordance with the Building Code requirements.
 - c. No building exterior shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum.
 - d. Any proposed deviation from these standards shall require a variance.
2. *Subsequent Additions and Other Structures.* Subsequent additions and other buildings or structures constructed after the erection of the original building or structure shall be constructed of materials comparable in quality and appearance to those used in the original construction, and must be designed consistent with the original architectural design and general appearance.
 3. *Accessory Buildings; Walls.* Garages, Accessory Buildings, screen walls, and exposed areas of retaining walls must be of a similar type, quality and appearance as the Principal Building.
 4. *Compatibility with other Buildings.* All buildings must be compatible (in terms of exterior design, materials, and colors) with the character of the other structures and buildings in the surrounding area.
 5. *Off-Street Parking and Loading.* Design and maintenance of off-street parking and loading areas must comply with [Section 12-4A-7 and 12-4A-9] of this Chapter.
 6. *Storage of Materials.*
 - a. All trash and trash handling equipment shall be stored within the Principal Building or within an attached Accessory Building that is accessible from the inside of the Principal Building.
 - b. No outdoor storage of either materials or products is permitted, except if approved by a Conditional Use Permit or where expressly allowed in the Base Zoning District.
 7. *Screening of Mechanical Utilities.* Whenever possible, rooftop mechanical units must be a low profile design. All ground level and rooftop mechanical utilities, other than low profile rooftop units, must be completely screened with one or more of the materials used in the construction of the Principal Building. Where practicable, rooftop screening shall be accomplished through the use of parapet walls.
 8. *Screening of Vehicle Lights.* The light from automobile headlights and any other sources on a site must be screened if through regular site use and operations such

light is directed onto or at abutting residential uses. Screening must comply with the standards in Section [12-4D-2].

E. Industrial (I) Zoning District Requirements.

1. No development of any lot or combination of lots in the Industrial Base Zoning District may be commenced and no Building Permit will be issued until all of the following requirements have been met:
 - a. *Plan and Specifications.*
 - (1.) *Site Plan, Building Plans, and Specifications.* A complete Site Plan, building plans and specifications prepared by a registered architect shall be submitted for review and approval. The architect must certify that the plans were prepared specifically for the subject site. The Site Plan must include the location of buildings, driveways, driveway intersections with streets, parking areas, loading areas, sidewalks, curbs, and screening as required by this Chapter.
 - (2.) *Grading Plans.* Site grading plans must be submitted indicating existing and proposed grades and provisions for surface drainage.
 - (3.) *Signs.* Proposed design, location, size and lighting of all signs, if any, must be submitted.
 - (4.) *Landscaping Plans.* Landscape Plans consistent with the requirements of Section [12-4A-5] of this Chapter.
 - (5.) *Additional Materials.* Plans and specifications shall include any additional material required by the City to ascertain compliance with the performance standards specified in this Chapter and any other requirements of this Zoning Ordinance.
 - b. *Bond.* A bond or bonds guaranteeing performance of construction elements required to comply with this Chapter shall be given in amounts determined by the City to be sufficient to reasonably ensure compliance with the provisions of this Chapter.
2. *Site and Structure Requirements.*
 - a. *Yards where Railroad Tracks abut a Lot.* Where a lot has a railroad trackage abutting the interior side lot line or rear lot line, there shall be no side or rear yard requirement abutting the trackage in providing a railroad loading facility.
 - b. *Fences for Industrial Base Zoning District abutting a Residential Base Zoning District.* Whenever a property zoned Industrial abuts a Residential Base Zoning District, a fence must be erected along the property line that may be 100 percent opaque with a maximum height of six feet (6').

12-4D-2 Screening

- A. Purpose. The purpose of this Section is to establish standards that mitigate the potential adverse impact between properties where the uses may not be compatible without some visual buffering or screening.
- B. General Provisions.
1. *Opacity of Screening and/or Buffering.* All required screening or buffering identified in this Chapter may be achieved with fences, walls, earth berms, hedges or other landscape materials. The required screen must provide the minimum opacity established in the applicable Section, and if not clearly stated, must provide a minimum opacity of 90 percent during all seasons.
 2. *Screening or Buffering Required.*
 - a. Principal buildings, and any Accessory Building or structure used for business or industrial use must provide a buffer along the adjacent property line of any Residential Base Zoning District.
 - b. Off-street parking facilities containing six (6) or more spaces located within 50 feet of a right-of-way or abutting any Residential Base Zoning District must install a buffer/screen along the property line.
 - c. Outside storage that is allowed by other provisions of this Chapter must provide a buffer to screen the outdoor storage area from the public right-of-way or any abutting Residential Base Zoning District.
 - d. External loading and service areas must be completely screened from the ground level view from contiguous properties and the public right-of-way, except at driveway access points.
 3. *Slope Of Berms.* Earth berms shall not exceed a slope of three to one (3:1).

12-4D-3 Lighting

- A. Purpose. The purpose of this Section is to regulate the placement and intensity of light fixtures in the non-residential zoning and districts and non-residential uses in the City. The following standards are established.
- B. Light Spillage at Property Line. Light fixtures that are used for illuminating parking areas, loading areas or storage yards or for safety and security purposes may not exceed the following values:
1. A reading of 0.2 foot-candle at the property line if the abutting use is a commercial or industrial use or public right-of-way.
 2. A reading of zero (0) foot-candles at the property line if the abutting use is Residential or if the abutting property is a Residential Base Zoning District.
 3. A photometric plan may be requested to demonstrate compliance with the standards stated in this Section.
- C. Fixture Type. The following standards shall apply to all fixtures:
1. All fixtures must be hooded and downcast.

2. Any pole or structure on which a light is affixed may not exceed 24 feet in height unless a Conditional Use Permit is obtained.

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CHAPTER 5: ADMINISTRATION AND CONFORMANCE

ARTICLE A. GENERAL PROVISIONS AND ADMINISTRATION

12-5A-1 Administration and Enforcement Officials

This Chapter shall be administered and enforced by the Zoning Administrator, Public Works Director, City Attorney, Planning Commission and City Council as described herein.

12-5A-2 Duties of a Zoning Administrator

The Zoning Administrator shall enforce this Zoning Ordinance and require that:

- A. All Building Permits are reviewed by the Building Official, and as necessary the Zoning Administrator, to determine compliance with the terms of this Zoning Ordinance.
- B. Inspections of buildings and use of land are conducted by the Building Official, and as necessary Zoning Administrator, to determine compliance with the terms of this Zoning Ordinance.
- C. Permanent and current records of this Zoning Ordinance are maintained, including, but not limited to, all maps, amendments, Conditional Uses, Variances, and any Appeals and Land Use Applications.
- D. All applications for Appeals, Variances, Conditional Uses, or other matters are received, dated, filed and forwarded to the designated City Officials.
- E. The Zoning Administrator or the City Attorney shall institute in the name of the City appropriate actions or proceedings against a violator of this Zoning Ordinance as provided by law.

12-5A-3 Appeal of Zoning Administrator Decision

- A. Board of Appeals to Zoning Administrator Decision. The Planning Commission is designated as the Board of Zoning Appeals for any appeal of a decision made by the Zoning Administrator. The Board of Zoning Appeals must make a determination that is consistent with this Zoning Ordinance and the adopted Comprehensive Plan. Such appeals are limited to final decisions authorized to be made by the Zoning Administrator, such as: appeal the location of the boundary of a Zoning District as shown on the Zoning Map, an order, a permit, specific requirements or zoning related decisions.
- B. Time For Filing Appeal. An appeal to a decision made by the Zoning Administrator must be filed within 90 days. The Applicant, Owner, other interested person, or officer of the City affected by the decision may appeal to the Planning Commission by filing a written notice stating the action and the specific grounds upon which the appeal is made. Such time limit does not apply to any prosecution for violation of this Zoning Ordinance.

- C. Hearings. The Planning Commission, as the Board of Zoning Appeals, may conduct a hearing as it determines is necessary and will determine what notice, if any, shall be given of such hearing.
- D. City Council Action.
1. The City Council may review and revise any decision of the Board of Zoning Appeals. In reviewing such decisions, the City Council shall set a date for hearing no earlier than seven (7) days or more than 30 days after the decision is made by the Board of Zoning Appeals.
 2. Notice of the hearing before the City Council shall be mailed to all appellants. Any appeals that involve a Zoning District boundary lines determination or interpretation of the text of this Zoning Ordinance, must follow the procedure for a public hearing that requires a minimum of 10-day notice to be published in the official newspaper and individual notification to property owners within 350-feet of the property.

ARTICLE B. COMMON STANDARDS OF LAND USE APPLICATIONS

12-5B-1 Purpose and Applicability

- A. Purpose. The purpose of this Section is to establish the general process and procedures for all Land Use Applications that are contained within this Zoning Ordinance.
- B. Applicability. This Section shall apply to all Land Use Applications in the City. Table [12-5B-1.1] Land Use Application Review Procedures provides the requirements and standards for each type of application. The table provides a reference to the subdivision and/or platting requirements for reference because certain land use applications such as Planned Unit Development may include a request to plat.

[Table 12-5B-1.1]. Land Use Application Review Procedures

Procedure	Public Hearing	15.99	462.35 8 (Plat)	If City Council is checked, they are the final decision-making body.		
Land Use Application				Staff	Planning Commission	City Council
Administrative Permit		X		X		
Appeal to Administrative Decision					X	X
Comprehensive Plan Amendment (Text or Map)	X	X		X	X	X
Conditional Use Permit	X	X		X	X	X
Interim Use Permit	X	X		X	X	X
MRRCA Permit						
• Administrative		X		X		X

• Full Review	X	X		X	X	X
Planned Unit Development						
• Concept Plan		X		X	X	X
• Preliminary Development	X	X	X	X	X	X
• Final Development		X	X	X	X	X
Site Plan						
• Minor		X		X		
• Major		X		X	X	X
Variance	X	X		X	X	X
Zoning Amendment (Text or Map)	X	X		X	X	X
Subdivision Application						
Lot Consolidation/Lot Line Adjustment	X	X		X	X	X
Minor Subdivision (if plat)	X		X	X	X	X
Major Subdivision (if plat)	X		X	X	X	X
Other Applications						
Environmental Review				X	X	X

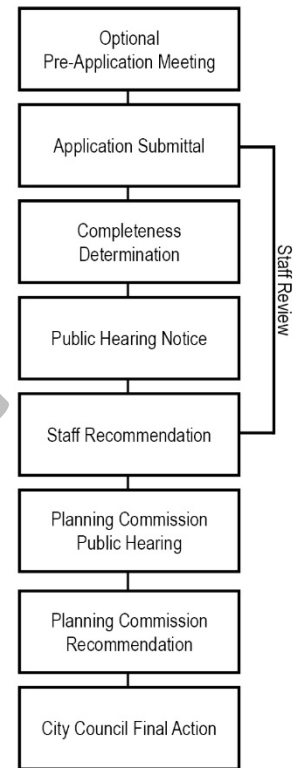
C. Minnesota State Statutory Review Procedures for Land Use Applications and Subdivision.

As identified in Table [12-5B-1.1]. Land Use Application Review Procedures, certain land use applications are subject to the rules of procedure and deadlines for action as established within Minnesota State Statutes. The City Council shall follow the rules and requirements as established by the Minnesota State Statute which may be updated from time to time. The following summary of current statutory requirements is provided.

1. *Minnesota State Statute 15.99.* Pursuant to Minnesota Statutes 15.99, a land use application shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60-day time limit by one time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60-day period. Extensions may also be requested by the applicant.
2. *Minnesota State Statute 462.358.* An application for preliminary plat shall be approved or denied within 120 days from the date of a complete submission unless a time waiver is granted by the applicant. A preliminary plat may be approved with conditions or denied with written findings. An application for final plat, shall be approved or denied within 60 days from the date of the complete submission unless a time waiver is granted by the applicant.

D. Common Procedures for Land Use Applications. The following common procedures are established for any Land Use Application that is subject to Minnesota State Statute 15.99 that requires the action of the City Council.

1. The Applicant may request a pre-application with the Zoning Administrator to discuss the proposed project or application.
2. The Applicant must submit the Land Use Application using the official forms provided by the City, the materials as required on the specific Land Use Application checklist and the appropriate fees and escrow must accompany the submission.
3. The Zoning Administrator, and other City Staff, will perform a review of all submitted materials to determine the completeness of the application. Once an application has been deemed complete, the staff will prepare a review and analysis of the application for consistency with the City's ordinances.
4. If a public hearing is required, notice of the public hearing will include a description of the request. Notice must be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing must be mailed at least 10 days prior to all owners of land within 350-feet of the property boundary of the proposed application. Failure of a property owner to receive said notice(s) shall not invalidate any proceedings as set forth in this Section.
5. The Zoning Administrator shall instruct the appropriate City Staff to prepare technical reports where appropriate, and to provide general assistance in preparing the staff report and recommendation of the action to the Planning Commission and City Council.
6. The City Staff, Planning Commission and City Council have the authority to request additional information from the applicant or two obtain expert testimony with the consent, and at the expense, of the Applicant if additional information is necessary to establish compatibility with the Comprehensive Plan and applicable sections of this Zoning Ordinance.
7. The applicant or a representative may appear before the Planning Commission to present information and answer questions concerning the proposed request.
8. The Planning Commission shall hold the official Public Hearing, if required as indicated on Table [12-5B-1.1]
9. The Planning Commission shall make a recommendation stating its findings and any conditions of the application to the City Council.
10. The City Council shall consider the recommendation of the Planning Commission, and the City Staff report and by resolution, make its decision.



12-5B-2 Comprehensive Plan Amendment

- A. Purpose of Comprehensive Plan. The Comprehensive Plan for the City contains objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the City. The Land Use Plan designates the existing and proposed location, intensity and extent of use of land for agricultural, residential, commercial, industrial and other public and private uses.
- B. Vote Required for Approval. The City Council may, by an affirmative vote of four-fifths ($\frac{4}{5}$) of all members thereof, adopt amendments to the Comprehensive Plan.
- C. Initiation of Amendment. Proceedings for Comprehensive Plan Amendment shall be initiated by a petition of the Owner(s) of the actual property. The petition must describe the proposed change of use or proposed modification to the Comprehensive Plan. The Planning Commission or the City Council may also initiate a proposed change to the Comprehensive Plan, and the purpose for such proposed change must also be identified.
- D. Application for Amendment.
 - 1. *Filing Of Application.* All applications for a Comprehensive Plan Amendment which are initiated by the petition of the Owner(s) of a property must be filed in the Office of the City Clerk.
 - 2. *Sketch Plan.*
 - a. An application for Comprehensive Plan Amendment must include a Sketch Plan, as described in Subsection [b.] if the proposed amendment addresses the potential development of a specific parcel of land.
 - (1.) *Copies:* The Sketch Plan must be drawn to-scale and must be scalable. One electronic copy and one (1) half-scale 11"x17" hard copy must be submitted along with the official Planning Application form.
 - b. *The maps which are part of the Sketch Plan may be in general schematic form, and must contain the following information:*
 - (1.) The existing topography of the land.
 - (2.) Existing and proposed land uses and the approximate location of buildings, utilities, and unique development features of the site.
 - (3.) The location of roads and major thoroughfares and proposed access location.
 - (4.) Public uses, including schools, parks, playgrounds, and other open spaces, if applicable.
 - (5.) Map with all adjacent parcels or lots that demonstrates how the proposed amendment is compatible with adjoining uses (both existing and proposed).
 - c. *A narrative must be submitted with the Sketch Plan. The narrative must contain the following information:*
 - (1.) An explanation of the character of the proposed use of the property.
 - (2.) A statement of proposed financing for development of the property.
 - (3.) A statement of the present ownership of all of the property in question.

- (4.) A general indication of the expected schedule of development including progressive phasing and time schedules, if applicable.
- (5.) The character and density of dwelling units, if residential development is proposed.
- (6.) Estimated industrial acreage and projected employment, if industrial development is proposed.
- (7.) Estimated square footage of commercial development, if commercial development is proposed.
- (8.) Estimated amount of open space, if proposed.
- E. Referral to Planning Commission by City Council. A request for a Comprehensive Plan Amendment may be initiated by Resolution of the City Council by referring such request to the Planning Commission.
- F. Planning Commission Hearing and Recommendation. The Planning Commission shall make a written report to the City Council stating its findings and recommendations. The City Council may request further information and report from the Planning Commission.
- G. Action By City Council.
 - 1. The City Council shall not amend the Comprehensive Plan without having first referred it to the Planning Commission.
 - 2. If the Planning Commission fails to make a report and recommendation to the City Council within 60 days after referral of the application, the City Council may take action without further awaiting such recommendation.
 - 3. The City Council may, by resolution adopted by an affirmative vote of four-fifths ($\frac{4}{5}$) of its members, adopt and amend the Comprehensive Plan or portion thereof so recommended.
 - 4. The City Council may not officially enact any Comprehensive Plan Amendment until the official review of the Metropolitan Council is complete and authorization is provided to enact the Amendment.
- H. Comprehensive Plan Supersedes Zoning Ordinance. Until such time as this Zoning Ordinance is amended to conform to the Comprehensive Plan, the Comprehensive Plan shall supersede the provision herein if there is a conflict between the adopted Future Land Use Plan contained in the Comprehensive Plan and the Official Zoning Map. The City Council shall take no action in amending this Zoning Ordinance in a manner inconsistent with the Comprehensive Plan.

12-5B-3 Zoning Amendment (Text or Map)

- A. Purpose of Zoning Amendment (Text of Map). An application to amend this Zoning Ordinance or official Zoning Map allows an Owner or the City to request consideration to modify or change the language or map related to specific property within the City. All requests must be accompanied by a purpose or reason that such request is made and how such request is consistent with the Comprehensive Plan.

- B. Vote Required for Approval. The City Council may, by a simple majority vote of all members, adopt amendments to the Zoning Ordinance; except, that where an amendment changes all or part of an existing Zoning District classification from residential to either commercial or industrial, a four-fifths ($\frac{4}{5}$) majority vote of all City Council members is required.
- C. Initiation of Amendment. An application to amend this Zoning Ordinance may be initiated by either a petition of the Owner(s) of property, or by a recommendation of the Planning Commission, or by resolution of the City Council.
- D. Application for Amendment. All applications for amendment that are initiated by the Owner(s) of property must be filed with the Zoning Administrator and must state the reason for the proposed amendment. All applications for a Zoning Amendment must follow the process as established in Section [12-5B-1D].
- E. Planning Commission Hearing and Recommendation. The Planning Commission shall submit a written report to the City Council stating its findings and recommendations.
- F. Action By City Council.
 - 1. Failure of the Planning Commission to submit a report as described shall not invalidate the proceedings or action of the City Council.
 - 2. At the time of consideration, the City Council may take final action upon the application, or it may continue the discussion for further investigation provided such action complies with subsection [12-5B-1C] regarding the applicable State Statutes and ordinances.
 - 3. The City Council may also request further information and a report from the Planning Commission.

12-5B-4 Site Plan

- A. Purpose. Most of the Land Use Applications described in this Chapter propose to alter, use, or develop property, lots or land in the City. The Site Plan Review process will ensure that the proposed use and development of land complies with the standards and regulations established in this Zoning Ordinance.
- B. Applicability. The Site Plan review process shall apply to any development of land located within an Overlay District, or that is proposed for commercial, industrial or multi-family uses. The Site Plan review process may be required and/or submitted as part of another Land Use Application process, and in such cases shall follow the primary land use application process. All applications for Site Plan will be classified as a Minor Site Plan review or a Major Site Plan review as follows:
 - 1. *Minor Site Plan.* The Minor Site Plan process applies to any application that complies with the applicable Base Zoning District and does not require a Primary Land Use Application or Special Permit. A Minor Site Plan can be reviewed and approved administratively by the Zoning Administrator.

2. *Major Site Plan.* The Major Site Plan Review process applies to any application that requires a primary Land Use Application, such as a Conditional Use Permit or Variance, or a special permit such as a MRCCA permit (Section [12-6A-4]). The Major Site Plan shall be reviewed concurrently to the Primary Land Use Application or Special Permit procedures.
3. All Site Plan Review applications, both Minor and Major, must include the following submission materials:
 - a. *Site development plan, which must include:*
 - (1.) Location of all buildings on the subject property including both existing and proposed structures.
 - (2.) Location of all adjacent buildings located within 350-feet of the exterior boundaries of the property in question.
 - (3.) Location and number of existing and proposed parking spaces (if commercial, industrial, or multi-family use).
 - (4.) Vehicular circulation (if commercial, industrial, or multi-family use).
 - (5.) Architectural elevations, including type and materials used of all external surfaces (if commercial, industrial, or multi-family use).
 - (6.) Sewer and water alignment, existing and proposed (if commercial, industrial, or multi-family use).
 - (7.) Location and candlepower of all luminaries (if commercial, industrial, or multi-family use).
 - (8.) Location of all existing easements.
 - (9.) Location and size of any proposed permanent signs (if commercial, industrial, or multi-family use).
 - b. *Dimension Plan, which must include:*
 - (1.) Lot dimensions and area.
 - (2.) Dimensions of proposed and existing structures.
 - (3.) Typical floor plan and typical room plan.
 - (4.) Setbacks on all buildings located on property in question.
 - (5.) Proposed setbacks.
 - (6.) All impervious surface areas including driveways, parking lots, patios, etc.
 - (7.) Impervious surface calculation with all proposed improvements.
 - c. *Grading Plan, if any site work is proposed, must include:*
 - (1.) Existing contour.
 - (2.) Proposed grading elevations.
 - (3.) Drainage configuration.
 - (4.) Storm sewer catch basins and invert elevations.
 - (5.) Spot elevations.
 - (6.) Proposed road profile.
 - d. *Landscape plan, if any site work is proposed, must include:*

- (1.) Location, species identification, and diameter of all existing trees, and which trees will be removed.
- (2.) Location, type and diameter of all proposed plantings.
- (3.) Location and material used of all screening devices.

12-5B-5 Conditional Uses

- A. Purpose. This Zoning Ordinance classifies and divides land into Zoning Districts that regulate dimensional standards and use of land. The purpose of the Conditional Use Permit is to provide the City with the discretion and flexibility to achieve the goals and objectives of the Comprehensive Plan and to determine what, if any, uses other than those specifically permitted in the Zoning Ordinance may be suitable. The Conditional Use must be in harmony with and identified on the Table of Uses for the Zoning District in which the property it is located, and reasonable conditions may be established to protect the general welfare, public health and safety of the surrounding area.
- B. Application For Permit. All applications for Conditional Use Permit must include a Major Site Plan as described in Section [12-5B-4] and must follow the process as established in Section [12-5B-1D].
- C. Referral To Planning Commission. The Zoning Administrator shall refer all applications for a Conditional Use Permit to the Planning Commission. The City Council may, of its own motion, initiate the request for a Conditional Use Permit and refer the same to the Planning Commission.
- D. Planning Commission Hearing and Recommendations. The Planning Commission shall make a written report to the City Council stating its findings and recommendations.
- E. Action by City Council.
 1. *Grant of Permit*. In considering an application for a Conditional Use Permit under this Zoning Ordinance, the City Council shall consider the advice and recommendations of the Planning Commission. If the City Council determines that the proposed use will not be detrimental to the health, safety or general welfare of the community, will not cause serious traffic congestion or hazards, will not seriously depreciate surrounding property value, and that the same is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the City Council may grant the Conditional Use Permit imposing reasonable conditions. The City Council may, by an affirmative vote of the majority of all members, approve a Conditional Use Permit.
 2. *Denial of Permit*. Conditional uses may be denied by resolution of the City Council, and such resolution must include a finding and determination that the conditions required for approval do not exist.
 - a. No application for a Conditional Use that has been denied wholly or in part may be resubmitted for a period of six (6) months from the date of said Order of

Denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

- F. Revocation of Permit. A violation of any condition set forth in a Conditional Use Permit may be determined to be a violation of this Zoning Ordinance and may result in the termination of the Conditional Use Permit.

12-5B-6 Interim Uses

- A. Purpose. The purposes for allowing interim uses are to:
1. Allow a use for an identified period of time until a permanent location is obtained or while the permanent location is under construction.
 2. Allow a use for an identified period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner otherwise provided in the Comprehensive Plan or this Zoning Ordinance.
 3. Allow a use that is presently acceptable but that, with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective Zoning District.
 4. Allow a use that is seasonal in nature.
- B. Application for Permit. All applications for Interim Use Permit must include a Major Site Plan as described in Section [12-5B-4] and must follow the process as established in Section [12-5B-1D].
- C. Referral to Planning Commission. The Zoning Administrator shall refer all applications for an Interim Use Permit to the Planning Commission. The City Council may, of its own motion, initiate the request for an Interim Use Permit and refer the same to the Planning Commission.
- D. Public Hearing and Planning Commission Recommendations. The Planning Commission shall make a written report to the City Council stating its findings and recommendations.
- E. Action by City Council.
1. Grant of Permit. In considering an application for an Interim Use Permit under this Zoning Ordinance, the City Council shall consider the advice and recommendations of the Planning Commission. The City Council may, by an affirmative vote of the majority of all members, grant the Interim Use Permit imposing reasonable conditions and safeguards if it finds that:
 - a. The proposed use will not be detrimental to the health, safety or general welfare of the community, will not cause serious traffic congestion or hazards, will not seriously depreciate surrounding property value.
 - b. The proposed use conforms to the general purpose and intent of this Zoning Ordinance and Comprehensive Plan, including all applicable performance standards.
 - c. The date or event that will terminate the use can be identified with certainty.

- d. Permission of the use will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 - e. The user agrees to any reasonable conditions that the City deems appropriate for permission of the use, including a condition that the Owner will provide an appropriate financial surety to cover the cost of removing an Interim Use and any structures upon expiration or revocation of the Interim Use Permit.
 - f. The use will not delay anticipated development or redevelopment of the site.
 - g. The property on which the use will be located is currently in compliance with all applicable City Code standards.
 - h. The use is allowed as an Interim or Conditional Use in the applicable Zoning District.
- 2. *Denial of Permit.* Interim uses may be denied by resolution of the City Council, and such resolution shall include a finding and determination that the reasonable conditions required for approval do not exist.
 - a. No application for an Interim Use which has been denied wholly or in part may be resubmitted for a period of six (6) months from the date of said Order of Denial, except on grounds of new evidence or proof of change of conditions found to be valid upon recommendation of the Planning Commission to the City Council.
- F. Revocation of Permit. An Interim Use Permit may be revoked by any of the following: whichever occurs first:
 - 1. A violation of any condition set forth in an Interim Use Permit, which may also be considered a violation of this Zoning Ordinance.
 - 2. A violation of laws of the United States or the State of Minnesota, or this Zoning Ordinance.
 - 3. If after approval it is discovered, the Permit was issued based on false, misleading, or fraudulent information.
 - 4. An amendment to this Zoning Ordinance that prohibits the use, which is applicable upon the termination date of the Interim Use Permit.
 - 5. The use becomes in conflict with the Comprehensive Plan.
 - 6. The expiration date or occurrence of any event(s) stated in the Interim Use Permit for termination of the use.
 - 7. The use has ceased for a continuous period of at least twelve (12) months.
 - 8. The use has not commenced or a Building Permit for a structure to support the use has not been issued within one year after approval of the Interim Use Permit.
- G. Notice of Revocation. Upon occurrence of the date or event for termination of the Interim Use Permit, the City shall notify the permittee in writing that the Interim Use Permit shall terminate not later than six (6) months after the date of such notice.
- H. Effect of Permit. An Interim Use Permit is effective only for the location specified in the application. The issuance of an Interim Use Permit does not confer on the property any vested right.

- I. Permit Review. An Interim Use Permit may be reviewed at any time if the City Council is of the opinion that the terms and conditions of the Interim Use Permit have been violated, or if one of the criteria for termination has been met, or any other unintended consequences arise as a result of the operation.
- J. Permit Extension. The City Council shall have the right to extend the termination date for such additional periods as are consistent with the terms and conditions of the original Interim Use Permit.

12-5B-7 Variances

- A. Purpose. The City Council may grant variances from the strict application of the provisions of this Zoning Ordinance in cases where there are Practical Difficulties in carrying out the strict application of its standards and regulations. When the City Council determines that Practical Difficulties exist they may impose conditions and safeguards to protect the health, safety and welfare of adjacent properties and the community. The City Council must determine that all of the following conditions that establish Practical Difficulties are met:
 - 1. The Owner proposes to use the property in a reasonable manner not permitted by this Zoning Ordinance; and
 - 2. The plight of the Owner is due to circumstances unique to the property not created by the Owner; and
 - 3. The Variance, if granted, will not alter the essential character of the neighborhood; and
 - 4. Economic considerations alone do not constitute Practical Difficulties; but may be considered provided all other conditions are met.
- B. Application for Variance. All applications for a Variance must include a Major Site Plan as described in Section [12-5B-4] and must follow the process as established in Section [12-5B-1D]. The following additional items must accompany the primary Land Use Application materials:
 - 1. *A written narrative must be submitted that identifies the Practical Difficulties claimed as the basis for the Variance request.*
 - 2. *A written consent and waiver of Public Hearing may be submitted, and if deemed valid, shall waive the Public Hearing requirements.* The consent and waiver must be in a form prescribed by the City and must be signed by the property owners within 100-feet of the boundaries of the property for which the Variance is requested. The consent and waiver must be accompanied by a map indicating the location of the property in question and the location of the property owners who have given consent must be identified. If the consent and waiver is not obtained, a list of names and addresses of the property owners within 100-feet of the boundaries of the property for which the variance is requested must be submitted.

- C. Referral to Planning Commission. The Zoning Administrator shall refer all applications for a Variance to the Planning Commission.
- D. Public Hearing and Planning Commission Recommendations. The Planning Commission shall make a written report to the City Council stating its findings and recommendations. Such report shall recommend any conditions related to the variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable.
- E. Action by City Council.
1. Grant Of Variance. In considering applications for a Variance under this Zoning Ordinance, the City Council shall consider the advice and recommendations of the Planning Commission. By resolution, the City Council must find that:
 - a. Practical Difficulties exist that apply to the structure or land in question that are unique to such property or immediately adjoining property; and
 - b. Such Practical Difficulties do not apply generally to other land or structures in the Zoning District in which said land is located; and
 - c. That the granting of the Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant; and
 - d. That granting the proposed Variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values in the surrounding area; or
 - e. That granting the proposed Variance will not in any other way impair health, safety, comfort, or in any other respect be contrary to the intent of this Zoning Ordinance; and
 - f. That the granting of such Variance will not merely serve as a convenience to the Applicant but is necessary to alleviate a Practical Difficulty.
 - g. If all the conditions are met, then the City Council may grant such Variance and impose conditions and safeguards therein.
 2. Denial of Variance. Variances may be denied by resolution of the City Council, and such resolution shall include a finding and determination by the City Council that the conditions required for approval do not exist.
- F. Revocation Of Variance. A violation of any conditions set forth in granting a Variance may be a violation of this Zoning Ordinance and may be cause for termination of the Variance. A Variance shall become void one year after it was granted unless a longer period is approved by the City Council.

12-5B-8 Planned Unit Development

- A. Purpose. The purpose of this Section is to establish provisions for a Planned Unit Development project. The purpose of the Planned Unit Development is to encourage flexibility in the design and development of land while limiting development to a scale

that is appropriate to the physical characteristics of the land and surrounding land uses. Such flexibility shall achieve, at a minimum, two of the following objectives:

1. Preserve the natural and scenic quality of open areas; or,
2. To facilitate adequate and economical provision of streets and utilities; or
3. To encourage a diversity of housing types within a given development; or
4. To permit a mixture of several Zoning District uses within a development project or
5. To permit modification and flexibility from of the strict Zoning District requirements so that a more efficient use of land or design may be employed.

B. Applicability.

1. A Planned Unit Development shall be established by rezoning the full extent of the Project area with a PUD Overlay District.
 - a. All PUD Overlay Districts shall identify a Base Zoning District designation which shall set the basis from which the areas of flexibility from the standards and uses are established.
2. Rezoning property to "Planned Unit Development Overlay" requires the development project to contain a minimum of 10 contiguous acres of land (the Project Area) and must meet the following criteria:
 - a. The proposed uses in the Project Area consist of some use or uses which would not otherwise be permitted in the Base Zoning District; or if the Project Area includes two (2) or more Base Zoning Districts, then the Planned Unit Development may be permitted only if a proposed use or uses in each of the Base Zoning Districts would not otherwise be a permitted use therein; or
 - b. The Project Area consists of property located in one or more Residential Base Zoning Districts, and the proposed Planned Unit Development consists entirely of residential housing that is proposed to be clustered.
 - (1.) To qualify under this Subsection [b.] the ratio of impervious surface to the total Project Area may not be more than 25:100, e.g. 2,500 square feet of impervious surface to 10,000 square feet of Project Area and must meet all other applicable conditions of this Chapter. For purposes of calculating the impervious surface calculation the following shall be excluded from within the Project Area:
 - (i.) All wetlands and all land below the bluff line in any part of a critical area (as defined in Title 15: Environmental Standards); and
 - (ii.) The square foot area of swimming pools, tennis courts and other detached recreational structures shall not be considered; however, such structures shall be calculated as part of the impervious surface calculation of each lot.
 - c. *Project Area consists of property located in one or more Business or Industrial Base Zoning Districts.* The proposed Planned Unit Development shall consist entirely of facilities and uses that are either permitted or permitted through a

Conditional Use Permit in the underlying Base Zoning District. Zero lot lines, shared parking, pedestrian connections between structures, common building materials and treatments, signage, and architectural styles, as well as extensive landscaping shall be encouraged in the Planned Unit Development to create a campus atmosphere development.

(1.) The percentage of impervious surface in the Project Area shall be no more than 70 percent. For purpose of calculating the impervious surface calculation the following shall be excluded:

(i.) Wetlands and all land below the bluff line in any part of a critical area (Title 15: Environmental Standards).

3. *Exception to 10 Acre Requirement.*

a. The City Council may reduce the ten (10) acre requirement for a Planned Unit Development, but such Project Area must be a minimum of five (5) acres, only if it finds that the Planned Unit Development, in addition to meeting all of the standards and objectives of Section [12-2C-2], meets the following:

(1.) Is determined by the City Council to be "infill type development" that would be difficult to develop under the strict application of the Base Zoning District(s) comprising the Project Area;

(2.) Will not require any wetlands permit;

(3.) Will not require any variance from the critical area standards and regulations;

(4.) Will not increase traffic or parking estimates for the Project Area above the level reasonably estimated for a permitted use for the Project Area's size in the Base Zoning District in which it is situated; and

(5.) Provides a landscaped buffer around the perimeter of the entire Project Area unless expressly waived by the City Council.

b. The City Council shall be conservative in exercising its discretion to permit a Planned Unit Development of less than ten (10) acres.

C. Planned Unit Development Overlay District Types. The PUD Overlay Districts shall be categorized as the following types:

1. *HR-PUD High Density Residential Planned Unit Development Overlay District.* The HR-PUD is intended to provide the opportunity to develop a Planned Unit Development of a nature and intensity equivalent to the R-3 Base Zoning District. The permitted, conditional, and accessory uses in this District are the same as those for the R-3 district. The Base Zoning District for all HR-PUD shall be R-3.

2. *MR-PUD Medium Density Residential Planned Unit Development Overlay District.* The MR-PUD is intended to provide the opportunity to develop a Planned Unit Development of a nature and intensity equivalent to the R-2 Base Zoning District. The permitted, conditional, and accessory uses in this district are the same as those for the R-2 district. The Base Zoning District for all MR-PUD shall be R-2.

3. *LB-PUD Limited Business Planned Unit Development Overlay District.* The LB-PUD is intended to provide the opportunity to develop a Planned Unit Development of a nature and intensity equivalent to the B-1, limited business Zoning District. The permitted, conditional, and accessory uses in this district are the same as those for the B-1 district. The Base Zoning District for all LB-PUD shall be B-1.
 4. *MU-PUD Mixed Use Planned Unit Development District.* The MU-PUD district is intended to provide the opportunity to develop a Planned Unit Development with a mix of residential and nonresidential uses. All permitted, conditional, and accessory uses contained in the R-2, R-3, B-1, and B-2 Zoning Districts shall be treated as potentially allowed within the MU-PUD District, provided they are consistent with the Comprehensive Plan. The City Council shall have the authority to approve other uses in the MU-PUD district by Conditional Use Permit. The Base Zoning District for all MU-PUD shall be R-3.
- D. Rights to rezone to a Planned Unit Development Overlay District.
The use of more flexible regulations in the development of land under this Section may be approved if all of the conditions of this Section are found to exist and if it is determined that it is in the overall community interest to do so. The rezoning is not an assumed right but is a discretionary privilege which may be granted by the City Council. All Planned Unit Development Overlay Districts shall follow the procedures of other provisions of this Chapter, and the areas of flexibility, including from uses or dimensional standards must be clearly established within the established Planned Unit Development Overlay District.
- E. Approval and Administration.
1. All Planned Unit Developments must be rezoned to an Overlay District and must include a Planned Unit Development Agreement that defines and describes the uses, any areas of flexibility from the Base Zoning District, and the development terms and conditions. The application for rezoning shall follow the process established in Section [12-5B-3] and the Planned Unit Development application shall be processed concurrently.
 2. *Standards for Approval.* The Planned Unit Development may be approved only if it satisfies all of the following standards:
 - a. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site and the development plan includes provisions for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
 - b. The Planned Unit Development has been planned and is proposed to be developed to harmonize with adjacent projects or proposals.
 - c. Financing is available to the Applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development and evidence to support those facts is presented to and deemed satisfactory by the City Council.

- d. The Planned Unit Development is consistent with the Comprehensive Plan of the community.
 - e. The Planned Unit Development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
3. *Number of Dwelling Units.*
- a. In a residential Planned Unit Development, the number of dwelling units proposed for the entire site shall not exceed the total number permitted by the Base Zoning District(s) and the Comprehensive Plan in which the land is located. If the residential Planned Unit Development is in more than one Base Zoning District, the number of allowable dwelling units must be calculated separately for each portion of the Planned Unit Development that is in a separate Zoning District and must then be combined to determine the number of dwelling units allowable in the entire Planned Unit Development. The density of individual uses in the MU-PUD District may be guided by the standard established by the Base Zoning District for each use. The City Council shall have the authority to determine the allowed density based on the quality and components of the Planned Unit Development. Said density may be lesser or greater than that prescribed by the Base Zoning District(s) at the discretion of the City Council, but in all cases must comply with the density ranges established in the Comprehensive Plan.
 - b. The Planning Commission shall determine the number of dwelling units which may be constructed within the Planned Unit Development by dividing the net acreage of the Project Area by the required lot area per dwelling unit which is required in the Base Zoning District. The net acreage shall be defined as the Project Area less the land area dedicated for public arterial and collector streets and delineated wetlands. The net acreage shall include all lands to be conveyed to the City for public parks and local roads in the calculation.

F. Procedure for Planned Unit Development.

- 1. *Concept Plan.*
 - a. *Preapplication Conference.* Before submitting an application for a Concept Plan or Preliminary Development Plan the Applicant must meet with the Zoning Administrator to discuss the proposed Planned Unit Development. After the meeting, if the Applicant wishes to move forward the Applicant must submit a Concept Plan to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
 - b. *Concept Plan.* The Concept Plan must be accompanied by the information specified herein, which shall be reviewed by the Planning Commission and the City Council. The Zoning Administrator shall not place a Concept Plan on the Planning Commission agenda until all of the information specified in this Section has been provided by the Applicant. The information must be submitted to the

Zoning Administrator at least 21 days before the Planning Commission meeting so that a Staff report can be prepared for presentation.

- c. A Concept Plan must include both maps and a written statement and must show enough of the area surrounding the proposed Planned Unit Development to demonstrate the relationship of the Planned Unit Development to adjoining uses, both existing and proposed. The maps which are part of the Concept Plan may be in general schematic form, and must contain the following information:
 - (1.) The existing topography of the land.
 - (2.) Existing and proposed land uses and the approximate location of buildings, utilities, and unique development features of the site.
 - (3.) The location of major thoroughfares and roadways, included proposed access locations.
 - (4.) Public uses, including schools, parks, playgrounds, and other open spaces.
 - d. *A written statement shall accompany the Concept Plan, which must contain the following information.*
 - (1.) An explanation of the character of the Planned Unit Development and how it is consistent with and has been planned to comply with the Planned Unit Development provisions contained in this Section.
 - (2.) A statement of proposed financing.
 - (3.) A statement of the present ownership and all existing or contingent interests in the land included within the Planned Unit Development.
 - (4.) A general indication of the expected schedule of development including progressive phasing and time schedules which shall not exceed five (5) years from the date of approval of the Final Development Plan for the Planned Unit Development to the completion of all construction.
 - (5.) The character and approximate density of dwelling units, if applicable.
 - (6.) Estimated industrial or commercial acreage and projected employment, if applicable.
 - (7.) Estimated square footage of any commercial development, if applicable.
 - (8.) Estimated amount of open space and a computation showing the percent of impervious surface in the Project Area.
 - (9.) Projected traffic.
 - e. *Action Following Concept Plan review.* The Planning Commission and the City Council shall make recommendations regarding the Concept Plan and give reasons for their recommendations. Such discussion and recommendations are not binding on the city in any way, and is intended only to be advisory to the Applicant.
2. *Preliminary Development Plan.*
- a. If a Preliminary Development Plan has not been submitted to the Planning Commission within six (6) months following the date of the City Council meeting

at which the Concept Plan was discussed, then the Applicant shall repeat the Concept Plan process specified by this Section. In its discretion and for good cause, the City Council may extend for three (3) months the period for the filing of the Preliminary Development Plan and waive the resubmission for Concept Plan.

b. *Every Preliminary Development Plan must include all of the following information:*

- (1.) A map showing street systems, plot lines and plot designs.
- (2.) Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, play ways, school sites, public buildings, and similar public and semipublic uses.
- (3.) A Plat or Site Plan that shows every building site and common open area, the proposed location of all buildings, structures and improvements and identifies the open spaces around buildings and structures. The Plat or Site Plan shall include an analysis and report of the area devoted to each proposed parcel, building, and use.
- (4.) Elevation and perspective drawings of all proposed structures and improvements and any accessory structures. The drawings must indicate the general design character and proposed materials and must be to-scale.
- (5.) A development schedule indicating:
 - (i.) The approximate date when construction of the project can be expected to begin;
 - (ii.) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (iii.) The anticipated rate of development;
 - (iv.) The approximate dates when the development of each of the stages in the development will be completed; and
 - (v.) The area and location of common open space that will be provided at each stage.
- (6.) Copies of proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development and any of its common open areas, for information purposes only.
- (7.) *The following plans and diagrams:*
 - (i.) All information required under the provisions of [Subsection 12-5B-4] of this Chapter.
 - (ii.) An off-street parking and loading plan.
 - (iii.) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the Planned Unit Development and to and from existing thoroughfares. Any special engineering features and

traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.

(iv.) A landscaping and tree planting plan.

(v.) An economic feasibility report or market analysis.

(8.) The Applicant may, instead of filing a Preliminary Development Plan, file a Final Development Plan at the time specified in this Subsection, and such Final Development Plan shall contain all of the information required in this Subsection and all information required for the Final Development Plan as specified in this Section.

3. *Approval of Preliminary Development Plan or Final Development Plan Submitted in Lieu Thereof.*

a. *Time for Filing; Hearing and Notice.* The Applicant shall file the Preliminary Development Plan (or in lieu thereof a Final Development Plan) with the Zoning Administrator a minimum of 21 days before the Planning Commission meeting at which the application will be considered. The Planning Commission shall give notice of a Public Hearing in conformance with Section [12-5B-1D.4] of this Chapter.

b. *Recommendation of Planning Commission.* The Planning Commission shall review the Preliminary or Final Development Plan and, after the Public Hearing, submit a written report recommending that the rezoning and development plan be approved, approved with modifications, or denied and give the reasons for these recommendations.

c. *Action by City Council.*

(1.) After receipt of the report and recommendations of the Planning Commission, the City Council shall consider the Plan and the report transmitted to them by the Planning Commission. At the time of consideration, the City Council may take action to approve, approve with modifications, deny with findings, or continue the discussion for further information and report from the Planning Commission as it may direct.

(2.) Upon approval of the Development Plan the City Council shall conditionally approve the rezoning and Planned Unit Development Agreement with appropriate findings consistent with this Section. If the approval is of the Preliminary Development Plan, such approval shall be subject to the filing of a Final Development Plan and the approval of the Final Development Plan shall cause the rezoning to become valid by the affirmative vote of the majority of all City Council Members.

4. *Final Development Plan.*

a. *Time for Filing.* Within six (6) weeks following the approval of the Preliminary Development Plan by the City Council, the Applicant shall file with the Zoning Administrator a Final Development Plan containing the information conditioned

in the Preliminary Development Plan approval. In its discretion and for good cause, the City Council may extend for six (6) weeks the period for the filing of the Final Development Plan.

- b. *Development Agreement.* All agreements, covenants and conditions relating to the Planned Unit Development, including, without limitation:
 - (1.) Those which relate to the use, maintenance and continued protection of any common open areas;
 - (2.) All areas of flexibility from the Base Zoning District granted; and
 - (3.) All conditional uses which are inconsistent with the requirements and uses otherwise permitted in the Zoning District or the districts which comprise the Planned Unit Development as approved by the City Council shall be set forth in a development agreement mutually agreed to and entered into between the Applicant and the City.
 - (4.) Approval of the Development Agreement by the City Council and the Applicant shall be a condition for approval of the Final Development Plan.
 - c. *Action By City Council.*
 - (1.) The City Council will review the Final Development Plan to determine that all conditions to the approval of the Preliminary Development Plan have been satisfied and that the standards set forth in [Subsection 12-1K-5A] of this Section continue to be met, the City Council shall approve the Final Development Plan and the rezoning to a Planned Unit Development Overlay District.
 - (2.) No Building Permits will be issued until the Applicant provides evidence to the City of the recording of the Final Development Plan and the Development Agreement.
 - (3.) If the Final Development Plan is not in substantial conformity with the Preliminary Development Plan and the Applicant wishes to proceed with the Final Development Plan, the Final Development Plan shall be considered pursuant to the procedures provided for by this Chapter for Rezoning, and the Applicant shall be referred back to the Planning Commission to begin that process.
5. *Amendments to Final Development Plan.* No changes may be made in the approved Final Development Plan after its approval by the City Council, except upon application to the Council under the procedures provided below:
- a. Minor changes in the location, siting, and height of buildings and structures may be authorized by the City Council if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. Such approval shall require the affirmative vote of a majority of all members of the City Council.

- b. All other changes in use, or rearrangements of lots, blocks and building tracts, any changes in the provision of common open spaces, and all other changes in the approved Final Development Plan must be made by the City Council under the procedures authorized by this Chapter for the approval of a Zoning Amendment. No amendments may be required by the City Council because of changes in conditions that have occurred since the Final Development Plan was approved or by changes in the development policy of the community.
- G. Failure to begin Planned Unit Development. If no construction has begun of the Planned Unit Development within one year from the approval of the Final Development Plan, the Final Development Plan shall lapse and be of no further effect and the Base Zoning District standards shall govern. In its discretion and for good cause, the City Council may extend for up to one additional year the period for the beginning of construction.
- H. Enforcing Development Schedule. The construction and provision of all the common open spaces and public and recreational facilities which are shown on the Final Development Plan must proceed at the same rate as the construction of the primary structural units. At least once every three (3) months following the approval of the Final Development Plan, the Zoning Administrator shall review all of the Building Permits issued for the Planned Unit Development and examine the construction which has taken place on site. If the Zoning Administrator finds that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council, who shall identify appropriate penalties and violations.
- I. Open Spaces.
 - 1. *Conveyance and Maintenance of Common Open Space.*
 - a. *Options.* All land shown on the Final Development Plan as common open space must be conveyed under one of the following options:
 - (1.) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 - (2.) It may be conveyed to a homeowners' association or similar organization for the maintenance of the common spaces of the Planned Unit Development, subject to and in a manner consistent with the covenants, duties and obligations of the developer set forth in the development agreement.
 - b. *Final Development Plan Controls.* No common open space may be put to any use not specified in the Final Development Plan unless the Final Development Plan has been amended to permit that use under this Zoning Ordinance. However, no change of use authorized under this Chapter may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted under this Chapter are expressly reserved.

- c. *Enforcement.* If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - (1.) The legal right to develop the common open space for the uses specified in the Final Development Plan must be conveyed to a public agency in the event the completion of such improvements is not completed.
 - (2.) The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space; the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
 - d. *City to Enforce Covenants.* If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the City to enforce their provisions.
2. *Standards for Common or Public Open Space.*
- a. *Location and Design.* The location, shape, size and character of the common open space must be suitable for the Planned Unit Development.
 - b. *Use Requirements.* Common open space must be used for amenities or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography and the number and type of principal units to be provided.
 - c. *Improvement Requirements.*
 - (1.) Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
 - (2.) If the Final Development Plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
 - d. *Development Schedule.* The development schedule which is part of the Final Development Plan must coordinate the improvement of the common open space, the construction of buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the Planned Unit Development.

- e. *Other Requirements.* In the development of the common open space, the requirements of other City Ordinances must be met unless otherwise provided in the development agreement, e.g., wetlands permit requirements, etc.
- 3. *Guarantee of Provision of Common Open Space.* The City Council may require adequate assurance, in a form and manner which it approves, that the common open space shown in the Final Development Plan will be provided. The following methods of assurance are intended as illustrative, and they may be used singly or in combination:
 - a. *Bond, Surety, Financial Guarantee.* The City Council will accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the subdivision control ordinance, and in an amount sufficient to purchase at its then current market value the common open space shown in the Final Development Plan.
 - b. *Escrow.* The land shown as common open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the City Council has certified to the escrow agent that the Planned Unit Development has been completed, at which time, the common open space is to be conveyed as provided by City Ordinance. The escrow agreement may provide for the release of the common open space by the escrow agent in stages, the City Council to certify the completion of each stage of the Planned Unit Development to the escrow agent. The escrow agreement must provide that a portion of the open space is to be conveyed in the manner provided by City Ordinance, if the Planned Unit Development is not completed. In this event, the open space which is conveyed is to bear the same proportion to the open space provided on the Final Development Plan as the dwelling units that have been built bear to the total number of dwelling units which are allowable by the Final Development Plan.
 - c. *Exercise Option.* If any of the Planned Unit Development which includes common open space is held by the Owner on option, the Owner may assign to the City Council the right to exercise the option to acquire the common open space and shall simultaneously provide the City Council with the sum necessary, if any, to exercise the option and acquire the property.
 - d. *Withholding Certificate of Occupancy.* If for any reason the common open space shall not be provided for before the completion and occupancy of the project, the City Council may withhold the Certificate of Occupancy until the common open space has been provided and improved in accordance with the Final Development Plan. The Development Agreement controlling the PUD shall specify the Applicant's agreement to this remedy.
- J. Control of Planned Unit Development Following Completion.
 - 1. *Issuance of Certificate of Completion.* The City Council shall issue a certificate certifying the completion of each phase of the Planned Unit Development, and the

City Clerk shall note the issuance of the certificate on the recorded Final Development Plan.

2. *Final Development Plan and Development Agreement to Govern.* After the Certificate of Completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved Final Development Plan and the Development Agreement to the extent that they may be inconsistent with the provisions of this Zoning Ordinance.
3. *Changes To Final Development Plan.*
 - a. After the Certificate of Completion has been issued, no changes may be made in the approved Final Development Plan except upon application to the City Council under the procedures provided below:
 - (1.) *Minor Changes.* Any minor extensions, alterations, or modifications within the building envelope of existing commercial and industrial buildings or structures may be authorized by the City Council if they are consistent with the purposes and intent of the Final Development Plan, and such authorization shall be by the affirmative vote of a majority of all members of the City Council. No change authorized hereby may increase the cubic feet of any building or structure by more than ten percent (10%).
 - (2.) *Unauthorized Uses.* Any uses not authorized by the approved Final Development Plan, but allowable in the Project Area as a permitted use under the provisions of this Chapter or permitted as a Conditional Use in the Base Zoning District in which the Planned Unit Development is located, may be added to the Final Development Plan under the procedures provided by this Chapter for the approval of conditional uses.
 - (3.) *Destroyed Structures.* A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Development Plan unless an amendment to the Final Development Plan is approved pursuant to the procedures for approval of a Zoning Amendment under this Chapter.
 - (4.) *Common Open Space Changes.* Changes in the use of common open space may be authorized by an amendment to the Final Development Plan pursuant to the procedures for approval of a Zoning Amendment under this Chapter.
 - (5.) *All Other Changes.* All other changes in the Final Development Plan must be approved by the City Council under the procedures authorized by this Chapter. No changes may be made in the Final Development Plan unless they are required for the continued successful functioning of the Planned Unit Development, or unless they are required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in the development policy of the community.

- b. No changes in the Final Development Plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned Unit Development, and all rights to enforce these covenants against any changes permitted by this Section are expressly reserved.

ARTICLE C. OTHER APPLICATIONS, STUDIES AND PERMITS

12-5C-1 Building Permits

- A. Required. No structure may be erected or structurally altered until it has been determined that a Building Permit is required. If required, the Building Permit must be issued, indicating that the existing or proposed structure and the use of the land complies with this Zoning Ordinance and the building code prior to any construction or site work.
 - 1. Building Permits that do not comply with all the requirements of the building code will not be issued.
 - 2. No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site may occur prior to the issuance of a Building Permit and other required land use or zoning permits.
- B. Application. Applications for Building Permits required by this Section shall be made to the City Clerk or Building Official on the official forms. The City Clerk or Building Official shall maintain a record of all applications and all permits issued under this Section.
- C. Site Plan. Applications for a Building Permit must be accompanied by a Site Plan (Minor) to determine compliance with this Zoning Ordinance. In some cases, the Zoning Administrator may require a Certificate of Survey be completed.
- D. Issuance. No Building Permit shall be issued for any improvement that would result in a use, building or structure that is in violation of this Zoning Ordinance, or the subdivision, shoreland management, floodplain, MRCCA, or any other city regulations.
- E. Expiration. Building Permits issued under the provisions of this Section and the Building Code shall expire and be null and void if the work authorized by a Building Permit is abandoned or suspended for a period of 120 days, or in the event that work is not commenced or completed within the time period to start work as established in the permit conditions.
- F. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a Building Permit issued under the provisions of this Section and the Building Code whenever such Building Permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance, regulation or code.

12-5C-2 Certificate of Occupancy

- A. Certificate Required. Certificates of Occupancy shall be required for occupancy and use of any buildings hereinafter erected or structurally altered; for new occupancy and use of an existing building when the new use is of a different zoning classification; for occupancy and use of vacant land, new use of vacant land when new use is of a different zoning classification, and for any change in the use of a nonconforming use.
- B. Application for Certificate. Every application for a Building Permit shall be deemed to be an application for Certificate of Occupancy. Every application for a Certificate of Occupancy for the use of land where no Building Permit is required shall be made directly to the Zoning Administrator.
- C. Issuance of Certificate. The Certificate of Occupancy shall be issued within three (3) days after construction has been completed and the premises inspected and certified to be in conformance with the provisions of this Chapter. Where vacant land or change in the use of an existing building, or for change in a nonconforming use is involved, the Certificate of Occupancy shall be issued as soon as the Code Enforcement Officer has examined the premises and determined that the requirements of this Chapter have been met.
- D. Certificates for Nonconforming Uses. Application for such Certificate of Occupancy for all lawful nonconforming uses or buildings created by the adoption of this Chapter shall be filed with the Zoning Administrator by the Owner to issue a Certificate of Occupancy for a lawful nonconforming use. Failure to apply for such Certificate of Occupancy, or refusal of the Zoning Administrator to issue the Certificate of Occupancy shall be prima facie evidence that such nonconforming use was either illegal or did not lawfully exist at the effective date of this Chapter.
- E. Violations.
1. It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in this Section without having first obtained a Certificate of Occupancy.
 2. Any Certificate of Occupancy issued upon a false statement of fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he/she shall revoke the Certificate of Occupancy, by notice in writing to the holder. Any person who shall proceed thereafter with such work or use without having obtained a new certificate shall be deemed guilty of violation of this Chapter.

12-5C-3 Traffic Studies

- A. Purpose and Applicability. Any application for a proposed development or redevelopment project that results in the change or intensification of the existing or planned land use may be required to conduct or submit a recently completed traffic study
- B. Application. A Traffic Study may be requested by either the Zoning Administrator or Public Works Director, and such study shall accompany the primary Land Use Application. The study shall be prepared in compliance with the most current version of the Dakota County Traffic Impact Analysis Guidelines.
- C. Information to be Submitted. The Study shall be prepared at the cost of the Applicant and prepared by a licensed engineer. The Study must analyze existing and proposed traffic patterns of the surrounding area for review and comment as part of the primary Land Use Application or any plat.
 - 1. *Other Agency Review.* When potentially impacted roadways included in the traffic study are under county, state, or adjacent City jurisdiction, the City reserves the right to request additional review and comment from those jurisdictions for consideration in evaluating the permit application.

12-5C-4 Administrative Permit

- A. Purpose. The purpose of the Administrative Permit is to verify and check compliance of certain activities and improvements with the standards and regulations established within this Zoning Ordinance.
- B. Applicability. An Administrative Permit must be obtained for all activities and uses as identified on Table [12-3B-1.1] Table of Uses and as required throughout this Zoning Ordinance.
 - 1. *Issuance.* The Zoning Administrator shall issue an Administrative Permit which may include reasonable conditions. Periodic review or renewal of the Administrative Permit may be required as stated within this Zoning Ordinance, or as noted in the Conditions of the Administrative Permit.
- C. Application. Whenever this Zoning Ordinance requires an Administrative Permit, an application in writing must be filed with the Zoning Administrator prior to the commencement of the proposed use or activity.
- D. Information to be submitted. The application must be accompanied by development plans for the proposed use. The plans must contain adequate information to determine that the proposed development or use meets the standards of this Zoning Ordinance. The Zoning Administrator will determine what information is necessary to issue the Administrative Permit. Development plans may include:
 - 1. Site Plan (Minor).
 - 2. Landscaping and Screening Plan [see 12-4A-5 and 12-4D-2].
 - 3. Grading and Drainage plan.
 - 4. Description of use/activity.

- E. Action. The Zoning Administrator will issue or deny the Administrative Permit within 15 days after the receipt of a complete application.
- F. Lack of Action. If no such action on the Administrative Permit is taken, the request for Administrative Permit is deemed approved, unless the Zoning Administrator determines otherwise.
- G. Appeal. If the request for Administrative Permit is denied or if conditions are imposed, the Applicant may appeal the decision to the Board of Zoning Appeals. Such appeal shall follow the appeal procedures as established in Section [12-5A-3].

ARTICLE D. ENVIRONMENTAL REVIEW

12-5D-1 Environmental Assessment Worksheet (EAW)

A. Environmental Review Program.

The provisions of the rules for the Environmental Review Program, [6MCAR 3.021 to 3.047], one copy of which is on file in the Office of the Clerk, are hereby adopted, together with the other provisions of this Section, as a basis for the environmental review operating procedures the City will follow in implementing the provisions of Minnesota Statutes, [Chapter 116D] relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this Chapter shall have the same meaning as the terms used in Chapter 116D and the rules adopted thereunder.

B. Cost of Preparation and Review.

1. *Information To Be Provided*. The Applicant for a permit for any action for which environmental documents are required either by state law or rules or by the City Council shall supply in the manner prescribed by the administrator all unprivileged data or information reasonably requested by the City that the Applicant has in his possession or to which he has reasonable access.
2. *Environmental Assessment Worksheets*. The Applicant for a permit for any action for which an Environmental Assessment Worksheet (EAW) is required either by state law or rules or by the City Council, shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the administrator shall prepare a draft EAW and supply all information necessary to complete that document.
3. *Environmental Impact Statement*. The City and the Applicant for a permit for any action for which an Environmental Impact Statement (EIS) is required shall comply with the provisions of the rules governing assessment of costs for Environmental Impact Statements, one copy of which is on file in the Office of the Clerk, unless the Applicant and the City Council provide otherwise by a written agreement.

4. *Payment Of Costs.* No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the Applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this Section and the rules adopted by reference by this Section, and pursuant to any written agreement entered into by the Applicant for the permit or permits and the City Council under the provision of Subsection [E] of this Section.
5. *Agreements Concerning Cost of Preparation and Review.* The Applicant for a permit for any action for which an EAW or EIS is required, and the City Council may, in writing agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in [6MCAR 3.042].

C. Administration.

1. *Duty Of Administrator.* The Zoning Administrator is responsible for the administration of the Environmental Review program, and the rules adopted by reference by this Chapter.
2. *Action Required.* The Zoning Administrator is responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under 6MCAR 3.024. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of the Section and shall notify the City Council of these proposed actions.
3. *Preparation.* All EAWs and EISs shall be prepared under the supervision of the Zoning Administrator and reviewed and approved by the City Council.
4. *Alterations.* When reviewing an EAW or EIS, the Zoning Administrator may suggest design alterations which would lessen the environmental impact of the action. The City Council may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.

D. Optional EAW.

The City Council may, upon recommendation by the Zoning Administrator, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects. The following guidelines shall also be considered in determining whether an optional EAW shall be required:

1. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
2. Is the action likely to have disruptive effects such as generating traffic and noise?
3. Are there public questions or controversy concerning the environmental effects of the proposed actions?

E. Enforcement and Penalty.

1. *General Rule.* No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Chapter are completed.
2. *Compliance.* No work shall commence and any work in progress on any project for which environment documents are required shall cease until the environmental review procedures established by this Chapter are fully complied with.
3. *Violations.* Each day that the violation of this Chapter is permitted to exist constitutes a separate offense.

ARTICLE E. FEES AND VIOLATIONS

12-5E-1 Fees and Deposits

- A. Base Fees. The Base Fees to be paid for each application shall be established by ordinance. Base Fees shall be payable at the time applications are filed with the City Clerk and shall not be refundable unless said application is withdrawn prior to referral to the Planning Commission. In addition to any other remedies available to the City, a double fee or \$250.00, whichever is greater, shall be charged if action requiring any permit required by this Ordinance is undertaken without first obtaining a permit for such action.
- B. Escrow Deposits. Escrow deposits, in amounts established by Ordinance, will be required to be submitted with planning applications to defray anticipated City expenses incurred in connection with the Application. Any expenses incurred by the City in excess of the escrow shall be billed to the Applicant after all city costs have been determined. Failure of the Applicant to reimburse billed expenses within 30 days may be cause for revocation of approval action taken by the City Council. Any unused escrow deposit amount shall be returned to the Applicant.

12-5E-2 Violations; Penalties

- A. Issuance Of Citations. The City Code Enforcement Officer is hereby authorized to issue citations for violations of or refusal to comply with the provisions of this Chapter.
- B. Violation; Penalty. Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in [Section 1-4-1].

CHAPTER 6: CRITICAL AREA OVERLAY DISTRICT

ARTICLE A. GENERAL PROVISIONS AND ADMINISTRATION

12-6A-1 Authority, Policy and Intent

- A. Statutory Authorization. This Mississippi River Corridor Critical Area (MRCCA) Overlay District Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 and 473.
- B. Policy. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use, and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.
- C. Intent. The Mississippi River Corridor Critical Area regulations are intended to:
 - 1. Establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.
 - 2. Identify development standards and considerations for land uses that have potential to negatively affect primary conservation areas and public river corridor views.
 - 3. Establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is established consistent with the purpose of the MRCCA.
 - 4. Establish design standards for private facilities that are consistent with best management practices and that minimize impacts to Primary Conservation Areas (PCAs), Public River Corridor Views (PRCVs) and other resources identified in the MRCCA plan.
 - 5. Establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan while recognizing that they serve the public interest by providing access to the Mississippi River Corridor or require locations within the river corridor and therefore require some flexibility.
 - 6. Establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and critical area steep slopes and ensure stability of other erosion-prone areas.
 - 7. Establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

8. To create standards for subdivisions and development or redevelopment of sites that protect and enhance the natural and scenic value of the MRCCA, protect and restore biological and ecological functions of primary conservation areas, and encourage restoration of native vegetation where restoration opportunities have been identified in the MRCCA Plan. [Ord. 568, 9-23-2021]

12-6A-2 General Provisions and Definitions

- A. Jurisdiction. The provisions of this Chapter apply to land within the river corridor boundary as described in the State Register, Volume 43, pages 508 to 519 and shown on the City's official zoning or MRCCA maps on file with the City.
- B. Enforcement. The City Zoning Administrator and Public Works Director are jointly responsible for the administration and enforcement of this Chapter. Any violation of its provisions or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, constitutes a misdemeanor and is punishable as defined by law. Violations of this Chapter can occur regardless of whether or not a permit is required for a regulated activity listed in Section [12-5B-1].
- C. Severability. If any section, clause, provision, or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- D. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. To the extent any other Chapters or sections are inconsistent with this Chapter, the provisions of this Chapter shall prevail.
- E. Underlying Zoning. Uses and standards of underlying Zoning Districts apply except where standards of this Chapter are more restrictive.

12-6A-3 Administration

- A. Purpose. The purpose of this Section is to identify administrative provisions to ensure this Chapter is administered consistent with its purpose.
- B. Permits. A Critical Area Permit is required for the construction of any new structure, building(s) or building addition(s), including construction of decks, retaining walls, signs, the installation and/or alteration of sewage treatment systems, vegetation removal consistent with [Section 12-6A-9] and land alterations consistent with Section [12-6A-10].
- C. Variances. Variances to the requirements under this Chapter may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas (PCAs), public river corridor views (PRCVs), and other resources identified in the MRCCA Plan. In reviewing the Variance application, and before granting a Variance, the City shall:

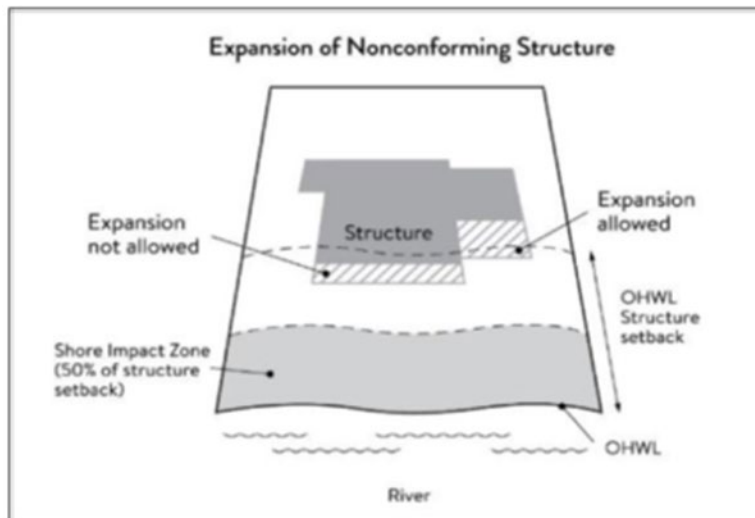
1. *Evaluate the impacts to these resources.* If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, and consistent with Section [12-6A-3E] (below); and
 2. *Make written findings that the variance is consistent with the purposes and scope of this Chapter as follows:*
 - a. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;
 - b. The Variance is consistent with the character and management purpose of the MRCCA District in which it is located;
 - c. The Variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and
 - d. The Variance will not negatively affect other MRCCA resources identified in the City's MRCCA Plan such as wetlands, river overlooks, parks, and open space.
- D. Conditional and Interim Use Permits. All Conditional and Interim uses required under this Chapter must comply with Minnesota Statutes, Section 462.3595 and 462.3597 respectively, and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the City's MRCCA Plan. In reviewing the application, and before granting a Conditional or Interim use Permit, the City shall:
1. Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section [12-6A-3E / 12-6A-3.1] (below); and
 2. Make written findings that the Conditional or Interim Use is consistent with the purpose of this Chapter as follows.
 - a. The extent, location, and intensity of the Conditional or Interim Use will be in substantial compliance with the MRCCA Plan;
 - b. The Conditional or Interim Use is consistent with the character and management purpose of the MRCCA District in which it is located;
 - c. The Conditional or Interim Use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present, and reasonable future actions; and
 - d. The Conditional or Interim Use will not negatively affect other resources identified in the City's MRCCA Plan, such as wetlands, river overlooks, and parks and open space.
- E. Conditions of Approval and Mitigation. The City shall evaluate the impacts to PCAs, PRCVs and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include, but is not limited to:

1. Restoration of vegetation identified as "vegetation restoration priorities" in the City's MRCCA Plan;
2. Preservation of existing vegetation;
3. Increasing, enhancing, and or connecting habitat for pollinators, birds, and other wildlife;
4. Stormwater runoff management;
5. Reducing impervious surfaces;
6. Increasing structure setbacks;
7. Wetland and drainage route restoration and/or preservation;
8. Limiting the height of structures;
9. Modifying structure design to limit visual impacts on the PRCVs; and
10. Other conservation measures.

F. Nonconformities.

1. All legally established nonconformities as of the date of this Zoning Ordinance may continue and will be regulated consistent with Minnesota Statutes, Section 462.357, Subd. 1e.
2. New structures erected in conformance with the setback averaging provisions of [Section 12-6A-6] are conforming structures.
3. Site alterations and expansion of site alterations that were legally made prior to the effective date of this Zoning Ordinance are conforming. Site alterations include vegetation, erosion control, stormwater control measures, and other nonstructural site improvements.
4. Legally nonconforming principal structures that do not meet the setback requirements of Section [12-6A-6C] may be expanded laterally provided that:
 - a. The expansion does not extend into the Shore or Bluff Impact Zone or further into the required setback than the building line of the existing principal structure [Figure 12-6A-3.1]; and
 - b. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 12-6A-3.1 Expansion of Nonconforming Structures Diagram



G. Accommodating Disabilities. Reasonable accommodation for ramps and other facilities to provide persons with disabilities access to the person's property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules, Chapter 1341, must:

1. Comply with [Sections 12-6A-6 to 12-6A-15]; or
2. If Sections [12-6A-6 to 12-6A-15] cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:
 - a. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation, provided that the permit's termination date may be extended or the termination event may be modified upon request, as required by federal and state law; and
 - b. Upon expiration of the permit, the ramp or other facilities must be removed. (Ord. 568, 9-23-2021)

12-6A-4 Mississippi River Corridor Critical Area (MRCCA) Districts

- A. Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.
- B. MRCCA District Map. The locations and boundaries of the MRCCA Districts established by this Chapter are shown on the MRCCA Overlay District Map which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross property that has not been subdivided, the district boundary line is determined by the use of

dimensions or the scale appearing on the map. For purposes of determining the application of this Chapter to any particular parcel of land, the above referenced map shall be on file in the Office of the Zoning Administrator and shall be available for inspection and copying.

C. District Description and Management Purpose. The MRCCA within the City is divided into the following three (3) separate MRCCA Districts:

1. *Rural and Open Space (ROS).*

- a. *Description.* The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the District.
- b. *Management Purpose.* The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

2. *River Neighborhood (RN).*

- a. *Description.* The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The District includes parks and open space, limited commercial development, marinas, and related land uses.
- b. *Management Purpose.* The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated stormwater into the river and enhancing habitat and shoreline vegetation are priorities in the District.

3. *Separated from River (SR).*

- a. *Description.* The SR District is characterized by its physical and visual distance from the Mississippi River. The District includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this District is not readily visible from the Mississippi River.
- b. *Management Purpose.* The SR District provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and the flow of untreated stormwater into the river are priorities in the District. In addition, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are also priorities in the District. [(Ord. 568, 9-23-2021)]

12-6A-5 Special Land Use Provisions

- A. Purpose. The purpose of this Section is to identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.
- B. Underlying Zoning. Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:
1. *Agricultural use*. Perennial ground cover is required within 50-feet of the ordinary high-water level and within the Bluff Impact Zone.
 2. *Feedlots*. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, Chapter 7020.
 3. *Forestry*. Tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota, as it may be amended or revised from time to time.
 4. *Nonmetallic mining*. Nonmetallic mining requires a Conditional Use Permit or Interim Use Permit issued by the local government, subject to the following:
 - a. New nonmetallic mining is prohibited within the Shore Impact Zone and Bluff Impact Zone and within the required structure setback from the bluffline and OHWL;
 - b. Processing machinery must be located consistent with setback standards for structures as provided in [Section 12-6A-6C];
 - c. Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;
 - d. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;
 - e. A Site Management Plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the Site Plan throughout the duration of operations at the site. The Site Management Plan must:
 - (1.) Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;
 - (2.) Explain where staged reclamation may occur at certain points during the life of the site;
 - (3.) Address dust, noise, stormwater management, possible pollutant discharges, days and hours of operation, and duration of operations; and
 - (4.) Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land.

- f. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this Chapter.
- 5. *River-dependent Uses*. River-dependent uses must comply with the following design standards:
 - a. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in [Section 12-6A-15], must meet the dimensional and performance standards in this Chapter must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;
 - b. Shoreline facilities must comply with Minnesota Rules, Chapter 6115 and must:
 - (1.) Be designed in a compact fashion so as to minimize the shoreline area affected; and
 - (2.) Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served.
 - c. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.
- 6. *Wireless Communication Towers*. Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:
 - a. The Applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;
 - b. The tower must not be located in a Bluff or Shore Impact Zone;
 - c. Placement of the tower must minimize impacts on public river corridor views; and
 - d. Comply with the general design standards in [Section 12-6A-8.B. (Ord. 568, 9-23-2021)]

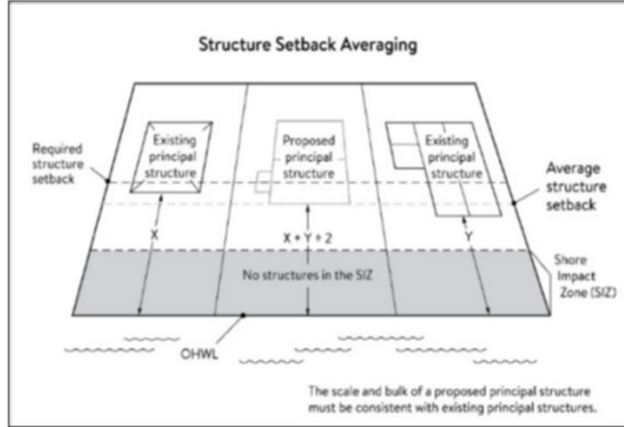
12-6A-6 Structure Height, Placement and Lot Size

- A. Purpose. The purpose of this Section is to establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.
- B. Structure Height. Structures and facilities must comply with the following standards unless identified as exempt in [Section 12-6A-15].
 - 1. *ROS District*. The lesser of the height standard as determined by the underlying Zoning District or 35-feet.
 - 2. *RN District*. The lesser of the height standard as determined by the underlying Zoning District or 35-feet.
 - 3. *SR District*. Height is determined by the underlying Zoning District, provided the allowed height is consistent with that of the mature tree line, where present, and existing surrounding development, as viewed from the OHWL of the opposite shore.
 - 4. Height shall be measured on the side of the structure facing the Mississippi River.

5. In addition to the Conditional Use Permit requirements of [Section 12-6A-3.D], criteria for considering whether to grant a Conditional Use Permit for structures exceeding the height limits must include:
 - a. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
 - b. Determination that the proposed structure meets the required bluff and OHWL setbacks;
 - c. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - (1.) Placing the long axis of the building perpendicular to the river;
 - (2.) Stepping back of portions of the facade;
 - (3.) Lowering the roof pitch or use of a flat roof;
 - (4.) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;
 - (5.) Narrowing the profile of upper floors of the building; or
 - (6.) Increasing the setbacks of the building from the Mississippi River or blufflines.
 - d. Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and
 - e. Opportunities for creation or enhancement of public river corridor views.
- C. Location of Structure and Impervious Surfaces.
 1. Structures and impervious surfaces must not be placed in the Shore or Bluff Impact Zones unless identified as an exemption in [Section 12-6A-15].
 2. Structures and facilities, including impervious surfaces, must comply with the following OHWL setback provisions unless identified as exempt in [Section 12-6A-15].
 - a. ROS District: 200-feet from the Mississippi River and 150-feet from the Minnesota River.
 - b. RN District: 100-feet from the Mississippi River.
 - c. SR District: (not applicable in the City of Mendota Heights)
 3. Structures and facilities including impervious surfaces, must comply with the following bluffline setback provisions unless identified as exempt in [Section 12-6A-15]:
 - a. ROS District: 100-feet.
 - b. RN District: 40-feet.
 - c. SR District: 40-feet.
 4. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, if the new structure's scale and bulk riverward or bluffward of the

setbacks required under [Sections 12-6A-6C2 and 12-6A-6C3] are consistent with adjoining development. [See Figure 12-6A-6.1].

Figure 12-6A-6.1 Structure Setback Averaging Diagram



5. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75-feet from the ordinary high-water level of the Mississippi River and all other public waters.

D. Lot Size and Buildable Area.

1. Lots abutting the Mississippi River in the ROS District must be at least 200-feet in width, unless alternative design methods are used that provide greater protection of the riparian area.
2. All new lots must have adequate buildable area to comply with the setback requirements of [Sections 12-6A-6.C.2 and 12-6A-6.C.3] so as to not require variances to use the lots for their intended purpose.

12-6A-7 Performance Standards for Private Facilities

- A. Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views, and other resources identified in the MRCCA Plan.
- B. General Design Standards. All private facilities must be developed in accordance with the vegetation management and land alteration and stormwater management requirements in [Sections 12-6A-9 and 12-6A-10].
- C. Private Roads, Driveways, and Parking Areas. Except as provided in [Section 12-6A-15], private roads, driveways, and parking areas must:
 1. Be designed to take advantage of natural vegetation and topography so that they are not readily visible;
 2. Comply with structure setback requirements according to [Section 12-6A-6.C]; and

3. Not be placed within the Bluff Impact Zone or Shore Impact Zone, unless exempt under [Section 12-6A-15] and designed consistent with [Section 12-6A-8.B].

D. Private water access and viewing facilities.

1. Private access paths must be no more than:
 - a. 8-feet (8') wide, if placed within the Shore Impact Zone; and
 - b. 4-feet (4') wide, if placed within the Bluff Impact Zone.
2. Private water access ramps must:
 - a. Comply with Minnesota Rules, parts 6115.0210 and 6280.0250; and
 - b. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.
3. Design and construction of private stairways, lifts, and landings are subject to the following standards:
 - a. Stairways and lifts must not exceed 4-feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by a Conditional Use Permit;
 - b. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than 32 square feet are allowed for commercial properties and residential facilities held in common, if approved by a Conditional Use Permit;
 - c. Canopies or roofs are prohibited on stairways, lifts, or landings;
 - d. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and
 - e. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to [Section 12-6A-7.D.3.a. through d.], and as provided under [Section 12-6A-3.G].
4. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300' in width at the ordinary high-water level, with one additional water-oriented accessory structure allowed for each additional 300-feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the Bluff Impact Zone and must:
 - a. Not exceed 12-feet in height;
 - b. Not exceed one 120 square feet in area; and
 - c. Be placed a minimum of ten-feet from the ordinary high water level.

E. Decks and Patios in Setback Areas. Decks and at-grade patios may encroach into the required setbacks from the ordinary high-water level and blufflines without a variance, when consistent with [Sections 12-6A-9 and 12-6A-10], provided that:

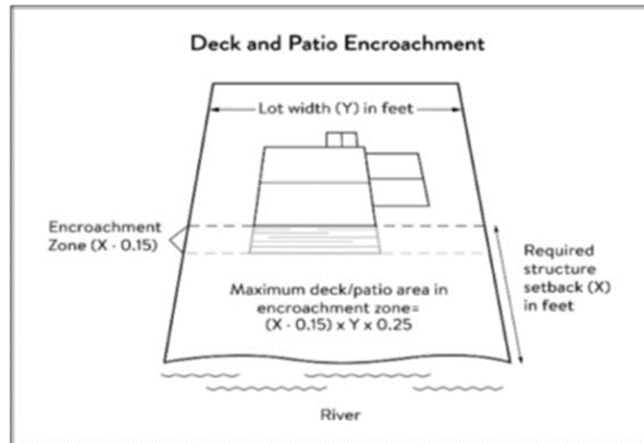
1. The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;
2. The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent

using the formula:

[Required setback depth (ft.) x 0.15 x lot width at setback (ft.) x 0.25 = maximum total area]

3. The deck or patio does not extend into the Bluff Impact Zone. [See Figure 8 - below].

Figure 12-6A-7.1 Deck and Patio Encroachment Diagram



F. Fences. Fences between principal structures and the river are allowed if fences are:

1. Not higher than six-feet;
2. Not located within the SIZ and BIZ; and
3. Not located in the regulatory floodplain.

12-6A-8 Performance Standards for Public Facilities

A. Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA Plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

B. General Design Standards. All public facilities must be designed and constructed to:

1. Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;
2. Comply with the structure placement and height standards in [Section 12-6A-6], except as provided in [Section 12-6A-15];
3. Be consistent with the vegetation management standards in [Section 12-6A-9] and the land alteration and stormwater management standards in [Section 12-3-10], including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, as may be amended or revised from time to time, where applicable;

4. Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and
 5. Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting;
 6. Minimize disturbance during bird migration and nesting times by scheduling construction at times when birds are not migrating or nesting.
- C. Right-of-Way Maintenance Standards. Right-of-way maintenance must comply with the following standards:
1. Vegetation currently in a natural state must be maintained to the extent feasible;
 2. Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and
 3. Chemical control of vegetation must be avoided when practical, but when chemical control is necessary, the chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.
- D. Crossings of Public Waters or Public Land. Crossings of public waters or land controlled by the Commissioner are subject to approval by the Commissioner according to Minnesota Statutes, Sections 84.415 and 103G.245.
- E. Public Utilities. Public utilities must comply with the following standards:
1. High-voltage transmission lines, wind energy conversion systems greater than five (5) megawatts, and pipelines are regulated according to Minnesota Statutes, Chapter 216E, 216F, and 216G respectively; and
 2. If overhead placement is necessary, utility facility crossings must minimize the visibility of the facility from the river and follow other existing right of ways as much as practicable.
 3. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.
 4. Wireless communication facilities must comply with [Section 12-6A-5.B.6].
- F. Public Transportation Facilities. Public transportation facilities shall comply with the structure placement and height standards in [Section 12-6A-6.] Where such facilities intersect or abut two or more MRCCA Districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:
1. Providing scenic overlooks for motorists, bicyclists, and pedestrians;
 2. Providing safe pedestrian crossings and facilities along the river corridor;
 3. Providing access to the riverfront in public ownership; and
 4. Allowing for use of the land between the river and the transportation facility.
- G. Public Recreational Facilities. Public recreational facilities must comply with the following standards:

1. Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in [Section 12-6A-6], except as provided in Section [12-6A-15];
2. Roads and driveways associated with public recreational facilities must not be placed in the Bluff or Shore Impact Zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.
3. Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the Bluff and Shore Impact Zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in the Minnesota Department of Natural Resources' Trail Planning, Design, and Development Guidelines, as they may be amended or revised from time to time.
 - a. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed 8-feet in width.
 - b. Trails, paths, and viewing areas must be designed and constructed to minimize:
 - (1.) Visibility from the river;
 - (2.) Visual impacts on public river corridor views; and
 - (3.) Disturbance to and fragmentation of primary conservation areas.
4. Public water access facilities must comply with the following requirements:
 - a. Watercraft access ramps must comply with Minnesota Rules, Chapters 6115.0210 and 6280.0250; and
 - b. Facilities must be designed and constructed consistent with the standards in the Design Handbook for Recreational Boating and Fishing Facilities, as they may be amended or revised from time to time.
5. Public signs and kiosks for interpretive or directional purposes are allowed in the Bluff or Shore Impact Zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views. If illuminated, the lighting must be fully shielded and be directed downward.
6. Public stairways, lifts, and landings must be designed as provided in [Section 12-6A-7.D.3].

12-6A-9 Vegetation Management

- A. Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain the stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.
- B. Applicability. This Section applies to:
 1. Shore Impact Zones;

2. Areas within 50-feet of a wetland or natural drainage route;
3. Bluff Impact Zones;
4. Areas of native plant communities; and
5. Significant existing vegetation stands identified in the MRCCA Plan.

C. Activities Allowed Without a Vegetation Permit.

1. Maintenance of existing lawns, landscaping and gardens.
2. Removal of vegetation in emergency situations as determined by the City.
3. Right-of-way maintenance for public facilities meeting the standards in [Section 12-6A-8.C].
4. Agricultural and forestry activities meeting the standards of [Section 12-6A-5.B.1 and 12-6A-5.B.3].
5. Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including the removal of:
 - a. Vegetation that is dead, diseased, dying, or hazardous;
 - b. Vegetation to prevent the spread of diseases or insect pests;
 - c. An individual tree or shrub; and
 - d. Invasive non-native species.

D. Activities Allowed With a Vegetation Permit.

1. Only the following intensive vegetation clearing activities are allowed with a vegetation permit:
 - a. Clearing of vegetation that is dead, diseased, dying, or hazardous;
 - b. Clearing to prevent the spread of diseases or insect pests;
 - c. Clearing to remove invasive, non-native species;
 - d. Selective removal of keystone species;
 - e. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by the City; and
 - f. The minimum necessary for development that is allowed with a building permit or as an exemption under [Section 12-6A-15].
2. *General Performance Standards.* The following standards must be met, in addition to a restoration plan under [Section 12-6A-9.F], in order for the City to approve a vegetation permit:
 - a. Development is sited to minimize removal of or disturbance to natural vegetation;
 - b. Soil slope stability, and hydrologic conditions are suitable for the proposed work as determined by the Public Works Director;
 - c. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views and other scenic views;
 - d. Vegetation removal activities are conducted to expose the smallest practical area of soil to erosion for the least possible time, and to avoid bird migration and nesting seasons; and

e. Any other condition determined necessary to achieve the purpose of this Section.

E. Prohibited Activities. All other intensive vegetation clearing is prohibited.

F. Vegetation Restoration Plan.

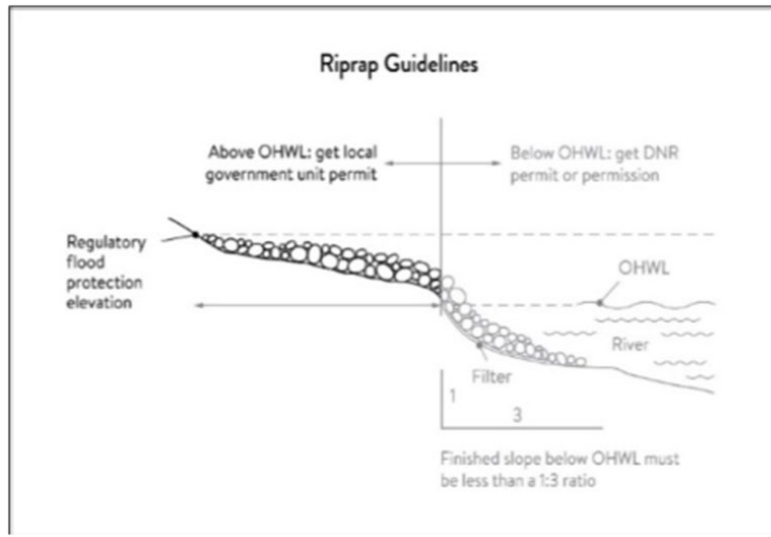
1. Development of a Vegetation Restoration Plan and reestablishment of native vegetation is required.
 - a. For any vegetation removed with a permit issued under [Section 12-6A-9.D];
 - b. Upon failure to comply with any provisions in this Section; or
 - c. As part of the planning process for subdivisions as provided in [Section 12-6A-11].
2. *Restoration Plan Performance Standards.* The Vegetation Restoration Plan must satisfy the application submittal requirements in [Section 12-6A-12] and:
 - a. *Vegetation must be restored in one or more of the following restoration priority areas:*
 - (1.) Areas with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;
 - (2.) Shoreline areas within 25' of the water with no natural vegetation, degraded vegetation, or planted with turf grass;
 - (3.) Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or
 - (4.) Other approved priority opportunity areas, including priorities identified in the MRCCA Plan.
 - b. *Include native vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability.* Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines, as they may be amended or revised from time to time.
 - c. Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density.
 - d. Vegetation removed must be restored with native vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable.
 - e. For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities. The area (square feet) of the restored vegetation should be equivalent to that removed to the greatest extent practicable.
 - f. Be prepared by a qualified individual or a licensed professional familiar with and experienced with native landscape materials and planting techniques; and
 - g. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three (3) years.

3. The City will issue a certificate of compliance after the Vegetation Restoration Plan requirements have been completed to the satisfaction of Public Works Director.

12-6A-10 Land Alteration Standards and Stormwater Management

- A. Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants, and maintain the stability of bluffs, shorelines, and other areas prone to erosion.
- B. Land Alteration.
 1. Within the Bluff Impact Zone, land alteration is prohibited, except for the following, which are allowed only by permit.
 - a. Erosion control consistent with a plan approved by the City and consistent with [Section 12-6A-10.F.]
 - b. The minimum necessary for development that is allowed as an exception under [Section 12-6A-15]; and
 - c. Repair and maintenance of existing buildings and facilities.
 2. Within the water quality impact zone, land alteration that involves more than ten (10) cubic yards of material or affects an area greater than one 1,000 square feet requires a permit.
- C. Rock Riprap, Retaining Walls, and other Erosion Control Structures.
 1. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, Part 6115.0215, Subp. 4, Item E, and 6115.0216, Subp. 2. Work must not proceed until approved by the Commissioner, permitted by the US Army Corps of Engineers and all other permits are obtained. [See Figure 12-6A-10.1].

Figure 12-6A-10.1. Rip Rap Guidelines Diagram



2. Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the Bluff Impact Zone and the water quality impact zone are allowed with a permit consistent with the provisions of [Section 12-3-10.F] provided that:
 - a. If the project includes work at or below the OHWL, the Commissioner must approve or permit the project.
 - b. The structures are used only to correct an established erosion problem as determined by the City.
 - c. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:
 - (1.) Retaining walls must not exceed 5-feet in height and must be placed a minimum horizontal distance of 10-feet apart; and
 - (2.) Riprap must not exceed the height of the regulatory flood protection elevation.
3. Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration.

D. Stormwater Management.

1. In the Bluff Impact Zone, stormwater management facilities are prohibited, except by permit if:
 - a. There are no alternatives for stormwater treatment outside the Bluff Impact Zone on the subject site;
 - b. The site generating runoff is designed so that the amount of runoff reaching the Bluff Impact Zone is reduced to the greatest extent practicable;

- c. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and
 - d. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.
- 2. In the Water Quality Impact Zone, development that creates new impervious surface, as allowed by exemption in [Section 12-6A-15], or fully reconstructs existing impervious surface of more than 10,000 square feet requires a Stormwater Permit. Multipurpose trails and sidewalks are exempt if there is down-gradient vegetation or a filter strip that is at least 5-feet wide.
- 3. In all other areas, stormwater runoff must be directed away from the Bluff Impact Zones or unstable areas.
- E. Development on Steep Slopes. Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities may be allowed on steep slopes, except for those areas in the Bluff Impact Zone, and only if:
 - 1. The Applicant can demonstrate that the proposed development can be accomplished without increasing erosion or stormwater runoff;
 - 2. The soil types and geology are suitable for the proposed development; and
 - 3. Vegetation is managed according to the requirements of [Section 12-6A-9].
- F. Conditions of Land Alteration Permit Approval. No permit for land alteration shall be approved unless:
 - 1. Temporary and permanent erosion and sediment control measures to retain sediment onsite are consistent with the best management practices in the Minnesota Stormwater Manual, as it may be amended or revised from time to time;
 - 2. Natural site topography, and soil and vegetation conditions are used to control runoff and reduce erosion and sedimentation;
 - 3. Construction activity is phased when possible;
 - 4. All erosion and sediment controls are installed before starting any land disturbance activity;
 - 5. Erosion and sediment controls are maintained to ensure effective operation;
 - 6. The proposed work is consistent with the vegetation standards in Section [12-6A-9]; and
 - 7. Best management practices are used for protecting and enhancing ecological and water resources as identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, as it may be amended or revised from time to time.
- G. Compliance with Other Plans and Programs. All development must:
 - 1. Be consistent with Minnesota Statutes, Chapter 103B, and local water management plans completed under Minnesota Statutes, Chapter 8410;
 - 2. Meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420; and

3. Meet or exceed the floodplain management standards under Minnesota Rules, Sections 6120. 5000 - 6120.6200.

12-6A-11 Subdivision and Land Development Standards

A. Purpose.

1. To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites within the corridor;
2. To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and
3. To encourage restoration of native vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

B. Applicability.

1. The design standards in this Section apply to subdivisions, planned unit developments, and master-planned development and redevelopment of land involving ten (10) or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:
 - a. Subdivisions;
 - b. Planned Unit Developments; and
 - c. Master-planned development and redevelopment of land.
2. *The following activities are exempt from the requirements of this Section:*
 - a. Minor subdivisions consisting of two (2) or fewer lots;
 - b. Minor boundary line corrections;
 - c. Resolutions of encroachments;
 - d. Additions to existing lots of record;
 - e. Placement of essential services; and
 - f. Activities involving river-dependent commercial and industrial uses.
3. *Application materials.* Project information listed in [Section 12-6A-12] must be submitted for all proposed developments.
4. *Design standards.*
 - a. Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:
 - (1.)ROS District: 50 percent
 - (2.)RN District: 20 percent: and
 - (3.)SR District: Ten percent if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

- b. If the primary conservation areas exceed the amounts specified in [Section 12-6A-11.B.4.(a)], then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.
 - c. If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to [Section 12-6A-9.F].
 - d. If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA Plan as a restoration area, vegetation must be restored in the identified areas according to [Section 12-6A-9.F], and the area must be set aside and designated as protected open space.
 - e. Stormwater treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.
 - f. Transfer of development rights or the dedication of steep slopes, drainageways and wetlands as allowed under [Section 11-1-8], or the dedication of land for public uses, including (but not limited to) public river access, parks, other open spaces or public facilities, and as allowed under [Section 11-5-1] of the Mendota Heights City Code, may be counted toward the protected open space requirement.
 - g. Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.
5. *Permanent protection of designated open space.*
- a. Designated open space areas must be protected through one or more of the following methods:
 - (1.) Public acquisition by a government entity for conservation purposes;
 - (2.) A permanent conservation easement, as provided in Minnesota Statutes, Chapter 84C;
 - (3.) A deed restriction; or
 - (4.) Other arrangements that achieve an equivalent degree of protection.
 - b. Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.
6. *Alternative design standards.* The City will consider the following alternative design option to increase the permanent protection of Primary Conservation Areas (PCAs) in subdivisions and other new developments in the MRCCA District and encourage restoration of native vegetation communities:

- a. The City will grant density bonuses to increase the permanent protection of PCAs and/or native plant communities up to 20 percent of the parcel area in the RN and SR Districts, provided the protection and restoration of the entire development site is consistent with the requirements of this Section;
- b. The City may approve density bonuses for a subdivision when the proposed subdivision meets the objectives and requirements of this Chapter to protect and preserve bluffs, steep slopes, native vegetation, natural resources, views of the bluffs area, and open space; and
- c. The City shall determine the amount and location of the density bonus permitted for each subdivision based on site conditions, zoning district regulations, and potential impacts to the site and surrounding areas.
- d. Alternative design standards may be considered through a planned unit development or cluster development. Individual lots in a planned unit development or cluster development may not be required to meet the design standards of this Section if it can be demonstrated that the overall development is compliant with the standards and purpose of this Section.

12-6A-12 Site Plan Requirements

- A. Site Plan Required. No building permit, zoning approval, or subdivision approval shall be issued for any action or development located in an area covered by this Chapter until a Site Plan has been prepared and approved in accordance with the provisions of this Chapter.
- B. Site Plan Application. An official Critical Area Permit Application with a completed Site Plan shall be filed with the Zoning Administrator containing evidence adequate to show that the proposed use will conform with the standards set forth in this Chapter. Three (3) full sets of plans (either 22" x 34" or 24" x 36" sized sheets), three (3) tabloid sized (11" x 17") plan sets, plus an electronic file (PDF preferred) of the full application materials shall be submitted to the Zoning Administrator. No permit application shall be reviewed until it is complete.
- C. Site Plan Contents. A fully detailed Survey or Site Plan drawn to scale appropriate to the size of the project and suitable for the review to be performed, shall contain the following information:
 1. A detailed description or narrative prepared by the owner(s) or developer(s) of the proposed project or development.
 2. A complete and legible legal description, address and location of the property, with the name and address of the legal registered owner(s) and developer(s) of the property.
 3. A detailed plan identifying the subject property, adjoining lands, roads, railroads, existing subdivisions, any primary conservation areas (PCA); public river corridor

- views, ordinary high-water level (OHWL) of any adjacent or affected wetlands features, bluff-lines, and all required setbacks.
4. Existing topography as indicated on a contour map having a contour interval no greater than 2-feet per contour. The contour map shall also clearly delineate any bluff line, Bluff Impact Zone, all streams, including intermittent streams and swales, rivers, water bodies, any identifiable underground springs, and wetlands located on the site.
 5. A plan delineating the existing drainage of the water setting forth in which direction the volume, and at what rate the stormwater is conveyed from the site. The plan must also include those areas on the site where stormwater collects and is gradually percolated into the ground or slowly released to a stream or lake.
 6. A description of the soils on the site, including a map indicating all soil types by area to be disturbed. The description shall also include a soil report containing detailed information on the suitability of the soils for the type of development proposed as well as for the type of sewage disposal proposed. The plan must also describe any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, both as to soil type of existing topsoil and soil type of the new contour. The location and extent of any erosion areas shall be included in the soils description.
 7. A description of any features, buildings, or areas which are of historic significance.
 8. A plan indicating the proposed finished grades of the project development site illustrating contours at the same intervals proposed above or in more detail if required to clearly indicate the relationship of proposed changes to existing topography and remaining features.
 9. A landscape plan drawn to an appropriate scale, including dimensions, distance, location, type, size, and description of all existing and significant vegetation, clearly locating and describing any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development. All new landscaping must include native varieties of deciduous, coniferous, and ornamental trees and shrubs, along with new pollinator friendly plants and vegetation, and no invasive species.
 10. A proposed drainage plan of the developed site delineating in which direction, volume, and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect and gradually percolate into the soil, or be slowly released to a stream or lake. The plan shall also set forth the hydraulic capacity of all structures to be constructed or existing structures to be utilized, including volume or holding ponds.
 11. An erosion and sedimentation control plan indicating the type, location, and necessary technical information on control measures to be taken both during and after construction, including the calculated anticipated gross soil loss expressed in tons/acres/year both during and after construction.

12. The proposed size, placement, alignment, height, and intended use of any structures, including retaining walls, to be erected or located on the site.
 13. A clear delineation of all areas which will be paved or surfaced including a description of the surfacing material to be used.
 14. A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to the river and/or public river view opportunities both before and after development. The description must also include the development's impact on existing views of and along the river.
 15. A description of all parking facilities to be provided as part of the development, including an analysis of parking needs generated by the proposed development.
 16. A clear delineation of the area or areas to be dedicated for public use.
 17. A clear delineation of the location and amount of excavated soils to be stored on the site during construction.
 18. Any other information pertinent to the project, which in the opinion of City Staff and/or the Applicant, is necessary or helpful for the review of the project.
- D. Minor Development. A minor development and/or minor change involving a single-family dwelling, may be approved by the City Council without a Public Hearing if the project plans conform to the general standards of this Chapter. The City Administrator shall bring the request to the attention of the City Council at its next regular meeting following receipt of an administrative Critical Area Permit Application.

Eligible projects include, but are not limited to, minor building additions, decks, fences, driveways, walkways, stairs, open patios or outdoor sitting areas, accessory storage sheds, gazebos, chicken coops, retaining walls 2-feet or less in height, landscaping materials and gardens, and similar structures. Proposed projects and sites must comply with the following conditions:

1. No part of the project shall impact any area with slopes greater than 18 percent.
2. No part of the project shall impact, disturb or be situated in a bluffline setback area as defined by this Chapter, whether on the same parcel or on an abutting parcel of land,
3. The proposed project shall not expand the enclosed area of the principal or accessory structures by more than 200 square feet.
4. The proposed project shall not increase or exceed the height of any existing structure.
5. The proposed project shall be in compliance with all other requirements of this Chapter, and any other applicable regulations.
6. The proposed project shall not result in significant changes to the existing finished grade.
7. The proposed project areas shall include native vegetation.

12-6A-13 Official Review Process

Proposed developments or activities within the MRCCA shall be subject to the following review procedure:

- A. Referral to Planning Commission. Except as otherwise provided in [Subsection 12-5B-4B (Minor Developments)] of this Chapter, the Zoning Administrator shall refer all Critical Area Permits and Site Plans to the Planning Commission.
- B. Planning Commission Notice and Hearing on Application and Site Plan. The Planning Commission shall hold a Public Hearing affording an opportunity for all parties interested to be heard. The City shall give not less than ten (10) nor more than 30 days' notice of the time and place of the hearing. Notice of the hearing shall be published in the designated legal newspaper for the City, and shall contain a description of the land and the proposed use. At least ten (10) days before the hearing, the City shall mail a notice to the owner(s) of the property in question and to each of the property owners within 350-feet of the outside boundaries of the land described in the Site Plan. Failure of the City to mail such notice or failure of the property owners to receive said notice shall not invalidate the proceedings.

Within 60 days after the date the City receives a complete application , and unless the statutory review period as provided for under Minnesota Statute §15.99 is extended or waived by the Applicant or the City as permitted by law, the Planning Commission shall conduct a hearing and forward a written report to the City Council stating its findings and recommendation.

- C. City Council Consideration on Application and Site Plan. Within 30 days after the receipt of the written report and recommendation of the Planning Commission, the City Council shall meet and give full consideration to the application, Site Plan, written report, and recommendation, without a Public Hearing.

If the Planning Commission fails to make a written report or recommendation to the City Council within 60 days after the acceptance of the application and Site Plan, and unless the statutory review period has been expressly waived by the Applicant as allowed under Minnesota Statute §15.99, the City shall set an additional Public Hearing before the City Council. The hearing must be held within 30 days after the expiration of the 60 day period. Failure to receive a written report and recommendation from the Planning Commission shall not invalidate the proceedings or action of the City Council.

The City shall give not less than ten (10) nor more than 30 days mailed notice of the time and place of a hearing to the owner(s) of the property in question and to each of the property owners within 350-feet of the outside boundaries of the land described in the Site Plan. Failure of the property owners to receive the notice shall not invalidate the

proceedings.

After its consideration of an application and Site Plan, either with or without a Public Hearing, the City Council may take final action upon the application and Site Plan or may continue the hearing for further investigation and study. The City Council may also request further information from the Applicant or from the Planning Commission.

- D. Amendments. Any proposed amendment to this Chapter may be referred to the Planning Commission for its consideration and recommendations.

12-6A-14 Notification to Resource Agencies

- A. Amendments to this Chapter and to the MRCCA Plan must be submitted to the Commissioner as provided in Minnesota Rule, Part 6106.0070, Subp. 3, items B-I, and via email to the appropriate DNR Area Hydrologist.
- B. Notice of Public Hearings for discretionary actions, including Critical Area Permits, Conditional and Interim Use Permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master plans, and PUDs, must be sent to the following entities at least 20 days prior to the hearing:
1. The Commissioner in a format prescribed by the DNR;
 2. National Park Service; and
 3. Where proposed building heights exceed the height limits specified in [Section 12-6A-6] as part of the conditional use or variance process, to the adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.
- C. Notice of final decisions for actions in [Section 12-6A-13], including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within (10) days of the final decision.
- D. Requests to amend district boundaries must follow Minnesota Rule part 6106.0100, Subp. 9, Item C.
- E. The DNR must be notified of master plans, PUDs, preliminary and final plats at the time of application submittal.

12-6A-15 Exemptions

- A. Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes, Section 116G.15 Subd. 4.
- B. Applicability.
1. Uses and activities not specifically exempted in this Section must comply with this Chapter. Uses and activities exempted under Shore Impact Zone and Bluff Impact

Zone must comply with the vegetation management and land alteration standards in [Sections 12-6A-9 and 12-6A-10].

2. Uses and activities in [Section 12-6A-15.B.3] are categorized as:
 - a. E - Exempt means that the use or activity is allowed;
 - b. (E) - Exempt if no alternative means that the use or activity is allowed only if no alternatives exist; and
 - c. N - Not exempt means that a use or activity is not exempt and must meet the standards of this Chapter
 - d. N/a - not applicable.
3. *Use and activity exemptions classification.*
 - a. *General uses and activities.*

Table 12-6A-15.1 General Uses and Activities

Use or Activity	Setbacks	Height Limits	Shore Impact Zone (SIZ)	Bluff Impact Zone (BIZ)	Applicable standards with which the use or activity must comply
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	[Section 12-6A-8]
Wireless communication towers	E	E	N	N	[Section 12-6A-5.B.6]
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations

- b. *Public utilities.*

Table 12-6A-15.2 Public Utilities

Use or Activity	Setbacks	Height Limits	Shore Impact Zone (SIZ)	Bluff Impact Zone (BIZ)	Applicable standards with which the use or activity must comply
Electrical power facilities	E	E	E	(E)	[Section 12-6A-8]
Essential services (other than stormwater facilities)	E	E	E	(E)	[Section 12-6A-8]

Stormwater facilities	E	N	E	(E)	[Section 12-6A-10]
Wastewater facilities	E	N	E	N	[Section 12-6A-8]
Public transportation facilities	E	N	(E)	(E)	[Section 12-6A-8]

c. *Public recreational facilities.*

Table 12-6A-15.3 Public Recreational Facilities

Use or Activity	Setbacks	Height Limits	Shore Impact Zone (SIZ)	Bluff Impact Zone (BIZ)	Applicable standards with which the use or activity must comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	[Section 12-6A-8], within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	E	N	(E)	N	[Section 12-6A-8]
Parking lots	(E)	N	(E)	(E)	[Section 12-6A-8; within BIZ, only within 20-feet of toe of bluff; not on face of bluff; and must not affect stability of bluff]
Roads and driveways	(E)	N	(E)	(E)	[Section 12-6A-8]
Natural-surfaced trails, access paths, and viewing platforms	E	N	E	E	[Section 12-6A -8]
Hard-surfaced trails and viewing platforms	E	N	E	(E)	[Section 12-6A-8; within BIZ, only on slopes averaging less than 30%]
Water access ramps	E	N	E	(E)	[Section 12-6A-8]
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	[Section 12-6A-8]

d. *River-dependent uses.*

Table 12-6A-15.4 River-Dependent Uses

Use or Activity	Setbacks	Height Limits	Shore Impact Zone (SIZ)	Bluff Impact Zone (BIZ)	Applicable standards with which the use or activity must comply
Shoreline facilities	E	N1	E	(E)	[Section 12-6A-5.B.5]. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility

Private roads and conveyance structures serving river-dependent uses	E	N1	E	(E)	[Section 12-6A-5.B.5]
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(1.)River-dependent commercial, industrial and utility structures are exempt from height limits only if greater height is required for operational reasons.

e. *Private residential and commercial access and use facilities.*

Table 12-6A-15.5 Private Residential and Commercial Access and Use Facilities

Use or Activity	Setbacks	Height Limits	Shore Impact Zone (SIZ)	Bluff Impact Zone (BIZ)	Applicable standards with which the use or activity must comply
Private roads serving 3 or more lots	(E)	N	N	(E)	[Section 12-6A-7]; in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer than 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	[Section 12-6A -7]
Water access ramps	E	N	E	N	[Section 12-6A -7]
Stairways, lifts and landings	E	N	E	E	[Section 12-6A -7]
Water-oriented accessory structures	E	N	E	N	[Section 12-6A 3-7]
Patios and decks	E	N	N	N	[Section 12-6A -7.E]
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	[Sections 12-6A -10.C, 12-6A -10.E, and 12-3-10.F]
Flood control structures	E	N	E	(E)	[Section 12-6A-10]

CHAPTER 7: PROPERTY MAINTENANCE

ARTICLE A. RESIDENTIAL PROPERTY MAINTENANCE

12-7A-1 Findings and Purpose Statement

- A. The city council finds that it is in the best interest of the city to protect the public health, safety, and general welfare of its citizens. To this end, the city believes that by adoption of these residential property maintenance regulations, it will further the following objectives:
1. To preserve the value of residential property within the city;
 2. To protect the character and stability of neighborhoods within the city;
 3. To provide for minimum standards of maintenance for residential property within the city and ensure compliance;
 4. To cause correction to conditions on residential property that do not comply with the standards of maintenance established herein.
 5. Assist in identification and correction of dangerous or life threatening conditions that may be identified within the city.
 6. Provide a mechanism to mitigate potential public health issues identified within the city. (Ord. 401, 7-19-2005)

12-7A-2 Building Structure Appearance and Maintenance Requirements

- A. Any building or structure, including an accessory structure, is a public nuisance if its exterior does not comply with the following requirements:
1. All exterior property shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.
 2. All dwellings, garages and other residential accessory buildings shall have complete siding. No part of any exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting siding. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting or other protective covering or treatment or other appropriate method acceptable to the city. (Ord. 401, 7-19-2005)

12-7A-3 Exterior Property Public Health and Safety Requirements

- A. Any building or structure in the city that is found by an authorized employee or agent of the city to be dangerous to public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:
1. Damaged by fire, storm, or vandalism;

2. Defective chimneys or stovepipes;
 3. Dilapidated condition or decay; or
 4. Any other defect endangering the public safety or health.
- B. Any structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, presents environmental health risks or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation or unsafe to the public by the city.
- C. Whenever any building has been declared unfit for human habitation or unsafe to the public, the city may proceed to declare the building a hazardous building or hazardous property and may seek to correct or remove the hazardous condition as authorized by Minnesota law. (Ord. 401, 7-19-2005)

12-7A-4 Firewood Storage

- A. The term "firewood" shall mean split wood or unsplit wood logs cut into lengths not exceeding three feet (3') for the purpose of burning in a fireplace or as a recreational fire on the property.
- B. Firewood shall be kept or stored outdoors in accordance with the following requirements:
1. Firewood shall be stored or kept in a neat and secure stack (maximum of 2 cords, defined as 128 cubic feet per cord), which shall be no higher than five feet (5').
 2. Unless screened by a fence or wall, stacks shall be no closer than five feet (5') to the property line.
 3. The firewood stacks shall not be allowed to become infested with rats, rodents, or vermin.
 4. Fallen, uncut trees shall be removed or cut up into firewood as soon as it is practicable, not to exceed ninety (90) days. The city council may extend this period, upon written request by the property owner, for an additional ninety (90) days. This requirement may be waived by the code enforcement officer where it is determined that due to natural environmental conditions, the trees do not present a hazard or nuisance. (Ord. 401, 7-19-2005)

12-7A-5 Other Outdoor Storage

- A. Except provided for herein or as specifically allowed within the specific zoning districts established by this title, all materials and equipment shall be stored within a structure.
- B. Exceptions:
1. Clothesline poles and lines, play equipment, garden equipment, patio furniture, and trampolines.
 2. Not more than four (4) currently licensed and operable vehicles, including trailers, may be parked or stored on property outside a structure on single-family residential lots. All such parking and/or storage shall be allowed as follows:

- a. In the front yard, provided they are kept on an established driveway, entirely on the vehicle owner's property. Except as provided herein, recreational vehicles may not be parked or stored on public property or street right of way.
 - b. In the rear yard not closer than ten feet (10') from the rear lot line, five feet (5') from the side lot lines, and not within drainage and utility easements.
 - c. On a corner lot or through lot, not closer than twenty feet (20') from the property line abutting the street side of the lot and not within drainage and utility easements. Where such parking and/or storage is to be located within side or rear yards of corner or through lots, such side or rear yard shall be screened with landscaping and/or fencing from the public street.
 - d. All vehicles must be parked on concrete or bituminous pavement.
3. Construction and landscaping material, which shall be consumed or used on the property within the next thirty (30) days and kept in a neat, workmanlike fashion.
 4. Off street parking of motor vehicles as specified in the respective zoning districts.
 5. Temporary storage pods used to temporarily store items during house remodeling shall be kept on the driveway for a period not to exceed ninety (90) days except by CUP application for major remodeling.
 6. No pallets shall be stored on the property seven (7) days after they are no longer used. (Ord. 401, 7-19-2005)

12-7A-6 Accumulations and Hazardous Material

- A. Accumulations: Rubbish, garbage, or other hazardous and dangerous materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- B. Hazardous Material: Hazardous substances, refuse, pollutants and contaminants, as those terms are defined by federal, state, and local laws, shall not be accumulated or stored unless storage complies with the applicable requirements of all laws, rules and ordinances pertaining to the activity, including, but not limited to, the city's building code and the city's fire prevention code. (Ord. 401, 7-19-2005)

12-7A-7 Rubbish and Garbage

- A. Accumulation Of Rubbish And Garbage: All exterior property, and the interior of every structure, shall be free from any unreasonable accumulation of rubbish and garbage causing a nuisance.
- B. Disposal Of Rubbish: Every occupant of a structure shall reasonably store and dispose of all rubbish and garbage in a clean and sanitary manner in accordance with all laws.
 1. Screening: Garbage and recycling containers shall be either: a) stored inside a dwelling or other residential accessory structures not visible from the public street or adjoining neighbors; or b) stored outside fully screened by landscaping or fencing

materials keeping the garbage and recycling containers from being visible from the public street or adjoining neighbors.

- C. Curbside Collection: Appliances, furniture and similar items shall not be left outside for collection and disposal for more than seventy two (72) hours. Appliances not awaiting collection and disposal shall not be placed outside.
- D. Garbage Cans: Garbage cans may be put out for collection the night before and must be retrieved the next evening. (Ord. 401, 7-19-2005)

12-7A-8 Storm Drainage

- A. General: Storm water runoff and drainage of roofs and other hard surfaced areas, yards, courts, and other open areas on the property shall not be allowed to occur in a manner that creates a public nuisance. (Ord. 401, 7-19-2005)

12-7A-9 Temporary Goat Grazing

- A. The temporary and periodic use of a limited number of goats for invasive and noxious vegetation control on residential properties is permitted subject to the review and approval of a Prescribed Goat Grazing Permit, as per City Code Title 5-3-11. (Ord. 566, 7-6-2021)

12-7A-10 Abatement and Enforcement Procedures

- A. Enforcement Officials: The city council shall enforce the provisions of this chapter and may by resolution delegate to various officers or agencies power to enforce particular provisions of this chapter, including the power to inspect private property.
- B. Notice To Abate: Whenever, in the judgment of city council or the officer charged with enforcement of this chapter, it is determined that a violation hereof is being maintained or exists within the city, such officer shall notify in writing the person committing or maintaining such violation and the owner of the property and require them to remedy such violation and to remove such conditions or remedy such defects. Such written notice shall be delivered to the person committing or maintaining violation and the owner of the property or may be delivered by mail. If the property is not occupied and the address of the owner is unknown, service on the owner may be accomplished in the manner specified for service in rule 4 in the Minnesota rules of civil procedure, except in the case of an emergency and then in such case, service shall be accomplished after posting such notice for twenty four (24) hours. Such notice shall require the owner or occupant of the property, or both, to take corrective steps within a time as defined by the officer charged with enforcement to remedy such violations, such steps and time to be designated in the notice, but the maximum time to remedy a violation after service of such notice shall not exceed one hundred twenty (120) days. In the case of severe financial or physical hardship, the council may grant an extension to the time limit. Said violation shall be corrected "immediately" in the case of imminent danger to the public health, safety, or

welfare. Service of notice may be proven by filing an affidavit of service in the office of the city clerk setting forth the manner and time thereof.

- C. Report Of Failure To Abate: When notice so given is not complied with, such noncompliance shall be reported forthwith to the city for such action as may be necessary and deemed advisable to abate and enjoin further continuation of such nuisance, including referring the matter to the city's prosecuting attorney to pursue a judicial remedy on behalf of the city. A violation of this chapter shall be subject to a penalty as provided in section 1-4-1 of this code.
- D. Abatement By City: In the event the city chooses to abate said violation, the city shall adopt a resolution setting forth the specific details of the corrective matters to be taken. A copy of the resolution shall be sent to the property owner by certified mail and if the violation is not abated within ten (10) days of the mailing of said resolution, the city shall take all actions necessary to abate said violation, keeping accurate records of the cost of the same.
- E. Costs To Owner: The finance director shall prepare a bill and mail it to the owner of the property for the costs incurred by the city, including, but not limited to, administrative costs, attorney fees and costs and the costs of any outside contractor engaged by the city to correct such violation, and thereupon the amount shall be immediately due and payable to the city (the "bill").
- F. Costs A Special Tax: If the bill is not paid to the city within twenty (20) days after the mailing of the bill, the city clerk shall extend the costs of abating the violation as a special tax against the property upon which the violation was located, and such special tax shall, at the time of certifying taxes to the county auditor, be certified for collection as other special taxes are certified and collected. The city council may specify an additional penalty for such special tax collections. (Ord. 401, 7-19-2005; amd. Ord. 566, 7-6-2021)

ARTICLE B. COMMERCIAL/INDUSTRIAL PROPERTY MAINTENANCE

12-7B-1 Findings and Purpose Statement

- A. The city council finds that it is in the best interest of the city to protect the public health, safety, and general welfare of its citizens. To this end, the city believes that by adoption of these commercial/industrial property maintenance regulations, it will further the following objectives:
 - 1. To preserve the value of commercial and industrial property within the city;
 - 2. To protect the character and stability of commercial and industrial areas of the city;
 - 3. To provide for minimum standards of maintenance for commercial/industrial properties within the city and ensure compliance;
 - 4. Provide a mechanism to place conditions upon those commercial/industrial properties which do not comply with the standards of maintenance established herein;

5. Assist in correction of dangerous or life threatening conditions that may be identified within the city;
6. Provide a mechanism to mitigate potential public health issues identified within the city. (Ord. 444, 11-20-2012)

12-7B-2 Building and Structure Appearance and Safety Requirements

- A. Building Material Condition: Any building or structure, including retaining walls, is a public nuisance if its exterior does not comply with the following requirements:
 1. All exterior property shall be maintained in a clean, safe, and sanitary condition.
 2. No part of any exterior building surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting materials. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting or other protective covering or treatment or other appropriate method acceptable to the city. With regard to broken windows, repair shall require replacement of all broken glass.
- B. Premises Identification: All buildings shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be arabic numerals. Numbers shall be a minimum of four inches (4") in height or larger as necessary to ensure visibility.
- C. Architectural Elements: All architectural elements including, but not limited to, cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (Ord. 444, 11-20-2012)

12-7B-3 Maintenance Requirements for Vacant Buildings

- A. Maintenance:
 1. Any vacant building or structure in the city that is found by an authorized employee or agent of the city to be dangerous to public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:
 - a. Damaged by fire, storm or vandalism
 - b. Defective chimneys or stovepipes
 - c. Dilapidated condition or decay, or
 - d. Any other defect endangering the public safety or health.
 2. Any vacant structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, presents environmental health risks or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the

defects create a hazard to the health, safety, or welfare of the public, may be declared unfit for human habitation or unsafe to the public by the city.

3. Whenever any vacant building has been declared unfit for human habitation or unsafe to the public, the city may proceed to declare the building a hazardous building or hazardous property and may seek to correct or remove the hazardous condition as authorized by Minnesota law.

B. Security Measures: Vacant buildings violating the terms of subsection A of this section shall be secured in accordance with Minnesota state statutes 463.251 and applicable building code requirements.

1. Windows and doors shall be covered to prevent entry within a frame, and with covering materials that are designed to complement or match those of the existing building.
2. Any part of the building, such as walls or roof, which is damaged in such a way as to allow possible entry, shall be repaired with materials that match the materials used for that part elsewhere on the building, and in a manner which masks the visible impression of vacancy. (Ord. 444, 11-20-2012)

12-7B-4 Landscaping and Grounds Maintenance

A. Vegetation, Trimming And Replacement (Trees And Shrubs): The owner and any respective agents responsible by contract or law for property maintenance shall be jointly and severally responsible for the planting, trimming and maintenance of all site trees and shrubs in a condition presenting a healthy, neat and orderly appearance which is free from refuse and debris.

B. Fencing: Any fence is a public nuisance if it does not comply with the following requirements:

1. The fence shall be firmly fastened and anchored in order that it is not leaning or otherwise in any stage of collapse.
2. The fence shall be maintained in sound and good repair and free from deterioration, loose or rotting pieces, or holes, breaks, or gaps not otherwise intended in the original design of the fence. The fence shall be free from any defects or condition which makes the fence hazardous.
3. All exterior wood surfaces of any fence, other than decay resistant woods, shall be protected from the elements by paint or other protective surface covering or treatment, which shall be maintained in good repair to provide the intended protection from the elements.
4. No fence section shall have peeling, cracked, chipped or otherwise deteriorated surface finish, including, but not limited to: paint or other protective covering or treatment, on more than twenty percent (20%) of any one linear ten foot (10') section of the fence. (Ord. 444, 11-20-2012)

12-7B-5 Signs and Lighting

- A. Signage: All signs shall be maintained in a safe, presentable and good structural condition at all times. Maintenance shall include painting, repainting, cleaning, replacement or repair of defective parts, replacement of missing letters and other necessary acts. Any sign which the city finds is in a dangerous or defective condition shall be removed or repaired by the owner of the sign or the owner of the premises on which the sign is located.
- B. Exterior Lighting: All light fixtures shall be maintained in good repair. Lights for illuminating parking areas, loading areas or yards for safety and security purposes shall be maintained in such a manner that the maximum illumination levels established within the city's zoning regulations are not exceeded. (Ord. 444, 11-20-2012)

12-7B-6 Rubbish, Garbage, and Trash

- A. Accumulation And/Or Storage Of Rubbish And Garbage: All exterior property areas shall be free from any unreasonable accumulation of rubbish and garbage.
- B. Disposal Of Rubbish: Every occupant of a structure shall reasonably store and dispose of all rubbish and garbage in a clean and sanitary manner in accordance with all laws, including, but not limited to, title 4, chapter 2 of this code.
- C. Screening: Garbage and recycling containers shall be either: 1) stored inside a building such that they are not visible from adjacent public streets or adjoining properties; or 2) stored outside but fully screened from view of adjacent public streets or adjoining properties by landscaping or fencing materials.
- D. Collection: Discarded materials and equipment shall not be left outside for collection and disposal for more than seventy-two (72) hours. Materials and equipment not awaiting collection and disposal shall not be placed outside. (Ord. 444, 11-20-2012)

12-7B-7 Temporary Goat Grazing

- A. The temporary and periodic use of a limited number of goats for invasive and noxious vegetation control on commercial or industrial properties is permitted subject to the review and approval of a Prescribed Goat Grazing Permit, as per City Code Title 5-3-11. (Ord. 566, 7-6-2021)

12-7B-8 Abatement and Enforcement Procedures

- A. Enforcement Officials: The city council shall enforce the provisions of this chapter and may by resolution delegate to various officers or agencies power to enforce particular provisions of this chapter, including the power to inspect private property.
- B. Notice To Abate: Whenever, in the judgment of city council or the officer charged with enforcement of this chapter, it is determined that a violation hereof is being caused or exists within the city, such officer shall notify in writing the person committing or maintaining such violation and the owner of the property and require them to remedy such violation and to remove such conditions or remedy such defects. Such written notice shall

be delivered to the person committing or maintaining violation and the owner of the property or may be delivered by mail. If the property is not occupied and the address of the owner is unknown, service on the owner may be accomplished in the manner specified for service in rule 4 in the Minnesota rules of civil procedure, except in the case of an emergency and then in such case, service shall be accomplished after posting such notice for twenty-four (24) hours. Such notice shall require the owner or occupant of the property, or both, to take corrective steps within a time as defined by the officer charged with enforcement to remedy such violations, such steps and time to be designated in the notice, but the maximum time to remedy a violation after service of such notice shall not exceed one hundred twenty (120) days. In the case of severe financial or physical hardship, the council may grant an extension to the time limit. Said violation shall be corrected "immediately" in the case of imminent danger to the public health, safety, or welfare. Service of notice may be proven by filing an affidavit of service in the office of the city clerk setting forth the manner and time thereof.

- C. Report Of Failure To Abate: When notice so given is not complied with, such noncompliance shall be reported forthwith to the city for such action as may be necessary and deemed advisable to abate and enjoin further continuation of such nuisance, including referring the matter to the city's prosecuting attorney to pursue a judicial remedy on behalf of the city. A violation of this chapter shall be subject to a penalty as provided in section 1-4-1 of this code.
- D. Abatement By City: In the event the city chooses to abate said violation, the city shall adopt a resolution setting forth the specific details of the corrective matters to be taken. A copy of the resolution shall be sent to the property owner by certified mail and if the violation is not abated within ten (10) days of the mailing of said resolution, the city shall take all actions necessary to abate said violation, keeping accurate records of the cost of the same.
- E. Costs To Owner: The finance director shall prepare a bill and mail it to the owner of the property for the costs incurred by the city, including, but not limited to, administrative costs, attorney fees and costs and the costs of any outside contractor engaged by the city to correct such violation, and thereupon the amount shall be immediately due and payable to the city (the "bill").
- F. Special Assessment: If the bill is not paid to the city within twenty (20) days after the mailing of the bill, the city clerk shall extend the costs of abating the violation as a special assessment against the property upon which the violation was located, and such special assessment shall, at the time of certifying taxes to the county auditor, be certified for collection as other special taxes and assessments are certified and collected. The city council may specify an additional penalty for such special assessment collections.
- G. Alternative Means Of Enforcement: This section provides an alternative means of enforcement of the terms of this chapter, and nothing in this section shall be construed in such a way as to limit or restrict the city's right to pursue available remedies under other

law, including civil or criminal proceedings, as may be applicable. (Ord. 444, 11-20-2012; amd. Ord. 566, 7-6-2021)

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CHAPTER 8: RULES AND DEFINITIONS

ARTICLE A. PURPOSE AND GENERAL PROVISIONS

12-8A-1 Rules of Word Construction

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

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The word “shall” and “must” are mandatory, and the word “may” is permissive.
- D. Whenever a word or term defined hereinafter appears in the text of this Zoning Ordinance, its meaning shall be construed as set forth in such Chapter.
- E. Whenever a word or term in this Zoning Ordinance is not expressly defined in this Chapter, then the word shall be construed to have the common definition as established by dictionary.
- F. All measured distances expressed in feet shall be to the nearest tenth of a foot.

ARTICLE B. DEFINITIONS OF ZONING CHAPTERS 1, 2, 3, 4, 5 AND 7 OF THIS TITLE

12-8B-1 Definitions

ACCESSORY MOTOR FUEL STATIONS USES. Include one or more of the following:

- A. Rental of camper trailers of less than fifteen feet (15') in length.
- B. Rental of camper trucks and camper buses.
- C. Rental of open, covered, and stake trailers.
- D. Rental of trucks except tractor trailer units.
- E. Motor fuel station convenience stores.

ACCESSORY USE OR STRUCTURE. A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

ACCESSORY BUILDING – PRIVATE GARAGE. Means an Accessory Building that is generally used for storage of personal vehicles and other residential storage and is for the purpose of serving a single-family attached or detached residential unit. The Private Garage may be attached or detached to the Principal Building.

ACCESSORY STRUCTURE – STORAGE BUILDING. Means an Accessory Building that is generally used for the storage of personal items. Such structures may include a small storage shed or chicken coop, etc.

ACCESSORY STRUCTURE – NON-BUILDING STRUCTURES. Means an Accessory Structure that does not meet the definition of a Building but is permanently affixed to the land and may increase the impervious coverage of a property. Such structures may include, but are not limited to, a children's play structure, children's treehouse, above ground or inground pool, sport court, gazebo, patio, etc.

ADULT USES. See Article C of this Chapter.

AGRICULTURE-URBAN. An area less than five (5) contiguous acres which is used for the purpose of growing produce including crops, fruits, trees, shrubs, plants and flowers, vegetables, and the like, provided such produce is intended solely for the use of residents on the property or sale away from the property. It shall not include the raising of animals, roadside stands for sale of products, processing or packaging operations, or similar uses.

AIRPORT OR HELIPORT. Any land or structure which is used or intended for use for the landing and takeoff of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights of way.

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

ALTERNATIVE ENERGY SYSTEM. A ground source heat pump, wind or solar energy system.

ANIMALS, DOMESTIC. Dogs, cats, birds and other common domestic household pets including female chickens (*Gallus gallus domesticus*) kept for purposes of companionship or egg production for household use only.

ANIMALS, FOOD. Fish, fowl, cattle, swine, sheep and others typically raised for purposes of food consumption, with the exception of bees where specifically allowed by the zoning districts.

ANIMALS, FUR. Animals raised for pelts.

APARTMENT. A room or suite of rooms with full housekeeping facilities which is rented on a monthly basis.

ATTORNEY. The person licensed by the state to practice law who has been engaged by the city council.

AUTOMOBILE REDUCTION YARD. A lot or yard where three (3) or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including bodywork, framework, and major painting service.

AUTOMOBILE REPAIR, MINOR. The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of a three- fourths (3/4) ton rating.

BASEMENT. That portion of the building having more than one- half (1/2) of the floor to ceiling height below the average grade of the adjoining ground.

BASEMENT, EXPOSED. A portion of a building located partly underground, but having less than half its floor to ceiling height below the average grade of the adjoining ground.

BLOCK. An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

BOARDING HOUSE. A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

BUILDABLE AREA. Buildable Area is the area on a lot excluding the required front yard setback, all delineated wetlands, waterways or lakes as established by OHWL, steep slopes in excess of 18%, Bluff setback or Bluff Impact Zone.

BUILDING. Any structure having a roof and at least three (3) walls which may provide shelter or enclosure of persons, animals, or chattels, 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 FOOTPRINT. The outline of the total area covered by a building's perimeter at the ground level to the block/foundation.

BUILDING HEIGHT. The vertical distance from the average grade of the front building line, as established in the approved grading plan for the lot, to the top of the cornice of a flat roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the average distance of the highest gable on a pitched or hip roof.

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

CARPORT. An open sided, roofed automobile shelter usually formed by extension of the roof from the side of a building.

CHICKEN COOP. Any structure used for the housing of chickens.

CHICKEN RUN. A fenced outdoor area for the keeping and exercising of chickens.

CHURCH. A building, together with its accessory building 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.

CLUB OR LODGE. A nonprofit association of persons who are bona fide members paying annual dues, the use of premises being restricted to members and their guests.

CLUSTER OR CLUSTERING (HOUSING). The word “clusters or clustering” means the placement of two (2) or more housing units, whether single-family, or multi-family, or mixed, in closer proximity than is permitted under the regulations applicable to the Zoning District or districts in which the project area is proposed to be located.

COLLEGE (OR UNIVERSITY). An educational institution, either private or public, which offers classes and training to full and/or part time students in academic fields, and which offers associate, baccalaureate, and/or graduate degrees or diplomas. A college or university may include accessory facilities including housing, recreation facilities, and other facilities for the convenience of the student population.

COMMERCIAL OFFICES. A commercial use involving predominantly administrative, clerical, or professional operations. Commercial offices may include professional and administrative training, but shall not include direct retail commercial transaction activities. Professional training may include classes and training offered by professional or administrative entities to consumers of professional services.

COMMON OPEN SPACE. That portion of the total property of a planned unit development to be used by its residents for both passive and active recreation and owned and maintained by an agency other than the Governing Body.

COMPREHENSIVE PLAN. Unless otherwise stated, it is the general plan for land use, transportation and community facilities prepared and maintained by the Planning Commission and approved by the City Council.

CONDITIONAL USE. Either a public or private use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

CONDITIONAL USE PERMIT. A permit specially and individually granted for a conditional use in any district.

COUNCIL. Within this Chapter, shall refer to the City Council of Mendota Heights.

CURB LEVEL. The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level".

CUSTODIAL CARE CENTER. A facility used to provide care for aged or infirm persons who require only personal services as board, room, laundry, and other personal services, where nursing services are not provided.

DAYCARE CENTER. A facility which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis for periods of less than 24 hours per day, in a place other than the person's own home.

DOG TRAINING FACILITY. An indoor or outdoor facility utilized for the organized training and care of dogs.

DWELLING. A building or one or more portions thereof occupied or intended to be occupied exclusively for residence purposes, but not including motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins or trailer coaches.

DWELLING, ATTACHED. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED. A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE. A building having two (2) or more dwelling units.

DWELLING, TOWNHOUSE. A dwelling unit having one or more walls in common with another, oriented so as to have direct access outside.

EARTH SHELTERED STRUCTURE. A building designed by a registered architect and/or engineer and constructed so that the surface area of the building, excluding the garage or accessory buildings, is partially sheltered with earth.

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER, CITY. The professional engineer engaged by the city council.

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

FAMILY. An individual, or two (2) or more persons each related by blood, marriage or adoption or other parent/child relationship, living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household.

FENCE. Any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure.

FLOOD. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

FLOOD, DESIGN. The design flood which has been calculated for a given watershed or area from record and study. In the absence of any special engineering studies, the 100-year event shall be used as a standard in this Chapter in determining areas subject to flooding.

FLOODPLAIN. The land adjacent to a body of water which has been or may be hereafter covered by floodwater.

FLOODPLAIN DISTRICT. The area adjoining a river, stream, drainage channel, lake, pond or any low area which is subject to flooding.

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 to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

FLOODWATER. The water of any river, stream, drainage channel, low area, lake, or pond which is above and/or outside the channel or banks of said river, stream, drainage channel, lake or pond.

FLOODWAY. The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream.

FLOODWAY DISTRICT. The channel or bed of a river, stream, drainage channel, lake, or pond and those portions of the floodplains adjoining which are required to efficiently carry and discharge the flow of the river or stream and for the purpose of this Chapter.

FLOOR AREA. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The "floor area" of a building or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

FLOOR AREA RATIO. The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

FLOOR PLAN, GENERAL. A graphic representation of the anticipated utilization of the floor area within a building structure.

GARAGE, ATTACHED: A private garage that is accessory and attached to the principal structure, that is primarily used for personal vehicles and storage.

GARAGE, DETACHED: A private garage that is accessory and detached to the principal structure, that is primarily used for personal vehicles and storage.

GARAGE, PUBLIC: A building or portion of a building used for the storage of vehicles for remuneration or gratis that is accessible to the general public.

GARAGE, REPAIR: A building or space for the maintenance of vehicles but not including auto wrecking or junk yards.

GOVERNING BODY: The city council of Mendota Heights.

HOME OCCUPATION: Any gainful occupation of a person residing in their dwelling that is clearly accessory to the principal use as a residential unit.

HOTEL: A building containing eight (8) or more guestrooms in which lodging is provided for compensation, with or without meals, and in which ingress and egress to and from all rooms is made through an inside lobby or inside office supervised by a person in charge.

INSTITUTIONAL USE: Uses operated as schools, places of worship, cemeteries, or government facilities.

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 the use.

INTERIM USE PERMIT: A permit specially and individually granted for an interim use in any district.

JUNKYARD: 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, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

KENNEL, ANIMAL: A place where three (3) or more of any single type of domestic animal, over four (4) months of age, are owned, boarded, bred or offered for sale.

LAND RECLAMATION: Restoration of land to usable form by depositing of clean fill materials so as to elevate the grade.

LANDSCAPING: Plantings such as trees, grass and shrubs.

LICENSED ENGINEER: A person licensed as a professional engineer by the state of Minnesota.

LOT: A parcel of land occupied or used or intended for occupancy or use by a use permitted in this Chapter, abutting on a public street, and of sufficient size to provide the yards required by this Chapter.

LOT AREA. The area of a lot in a horizontal plane bounded by the lot lines.

LOT AREA, PER DWELLING UNIT. The number of square feet of lot area required per dwelling unit.

LOT, BUTT. A lot located on the end of a block, excluding corner lots.

LOT, CORNER. A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street and the interior angle of which does not exceed 135°.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT LINE. The property line bounding a lot; except, that where any portion of a lot extends into a public right of way or a proposed public right of way, the line of such public right of way shall be the "lot line" for applying this Chapter.

LOT LINE, FRONT. That boundary of a lot which abuts an existing or dedicated public street and, in the case of a corner lot, the front lot line shall be designated by the owner, subject to the approval by the code enforcement officer. Appeals to the determination of the code enforcement officer may be filed with the zoning board of appeals in accordance with section [12-1L-3] of this Chapter.

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

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

LOT OF RECORD. Part of a subdivision, the plat of which has been recorded in the office of the register of deeds, or a parcel of land, the deed to which was recorded in the office of said register of deeds prior to the adoption of this Chapter.

LOT, THROUGH. A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this [Chapter 1].

LOT WIDTH. The maximum horizontal distance between the side lot lines of a lot measured within the first 30' of the lot depth.

MANUFACTURING. All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials, provided such use will not generate objectionable influences that extend beyond the lot on which the use is located.

MASSAGE THERAPY (THERAPEUTIC MASSAGE) BUSINESS. Any establishment or place providing to the public at large therapeutic massage services, other than a hospital, sanatorium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings, duly licensed under the provisions of Minnesota statutes sections 144.50 through 144.69.

MEAN FLOW LEVEL. The average flow elevation of a stream or river computed as the midpoint between extreme low and extreme high water.

MINING. The extraction of sand, gravel, rock, soil or other material from the land in the amount of four hundred (400) cubic yards or more and the removal from the site, except grading and/or excavation in connection with an approved development or building plan for which permits have been issued by the city council.

MOBILE HOME. Any type of structure or vehicle which is mounted on wheels or has provisions for wheels and which is designed to provide permanent residence.

MOBILE HOME PARK. Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

MOTOR COURT, MOTOR HOTEL OR MOTEL. A building or group of buildings other than a hotel used primarily as a temporary residence.

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 by motor truck.

MOTOR FUEL CONVENIENCE STORE. A store operated in conjunction with a motor fuel station or truck stop for the purpose of offering for sale goods not essential for the operation of motor vehicles.

MOTOR FUEL STATION. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include the sale of petroleum products and the sale and servicing of tires, batteries, automotive accessories, replacement items, lubrication services, and the performance of minor automotive maintenance and repair.

MOTOR HOME. All motor vehicles designed, constructed, or used to provide movable living quarters for recreational use.

NATURAL AREA: Any property managed for the development of indigenous prairie and/or forest plants, intended to exist in a wild or natural condition, according to a written plan.

NONCONFORMING STRUCTURE. A structure which is legally existing upon the effective date of this Chapter, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Chapter.

NONCONFORMING USE. Use of land, buildings or structures lawfully existing at the time of adoption of this Chapter which does not comply with all the regulations of this Chapter or any amendments hereto governing the zoning district in which such use is located.

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

NURSERY, DAY OR NURSERY SCHOOL. A business or home where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.

NURSERY, LANDSCAPE. A business growing and selling trees, flowering and decorative plants, and shrubs.

NURSING HOME. Any institution or facility required to be licensed as such under Minnesota statutes sections 144.50 to 144.56 by the state board of health.

OPEN SALES LOT. Land devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

OPEN STORAGE. Storage of material outside of a building.

OWNER. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having proprietary interest in the land.

PARKING SPACE. A surfaced and maintained area (9 by 20 feet) for the storage of one standard automobile.

PARKING SPACE, HANDICAPPED. A surfaced and maintained area (12 by 20 feet) for the parking of one standard automobile and identified for use by handicapped individuals.

PARTY WALL. A common wall which divides two (2) independent structures.

PEDESTRIANWAY. The right of way across or within a block for use by pedestrian traffic.

PERFORMANCE STANDARD. 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.

PERSON. A natural person of either gender, a partnership, corporation, political body, any other entity and any other association of persons.

PLANNED UNIT DEVELOPMENT. A development which consists of two (2) or more principal structures or uses on a single parcel of land.

PLANNING COMMISSION. The planning commission of the city of Mendota Heights.

PRIMARY SURFACE. A clear zone extending a distance of five hundred feet (500') centered on the centerline of a runway and extending to a distance of two hundred feet (200') beyond the end of a runway.

PROPERTY: Developed or undeveloped land, parcel or platted lot, including any buildings, structures, and accessory structures thereon.PROPERTY LINE. The legal boundaries of a parcel of land.

PROTECTIVE COVENANT. A contract between parties which constitutes a restriction on the use of property for the benefit of the owners.

PUBLIC LAND. Land owned and/or operated by a governmental unit.

PUBLICATION. An official notice as prescribed by state statutes.

PUMP SETBACK. The distance from the street right of way line to the centerline of the motor fuel station pump island measured as a perpendicular distance from the right of way.

RECREATION, COMMERCIAL. Recreational instruction and participative athletic uses, including jump/trampoline center, golf range/simulator, fitness center, sports training facility, martial arts school, dance school, and similar uses.

RECREATION EQUIPMENT. Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus but not including tree houses, swimming pools, playhouses exceeding twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment.

RESTAURANT, CAFETERIA. Food is selected by a customer while going through a serving line and taken to a table for consumption.

RESTAURANT, DRIVE-IN. Most customers purchase and consume their food while in an automobile.

RESTAURANT, FAST FOOD. A majority of customers order and are served their food at a counter, and then the food is taken to a table or counter where it is consumed, however, a significant number of people may take the food outside to eat in an automobile or off the premises.

RESTAURANT, TRADITIONAL. Food is served to a customer and consumed while seated at a counter or table.

RETAIL SALES. Stores and shops selling personal services or goods.

RIGHT OF WAY. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

ROOSTER. A male chicken.

SETBACK. The minimum horizontal distance between the line of a structure and the nearest specified property line.

SHELTER, FALLOUT OR BLAST. A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, blasts, air raids, storms, or other emergencies.

SIGN. Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person when the same is placed out of doors or displayed in view of the general public and shall include every detached sign or billboard and every sign attached to or forming a component part of a building, marquee, canopy, awning, street clock, pole, parked vehicle or other object, whether stationary or movable. However, a "sign" shall not include any display of traffic directional signs, street name signs or other signs which have been authorized and erected by a government body.

SIGN, ADVERTISING (BILLBOARD). A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.

SIGN, ELECTRONIC DISPLAY. A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. Electronic display signs include computer programmable, microprocessor controlled electronic displays. A scoreboard being used during an organized sporting event shall not be considered a sign.

SIGN, FLASHING. An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times in which such sign is in use.

SIGN, GROSS AREA OF. The area within the frame shall be used to calculate the square feet; except, that the width of the frame exceeding twelve inches (12") shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in any such way as to be without a frame, the dimensions for calculating the square footage shall be the area extended six inches (6") beyond the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign.

SIGN, ILLUMINATED. Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights including, but not limited to, LEDs and luminous tubes as a part of the sign proper.

SIGN, MARQUEE OR CANOPY. Any message or identification which is affixed to a projection or extension of a building or structure, erected in such a manner as to provide a shelter or cover over the approach to any entrance to a store, building or place of assembly.

SIGN, MONUMENT. Any freestanding sign independent from any building or other structure that is mounted on the ground or mounted on a foundation base structure at least as wide as the sign. A monument sign is typically solid from grade to the top of the structure.

SIGN, NAMEPLATE. Any sign which states the name or address, or both, of the business or occupant of the lot where the sign is placed or may be a directory listing the names, addresses, and business of occupants.

SIGN, PYLON. Any freestanding sign independent from any building or other structure that has its supportive structure(s) anchored in the ground and a sign face elevated above ground by a pole(s), post(s) or beam(s) with an open area below the face of the sign.

SIGN, TEMPORARY. A sign allowed for a period of ninety (90) days or less.

SOLAR ENERGY SYSTEM. A device, set of devices, or structural design feature, whose primary purpose is to transform solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR ENERGY SYSTEM, BUILDING INTEGRATED. An active system that is an integral part of a principal or accessory structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar energy systems contained within roofing materials, windows, skylights, and awnings.

SOLAR ENERGY SYSTEM, PASSIVE. A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. An exposed basement shall be counted as a full story, and a cellar basement shall not be counted as a story.

STREET. A public right-of-way which affords a primary means of access to abutting property.

STREET, COLLECTOR. A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

STREET, DEAD END OR CUL-DE-SAC. A street with only one (1) vehicular traffic outlet.

STREET, HALF. A street designed to provide access only to one (1) side of the right-of-way.

STREET, MAJOR OR THOROUGHFARE. A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET, MINOR. A street intended to serve primarily as an access to abutting properties.

STREET, PRIVATE. A street which is not dedicated to the community for public use.

STREET, PUBLIC. A public right of way developed to afford primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, or boulevard, in accordance with the metropolitan council functional classification of transportation facilities.

STREET, SERVICE. A marginal access street which is generally parallel and adjacent to a major street.

STREET WIDTH. The width of the right-of-way, measured at right angles to the centerline of the street.

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

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground. This shall include signs and fences.

TEMPORARY GARDEN CENTER. Temporary greenhouse and display areas for plant materials allowed for a limited time period in a specified location.

THEATER. A structure within which motion pictures or dramatic performances are offered as entertainment for the general public. For the purpose of applying parking and signage standards, a structure containing multiple motion picture screens shall be considered a single theater.

TRAVEL TRAILER. Any trailer which is not used as a residence but is used for temporary living quarters for recreational activities and is towed on public roads in connection with such use.

TRUCK STOP. A motor fuel station devoted primarily to the needs of over the road tractor trailer units and trucks, and which shall include eating or sleeping facilities, and located abutting the right-of-way of a controlled or limited access divided highway, expressway, freeway, or interstate highway of four (4) or more lanes, and on a major city thoroughfare.

USE. The purpose or activity for which the land or building thereon is designated, 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 Chapter.

VEHICLES. Shall include trailers, boats, watercraft, "ski-doo's", snowmobiles, four (4) wheelers, and ATVs. (Ord. 401, 7-19-2005)

VETERINARY. Those uses concerned with the diagnosis, treatment, medical care of animals, as well as storage and disposal of dead animals, including animal or pet hospitals.

VIDEO/ELECTRONIC DISPLAY SCOREBOARD. A display board equipped with video or electronic components encompassing a majority of the surface erected at an athletic field, or similar outdoor facility, which shows the score of a contest and other relevant information to spectators at an event.

WAREHOUSING. The storage of materials or equipment within an enclosed building.

WEEDS: All grasses, annual or perennial plants and vegetation, other than trees or shrubs. This term shall not include cultivated lawns, flowers and gardens. (Ord. 444, 11-20-2012)
WHOLESALEING. The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Chapter. A "yard" shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

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.

YARD, REAR. A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE. A yard extending along the 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.

ZONING ADMINISTRATOR. That person designated by the City Administrator and approved by City Council as being responsible for the administration of this Chapter.

ZONING DISTRICT. An area or areas within the limits of the City for which the regulations and requirements governing use, lot and size of buildings and premises are uniform.

ARTICLE C. DEFINITIONS OF ADULT USES OF THIS TITLE

12-8C-1 Definitions

For the purpose of this chapter, the following terms and definitions listed below shall apply unless the context clearly indicates or requires a different meaning. The standards applicable to Adult Uses are established within [Chapter 3].

ADULT-ORIENTED BUSINESS. A business that: (a) has any sexually-oriented materials in its inventory, stock in trade or publicly traded merchandise; (b) devotes any of its floor area (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) to sexually-oriented materials; (c) derives any revenue from sexually-oriented materials; or a business that engages for any length of time in a sexually-oriented use as defined herein or any other use that has an emphasis on specified sexual activities or specified anatomical areas.

ADULT-ORIENTED ESTABLISHMENT. Any sexually-oriented business or sexually-oriented use.

ADULT-ORIENTED MATERIALS. Visual, printed or aural materials, and other objects or devices, which: (1) Contain, depict, simulate or describe specified sexual activities or specified anatomical areas; (2) Are marketed for use in conjunction with, or are primarily used only with or during, specified sexual activities; or (3) Are designed for sexual stimulation.

ADULT-ORIENTED USES. Any of the following activities, even if the activity exists for only a short time.

- A. ADULT BODY PAINTING STUDIO. An establishment or business which excludes minors by reason of age, and which provides the service of applying paints or other substances, whether transparent or non-transparent, to the body of a patron when the body is wholly or partially nude in terms of specified anatomical areas.
- B. ADULT BOOKSTORE. A building or part of a building used for the barter, rental or sale of items consisting of: instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities; or printed matter, pictures, slides, records, audio tape, videotape, motion picture film, CD ROMs, DVDs or other forms of recording if such items are distinguished or characterized by the emphasis on the depiction or description of specified sexual activities or specified anatomical areas. No obscene work shall be allowed.
- C. ADULT CABARET. A building or portion of a building used for providing dancing or other live entertainment, if the building or portion of a building entertainment is distinguished and characterized by an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas.

- D. ADULT CAR WASH. A wash facility for any type of motor vehicle that allows employees, agents, independent contractors or persons to engage in specified sexual activities or to display specified anatomical areas.
- E. ADULT COMPANION ESTABLISHMENT. A companion establishment and which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if the service is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.
- F. ADULT CONVERSATION/RAP PARLOR. A conversation/rap parlor which excludes minors by reason of age, and which provides the services of engaging in or listening to conversation, talk or discussion if the service is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.
- G. ADULT HEALTH/SPORT CLUB. A health/sport club if the club which excludes minors by reason of age, and is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.
- H. ADULT HOTEL OR MOTEL. A hotel, motel or similar commercial establishment which excludes minors by reason of age, and which: (a) offers accommodations to the public, for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; (b) Offers a sleeping room for rent for a period of time that is less than ten hours; (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours; or (d) allows for temporary patronage and where material is presented which is distinguished and characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- I. ADULT MASSAGE PARLOR, HEALTH CLUB. A massage parlor or health club which excludes minors by reason of age, and which provides the services of massage, if the service is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.
- J. ADULT MINI-MOTION PICTURE THEATER. A building or portion of a building which a capacity for less than 50 persons used for presenting material if the material is distinguished and characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- K. ADULT MODELING STUDIO. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to the customers and who engage in specified sexual activities or display specified anatomical areas while being observed,

painted, painted upon, sketched, drawn sculptured, photographed or otherwise depicted by the customers.

- L. ADULT MOTION PICTURE ARCADE. Any place to which the public is permitted or invited, except for minors by reason of age, and wherein coin or slug operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished and characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- M. ADULT MOTION PICTURE STUDIO. A building or portion of a building used for the production, recording, filming or taping of videos or films distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- N. ADULT MOTION PICTURE THEATER. A building or portion of a building with a capacity of 50 or more persons, except for minors by reason of age, and used for presenting material if the building or portion of a building as a prevailing practice of age or if the material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.
- O. ADULT NOVELTY BUSINESS. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- P. ADULT SAUNA. A sauna which provides a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.
- Q. ADULT STEAM ROOM/ BATHHOUSE FACILITY. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning; relaxing or reducing agent if the service provided by the steam room/bathhouse is distinguished and characterized by an emphasis on specified sexual activities or specified anatomical areas.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other considerations.

SPECIFIED ANATOMICAL AREAS: (a) Less than completely or opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola; and (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia;
- B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast(s);
- E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, bettering, binding or other physical restraint of any such persons;
- F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation in the context of a sexual relationship.

ARTICLE D. DEFINITION OF CRITICAL AREA OVERLAY DISTRICT OF THIS TITLE

12-8D-1 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the same meaning they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

ACCESS PATH. An area designated to provide ingress and egress to public waters.

ADJACENT. Having a boundary that physically touches or adjoins.

AGRICULTURAL USE. A use having the meaning given under Minnesota Statutes, section 40A.02.

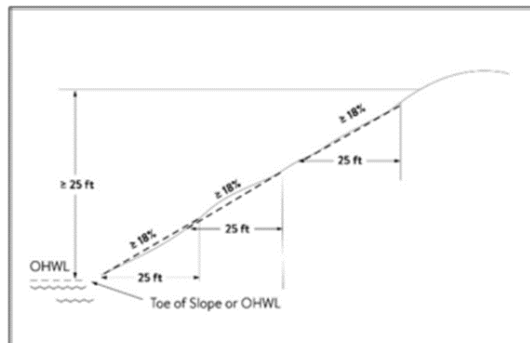
ALTERNATIVE DESIGN. Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

BIOLOGICAL AND ECOLOGICAL FUNCTIONS. The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

BLUFF. A natural topographic feature having:

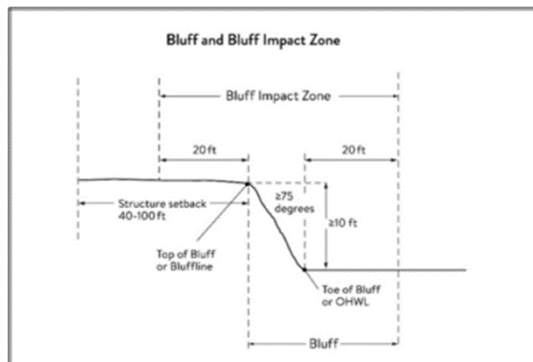
- A. A slope that rises at least 25' where the grade of the slope averages 18% or greater, measured over any horizontal distance of 25', from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope [See Figure 12-8D-1.1 - below]; or

[Figure 12-8D-1.1 Bluff Diagram]



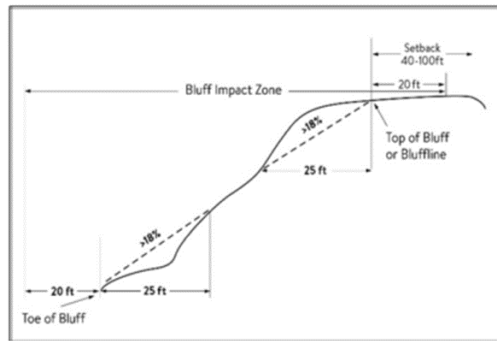
- B. A natural escarpment or cliff with a slope that rises at least ten feet (10') above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75° or greater [See Figure 12-8D-1.2 - below].

[Figure 12-8D-1.2 Natural Escarpment Bluff and Bluff Impact Zone Diagram]



BLUFF IMPACT ZONE. A bluff and land located within twenty-feet (20') of the bluff. See Figure [12-8D-1.2] for natural escarpment or cliff example and Figure [12-8D-1.3] for more common bluff example.

[Figure 12-8D-1.3 Toe, Top and Bluff Impact Zone Diagram]



BLUFFLINE. A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

BLUFF, TOE OF. A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18% and the slope below the line is eighteen percent (18%) or less, measured over a horizontal distance of 25'. See [Figure 12-8D-1.2] for natural escarpment of cliff example and [Figure 12-8D-1.3] for more common bluff example.

BLUFF, TOP OF. A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18% and the slope above the line is 18% or less, measured over a horizontal distance of 25'. See [Figures Figure 12-8D-1.1 and Figure 12-8D-1.2.]

BUILDABLE AREA. The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

BUILDING. A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

CERTIFICATE OF COMPLIANCE. A document written after a compliance inspection, certifying that the development complies with applicable requirements at the time of the inspection.

CITY. The City of Mendota Heights, Minnesota.

COMMISSIONER. The commissioner of the Minnesota Department of Natural Resources.

CONDITIONAL USE. A use having the meaning given under Minnesota Statutes, Chapters 462.

CONSERVATION DESIGN. A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

CONVENTIONAL SUBDIVISION. A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

DECK. A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

DEVELOPER. Has the meaning given under Minnesota Statutes, section 116G.03.

DEVELOPMENT. Has the meaning given under Minnesota Statutes, section 116G.03.

DISCRETIONARY ACTION. An action under this Chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezoning.

DOCK. Has the meaning given under Minnesota Rules, Chapter 6115.

ELECTRIC POWER FACILITIES. Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, section 216E.

ESSENTIAL SERVICES. Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, Chapter 115.01, electric power facilities or transmission services.

FEEDLOT. Has the meaning given for animal feedlots under Minnesota Rules, Chapter 7020.

FLOODPLAIN. Has the meaning given under Minnesota Rules, Chapter 6120.

FULLY RECONSTRUCTS. The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

HARD-SURFACE TRAIL. A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.

HISTORIC PROPERTY. An archaeological site, standing structure, site, district, or other property that is:

- A. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, Chapter 471;
- B. determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the director of the Minnesota Historical Society; or
- C. An unplatted cemetery that falls under the provisions of Minnesota Statutes, Chapter 307, in consultation with the Office of the State Archaeologist.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

INTENSIVE VEGETATION CLEARING. The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

INTERIM USE. Has the meaning given under Minnesota Statutes, section 462.

KEYSTONE SPECIES. A species on which other species in an ecosystem largely depend, such that if it were removed the ecosystem would change drastically.

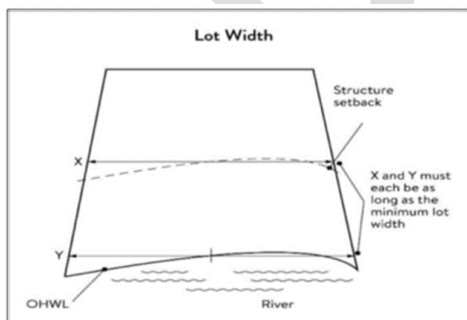
LAND ALTERATION. An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

LOCAL GOVERNMENT. Counties, cities, and townships.

LOT. Has the meaning given under Minnesota Rules, Chapter 6120.

LOT WIDTH. The shortest distance between lot lines measured at both the ordinary high-water level and at the required structure setback from the ordinary high-water level. [See Figure 12-8D-1.4 below]

[Figure 12-8D-1.4 Lot Width Diagram]



MARINA. Has the meaning given under Minnesota Rules, Chapter 6115.

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA). The area within the River Corridor Boundary (refer to separate definition noted herein).

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA PLAN. A Chapter in the City of Mendota Heights Comprehensive Plan.

MOORING FACILITY. Has the meaning given under Minnesota Rules, Chapter 6115.0170.

NATIVE PLANT COMMUNITY. A plant community that has been identified as part of the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.'

NATIVE VEGETATION. Vegetation comprised of plant species, other than noxious weeds or invasive vegetation, that are indigenous to a region, and which reasonably could occur or flourish naturally on a site.

NATURAL-SURFACE TRAIL. A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

NATURAL VEGETATION. Any combination of ground cover (excluding any vegetation considered invasive), understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

NONCONFORMITY. The meaning given under Minnesota Statutes, section 394.22.

NONMETALLIC MINING. The construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

OFF-PREMISES ADVERTISING SIGNS. Signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

ORDINARY HIGH-WATER LEVEL (OHWL). Has the meaning given under Minnesota Statutes, section 103G.005.

OVERLAY DISTRICT. A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

PARCEL. Has the meaning given under Minnesota Statutes, section 116G.03.

PATIO. A constructed hard surface located at ground level with no railings and open to the sky.

PICNIC SHELTER. A roofed structure open on all sides, accessory to a recreational use.

PLANNED UNIT DEVELOPMENT (PUD). A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and/or phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

PLAT. Has the meaning given under Minnesota Statutes, sections 505 and 515B.

PORT. A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, Chapter 458.

PRIMARY CONSERVATION AREAS (PCA). Resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, underground springs, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

PRIVATE FACILITIES. Private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.

PROFESSIONAL ENGINEER. An engineer licensed to practice in Minnesota.

PUBLIC FACILITIES. Public utilities, public transportation facilities, and public recreational facilities.

PUBLIC RECREATION FACILITIES. Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

PUBLIC RIVER CORRIDOR VIEWS (PRCVs). Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA Chapter of the Comprehensive Plan.

PUBLIC TRANSPORTATION FACILITIES. All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

PUBLIC UTILITIES. Electric power facilities, essential services, and transmission services.

PUBLIC WATERS. Has the meaning given under Minnesota Statutes, section 103G.005.

PUBLIC WORKS DIRECTOR. A person designated by the City Administrator and approved by the City Council as being jointly responsible for the administration of this Chapter.

READILY VISIBLE. Land and development that are easily seen from the ordinary high-water level of the opposite shore during summer months.

RESOURCE AGENCY. A Federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

RETAINING WALL. A vertical or nearly vertical structure constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

ROCK RIPRAP. Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour or water or ice erosion.

RIVER CORRIDOR BOUNDARY. The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.

RIVER-DEPENDENT USE. The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

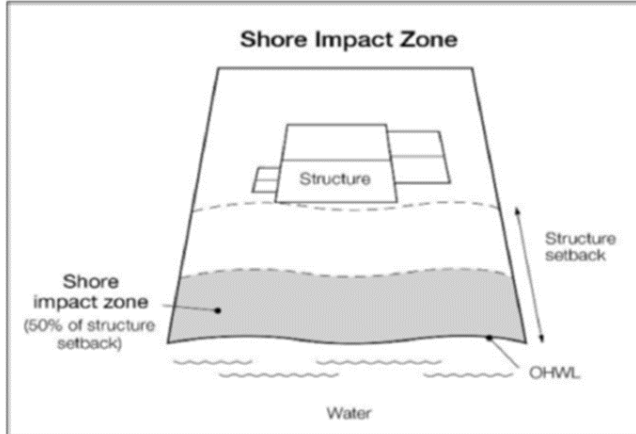
SCOUR. The localized removal of material from the streambed by flowing water, and is the opposite of fill.

SELECTIVE VEGETATION REMOVAL. The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

SETBACK. A separation distance measured horizontally.

SHORE IMPACT ZONE (SIZ). Land located between the ordinary high-water level of public waters and a line parallel to it at a setback of fifty percent (50%) of the required structure setback or, for agricultural use fifty feet (50') landward of the ordinary high water level. [See Figure 12-8D-1.5 - below].

[Figure 12-8D-1.5 Shore Impact Zone Diagram]



SHORELINE FACILITIES. Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

STEEP SLOPE. A natural topographic feature with an average slope of 12% to 18%, measured over a horizontal distance equal to or greater than 50', and any slopes greater than 18% that are not bluffs.

STORM WATER MANAGEMENT FACILITIES. Facilities for the collection, conveyance, treatment, or disposal of storm water.

STRUCTURE. Anything constructed or installed or portable, except for aerial or underground utility lines such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, decks, billboards, swimming pools, and advertising signs.

SUBDIVISION. Has the meaning given under Minnesota Statutes, section 462.352.

SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS). Has the meaning given under Minnesota Rules, part 7080.1100.

TRANSMISSION SERVICES:

A. Electric power lines, cables, pipelines, or conduits that are:

1. Used to transport power between two points, as identified and defined under Minnesota Statutes, section 216E.01, subdivision 4; or
 2. For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and
- B. Telecommunication lines, cables, pipelines, or conduits.

TREELINE. The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

UNDERGROUND SPRING. A place where water moving underground finds an opening to the land surface and emerges, sometimes as just a trickle, and in some cases only after a storm event, and in some cases seen as a continuous flow of water.

VARIANCE. Any modification or variation of official controls that a municipality has approved in accordance with Minnesota Statutes, section 462.357, subd. 6(2).

WATER ACCESS RAMP. A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

WATER-ORIENTED ACCESSORY STRUCTURE. A small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

WATER QUALITY IMPACT ZONE. Land within the shore impact zone or within 50' of the OHWL of the river, whichever is greater, and land within 50' of a public water, wetland, or natural drainage route.

WETLAND. Has the meaning given under Minnesota Statutes, section 103G.005.

WHARF. Has the meaning given under Minnesota Rules, part 6115.0170.

ZONING ADMINISTRATOR. A person designated by the City Administrator and approved by the City Council as being jointly responsible for the administration of this Chapter.

ARTICLE E. DEFINITIONS OF AIRCRAFT NOISE ATTENUATION OF THIS TITLE

12-7E-1 Definitions

AIRCRAFT NOISE ZONE. Any one of the four (4) zones identified on the map attached to ordinance 232 and incorporated herein by reference.

CONSISTENT. Land uses that are acceptable.

dba. A unit of sound pressure level weighted by use of the A metering characteristics and weighting as specified in the American National Standards Institute specification for sound level meters (ANSI S1.4-1983), which is hereby incorporated by reference. "dba" is also referred to as an A-weighted decibel.

DNL. The day-night sound level, or the twenty four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight, obtained after the addition of ten (10) dba to sound levels measured from ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.

INCONSISTENT. Land uses that are not acceptable even if acoustical treatment was incorporated in the structure.

INFILL DEVELOPMENT. Pertains to an undeveloped parcel or parcels of land proposed for development similar to or less noise sensitive than the developed parcels surrounding the undeveloped parcel (for example, a new house on a vacant lot in a residential neighborhood, or a new industry on a vacant parcel in an established industrial area).

Ldn. The day-night average level, or the twenty four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight, obtained after the addition of ten (10) dba to sound levels measured from ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.

Leq. The equivalent continuous sound level which, over the period of one hour, has the same A-weighted sound energy as the time varying sound.

MAJOR REDEVELOPMENT. A relatively large parcel of land with all structures proposed for extensive rehabilitation or demolition, and different uses (for example, demolition of a square block of old office and hotel buildings for new housing, office, commercial uses; conversion of warehouse to office and commercial uses).

NEW DEVELOPMENT. A relatively large, undeveloped tract of land proposed for development (for example, a residential subdivision, industrial park or shopping center).

NOISE REDUCTION LEVEL. The difference between the exterior and interior sound level, expressed in dba, is achieved by the intervening structure.

RECOGNIZED ACOUSTICAL SPECIALIST. A person qualified by education and experience to conduct sound analyses of buildings and approved for such purpose by the city. The approved individual shall have at least three (3) years of experience in the field of sound control and a degree from a recognized institute of higher learning in the process of sound analysis of buildings.

RECONSTRUCTION OR ADDITIONS TO EXISTING STRUCTURES. Pertains to replacing a structure destroyed by fire, age, etc., to accommodate the same use that existed before destruction, or expanding a structure to accommodate increased demand for an existing use but does not pertain to remodeling or rehabilitating existing residential buildings nor to the construction of an appurtenance to an existing residential building.

SOUND. Energy that is transmitted by pressure waves in the air or in other materials and is the objective cause of the sensation of hearing. It is commonly called "noise" if it is unwanted.

SOUND ATTENUATION. The reduction in sound level which occurs between the source and receiver.

SOUND LEAK. An opening in a structure through which sound can pass. "Sound leaks" are often extremely small holes or cracks. In general, an air leak is a "sound leak".

SOUND LEVEL. The level of sound pressure measured with a sound level meter and one of its weighting (frequency) networks. When A-weighting is used, the "sound level" is expressed as dBA.

SOUND TRANSMISSION CLASS (STC). A single number rating for describing the degree of sound transmission loss specified for a wall, window, partition or other building element. The higher the STC, the more attenuation the building element will afford.

ADOPTED this 17th day of September, 2024 by the City Council for the City of Mendota Heights.

CITY COUNCIL

CITY OF MENDOTA HEIGHTS

Stephanie B. Levine, Mayor

ATTEST:

Nancy Bauer, City Clerk

CITY OF MENDOTA HEIGHTS

BASE AND OVERLAY ZONING DISTRICTS

BASE ZONING DISTRICTS

- RE Residential Estate
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 Multi-Family Residential
- MU Mixed Use
- B-1 General Business
- B-2 Neighborhood Business
- I Industrial
- State Park

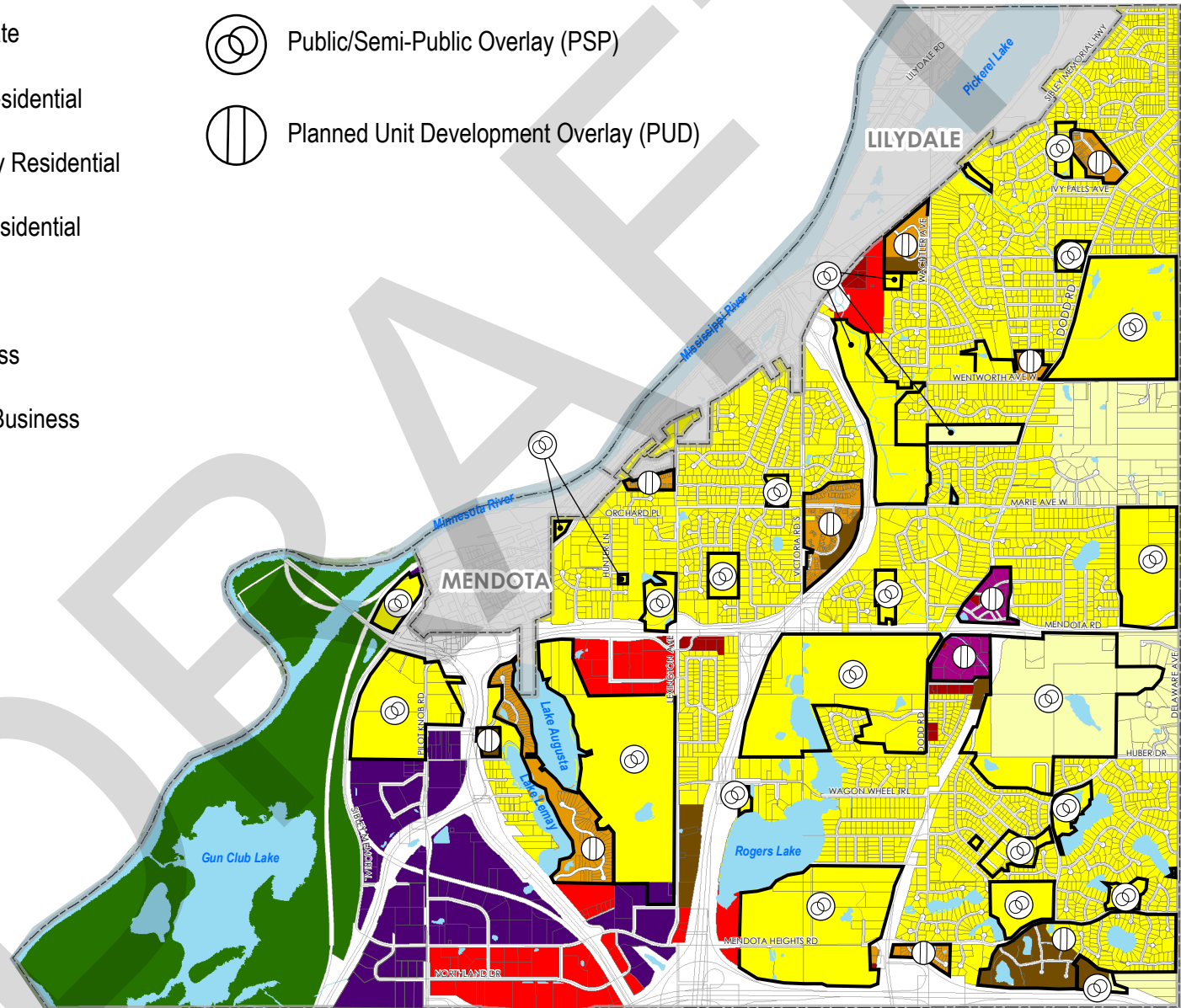
OVERLAY ZONING DISTRICTS

- Public/Semi-Public Overlay (PSP)
- Planned Unit Development Overlay (PUD)



0 0.25 0.5 Miles

Source: Dakota County
City of Mendota Heights
Created by: SHC, LLC.



**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 593**

**ADDING TITLE 15: ENVIRONMENTAL STANDARDS TO THE CODE OF
ORDINANCES**

The City Council of the City of Mendota Heights does ordinance:

**Section 1. The City Code is amended to ADD Title 15: ENVIRONMENTAL STANDARDS
as follows:**

CHAPTER 1: TITLE, PURPOSE, AND CONFORMANCE

ARTICLE A. TITLE, PURPOSE AND INTERPRETATION

Title and Application

This Title shall be known, cited and referred to as the *MENDOTA HEIGHTS ENVIRONMENTAL STANDARDS* or except as referred to hereinafter, where it shall be known as this “Environmental Standards Ordinance”.

15-1A-1 Intent and Purpose

- A. This Environmental Standards Ordinance is adopted for the purposes of:
1. Implementing the Natural Resources Plan incorporated as part of the City’s Comprehensive Plan.
 2. Protect the health and safety of residents.
 3. Protect water quality and minimize stormwater runoff.
 4. Prevent erosion or flooding.
 5. Control or eliminate soil erosion and sedimentation.
 6. Encourage renewable energy systems that have a positive impact in energy conservation, with limited adverse impact on the community.
 7. Maintain slope stability and existing drainage patterns.

15-1A-2 Application and Interpretation

- A. Minimum Requirements. In their interpretation and application, the provisions of this Environmental Standards Ordinance shall be held to be the minimum requirements for the promotion of pub
- B. This article shall apply to any person, developer or use that would alter or impact a natural resource which shall be identified by, or included within, an:
 - 1. Officially adopted map.
 - 2. Wetland Delineation and any Mitigation or Replacement.
 - 3. Identified public water as established by the MN Department of Natural Resources.
 - 4. Significant or Heritage Tree Removal.
 - 5. Forest Alteration

15-1A-3 Separability

It is hereby declared to be the intention that the provisions of this Environmental Standards Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall judge any provisions of this Environmental Standards Ordinance to be invalid, such judgement shall not affect any other provision of this Environmental Standards Ordinance not specifically included in said judgment.
- B. If any court or competent jurisdiction shall judge the application of any provision of this Environmental Standards Ordinance to a particular property, building or structure, such judgement shall not affect any other property, buildings or structures.

CHAPTER 2: ADMINISTRATION, ROLES, AND RESPONSIBILITIES

15-2-1 Administration and Enforcement Officials

This Environmental Standards Ordinance shall be administered and enforced by the Public Works Director, who may designate the Zoning Administrator, Natural Resources Coordinator or assigns as referenced throughout this Chapter. The following roles and responsibilities of the Public Works Director, or as may be assigned, are established:

- A. Wetland Delineation Certification in accordance with the Wetland Conservation Act.
- B. Review and approval of any administrative permit for compliance with the requirements of this Environmental Standards Ordinance.
- C. All applications for any permit required by this Environmental Standards Ordinance are received, dated, and filed.
- D. Coordinate the review process required by this Environmental Standards Ordinance which may include review and recommendation by the Natural Resources Commission.
- E. Issuance of any Administrative Permit or WCA Permit including, but not limited to, the Notice of Decision and mitigation or replacement plans.
- F. Permanent and current records of this Environmental Standards Ordinance are maintained, including, but not limited to all maps, amendments, conservation easements, permit approvals, and required official actions.
- G. The Public Works Director shall institute in the name of the City appropriate actions or proceedings against a violator of this Environmental Standards Ordinance as provided by law.

15-2-2 Natural Resources Commission

The Natural Resources Commission ("NRC") is established for the City on [XXXX, XXX]. The following is established:

- A. Meetings, Procedures, Records.
 - 1. The NRC shall be appointed by the City Council and shall serve as a recommending body to the city council and planning commission.
 - 2. The NRC shall publish a monthly meeting schedule on an annual basis. The NRC shall meet to conduct their official business.

3. The NRC shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions and findings, which record shall be maintained as a public record.
4. The NRC shall submit to the city council a true and correct copy of all its minutes, recommendations and other reports.

B. Powers and Duties.

1. The NRC is a recommending body and shall not make any final determination or decisions, unless such decision making is expressly granted by the City Code or directed by the City Council.
2. The NRC shall be responsible for the review, amendment or study of this Environmental Standards Ordinance when directed by the City Council. Authorization must be granted by the City Council.
3. The NRC shall review and provide recommendations to the planning commission or City Council as required by this Environmental Standards Ordinance or as required by Title 12: Zoning of the City Code.
4. The NRC shall provide recommendations on the following common applications:
 - a. Deviations or variances from the Landscape Standards in Section [12-4A-5].
 - b. Deviations or variances from the requirements established in Chapter 3: Urban Forest and Significant Trees of this Environmental Standards Ordinance.
 - c. Deviations or variances from the Buffer requirements established in Section [12-4A-4.1].
 - d. Deviations or variances from the requirements established in Section [12-6A-12] MRCCA Site Plan Requirements.
 - e. As may be requested from the planning commission or City Council.

15-2-3 Appeal of Public Works Director.

- A. Board of Appeals. The City Council is designated as the Board of Appeals for any appeal of a decision made by either the Public Works Director or it is assigned.
- B. Time for Filing Appeal. An appeal to a decision made by the Public Works Director must be filed within 90 days. The Applicant, Owner, other interested person, or officer of the City affected by the decision may appeal to the City Council by filing a written notice stating the action and the specific grounds upon which the appeal is made.
- C. City Council Action.

1. The City Council may conduct a hearing as it determines is necessary and will determine what notice, if any, shall be given of such hearing.
2. If the City Council determines a hearing is necessary, the City Council shall set a date no earlier than seven (7) days or more than 30 days after the determination is made.
3. Notice of the hearing before the City Council shall be mailed to all appellants.
4. The City Council shall take action to either uphold the decision of the Public Works Director or may overturn in full or with certain conditions the initial decision.

CHAPTER 3: URBAN FOREST, SIGNIFICANT TREES AND TREE REPLACEMENT

15-3-1 In General.

Reserved.

15-3-2 Urban Forest, Significant Trees and Tree Replacement

- A. Intent and Purpose. The city has determined that is important to preserve, protect and replace significant trees, woodland areas and tree stands that support the urban tree canopy. The city intends to adopt a tailored ordinance after it has studies specific characteristics of the city's urban forest and tree canopy in coordination with other chapters contained in this Environmental Standards ordinances.
- B. Applicability. Any applicant, owner or developer shall be subject to the rules for vegetative removal, replacement and landscaping as stated within this Environmental Standards ordinance, and Title 12: Zoning Chapter 4 and Chapter 6.
- C. In General. Where any required landscape plan, vegetation removal or replacement is required, such replacement trees shall be identified as Native, which is defined within Chapter 4 of this Environmental Standards ordinance. Non-native trees shall not be an acceptable form of replacement or required landscaping.

CHAPTER 4: WETLAND CONSERVATION

15-4-1 Purpose

The purpose of this chapter to provide for the protection, preservation, maintenance, and use of Mendota Heights wetlands and water resource related areas, to maintain the natural drainage system, to minimize the disturbance which may result from alteration by earthwork, loss of vegetation, loss of wildlife and aquatic organisms as a result of the disturbance of the natural environment, or from excessive sedimentation; to provide for protection of probable fresh water supplies; and to ensure safety from floods. (1981 Code 402 § 1)

15-4-2 Definitions

- A. *Applicant* means the individual or entity submitting a land use application to the city.
- B. *Buffer setback* means the minimum horizontal distance between a structure and the nearest edge of a structure and the delineated wetland boundary.
- C. *Native vegetation* means plant species indigenous to or naturalized to the Dakota County Region of the State of Minnesota or plant species classified by the Minnesota Department of Natural Resources as native in the Minnesota Native Plant Database. Native Vegetation does not include Weeds as defined by this Section.
- D. *Non-native vegetation* means species not indigenous to or naturalized to the Dakota County Region of the State of Minnesota by the Department of Natural Resources.
- E. *WCA* means the Minnesota Wetland Conservation Act of 1991, Minnesota Statutes Sections 103G222-2373. The City of Mendota Heights shall be designated as the Local Government Unit for the purposes of the WCA.
- F. *Weeds* means noxious weeds as defined and designated pursuant to the “Minnesota Noxious Weed Law,” Minnesota Statutes Section 18.76 through 18.88, as amended from time to time. For purposes of this section, Weeds shall not include dandelions or clover.
- G. *Wetland* means the definition as established by the Wetland Conservation Act and the Army Corps of Engineers, which may be revised or amended from time to time.
- H. *Wetland map* means the city’s wetland map derived or compiled from available public data from Dakota County or the Minnesota Department of Natural Resources and the National Wetland Inventory (NWI).

15-4-3 Application of Provisions

- A. This Chapter incorporates by reference the WCA and any future amendments to the WCA. In the event that any requirements of this section are inconsistent with the WCA, the stricter provisions that provides the most protection for Wetlands shall apply.

- B. Any structure erected following the effective date of this Chapter shall be setback the greater of the following distances:
1. The required setbacks from a Wetland are established in Section [Table 12-4A-4.1].
 2. A minimum of 25 feet from the edge of the delineated Wetland, as approved by the City.
- C. Applicability. The Buffer Setback requirements of this Chapter and Chapter 12 shall apply to all property containing Wetlands in the following circumstances:
1. When any new development activity occurs on the property. For purposes of this chapter, “new development activity” means:
 - a. Any subdivision, as defined by state law;
 - b. Any site plan review required by Mendota Heights City Code section [12-5B-4].
 - c. Any planned unit development.
 - d. Construction of a principal building on a vacant lot.
 - e. Redevelopment of a property where all the following conditions are met:
 - (1.)Results in the removal of more than 50 percent of the market value of the principal structure.
 - (2.)The building’s removal is followed by reconstruction (except as exempted by subsection 3 of this section), and
 - (3.)Results in a net increase in the square footage of impervious surfaces that drain to a Wetland, or results in the relocation of impervious surfaces closer to a Wetland, or results in changes to drainage patterns (slopes, meander patterns, etc.) that the Public Works Director determines will increase the velocity or rate of runoff to a Wetland.
 - f. Any project that involves the draining, filling, excavating, or altering of a Wetland except if:
 - (1.)Less than 50 cubic yards or 5,000 square feet of disturbance is completed, and
 - (2.)The city determines that the project improves drainage infrastructure and/or the function or value of the Wetland.
 - g. Any other land use application which proposes more than 50 cubic yards or 5,000 square feet of grading disturbance, which requires city review, and which is not specified above, including, but not limited to, conditional use permits, variances, or

- h. When the proposed activity or grading exceeds 50 cubic yards or the construction activity involves the disturbance of more than 3,000 square feet.
 - i. When the proposed activity increases the amount of impervious surface within 50-feet of the Wetland by more than 1,000 square feet.
- D. Exemptions. The Buffer Setback requirements of this section shall not apply to the following:
 - 1. Any plat which has received preliminary approval or any other land use application that has received final approval by the city council prior to the effective date of this Ordinance.
 - 2. Reconstruction of a legal non-conforming structure that was destroyed by fire or other peril that is permitted to be reconstructed by city code and state statute.
 - 3. Any previously buildable parcel existing prior to the effective date of this section which is rendered unbuildable under city code because of the implementation of the Buffer Setback as required by this Chapter.

15-4-4 Application for Wetland Delineation Report or Wetland Boundary Determination.

- A. Any project or land alteration activity that meets the criteria established in Section [15-4-3] the Applicant must submit the following materials for review and approval by the city's designated representative that holds the wetland delineator certification. When a project requires another Land Use Application such as a plat, conditional use permit or variance, then the following materials may be submitted concurrently with the Land Use Application.
 - 1. A grading plan (if grading is proposed) including the area and volume of land disturbance.
 - 2. A Wetland delineation report. It is the responsibility of the Applicant to determine whether Wetlands exist on the property by completing a Wetland delineation and submitting a Wetland delineation report. The following shall apply to the Wetland delineation report:
 - a. The report shall delineate and document the boundaries of any Wetlands on the property in accordance with the WCA requirements.
 - b. The Wetland delineation report must be performed by a certified Wetland delineator. The Wetland delineation must be performed using the most current US Army Corps of Engineers Wetland Delineation Manual and be acceptable to the Natural Resources Coordinator, or their assigns.

- c. The Wetland delineation must be completed during the established growing season, or the delineation may be deemed incomplete.
 3. *Certificate of Survey*. A certificate of survey or to-scale site plan describing the proposed activity and showing the Wetland and Buffer Setback boundaries.
 4. *Landscape Plan*. A landscape plan for the Buffer Setback area, if any disturbance is proposed.
 5. A plan identifying the measures to protect wetlands during the construction process. Measures may include silt fencing, snow fencing, signage, or other measures agreed to by the city.
- B. Exemptions: An Applicant may request an exemption for the requirements to prepare a full Wetland delineation report if:
1. The Public Works Director and the Natural Resources Coordinator determine that the project or land disturbance activity will not adversely affect any potential Wetland on the project site.
 2. An official Boundary determination is made for that portion of the Wetland closest to the Project or land disturbance activity and the Project will exceed the Buffer Setback requirements.
- C. Variance. A Variance from the requirements of this Chapter may be granted by the city council in accordance with the variance provisions established in city code Title 12: Zoning, so long as the variance does not violate the WCA or any other applicable state statutes or rules.

15-4-5 Alterations within Wetland and Buffer Setbacks

- A. The area within Wetlands and the Buffer Setbacks shall be preserved predominantly in their natural states, except those exemptions stated within this Chapter.
- B. Any alterations within the Wetland and Buffer Setbacks, except the permitted activities stated below, are prohibited, including but not limited to the installation or placement of structures and impervious surfaces, the operation of construction machinery, the destruction or removal of trees, shrubs or other vegetation, the introduction of any Non-native Vegetation, any mowing, dredging or excavation activities and the placement or storage of any fill material, manure, or trash and the application of fertilizer. The following activities are permitted:
 1. Activities described within a Buffer Setback area landscaping or mitigation plan, or a WCA application that was approved by the City.
 2. The removal of Non-native Vegetation

3. Necessary alterations related to the establishment and maintenance of the native vegetation within the Buffer Setback area.
 4. Proposed alterations which are determined by the city to be consistent with the vegetative standards and purposes of this Chapter.
 5. The removal of dead or diseased trees, removal of any root structure for potential impacts is subject to WCA rules.
 6. The installation of utility poles, underground utility lines, light poles, traffic regulator signs and signals, mailboxes, and other equipment that is determined by the City to provide an essential public service.
 7. The installation of public and private flood control structures, ponding and drainage facilities and associated accessory appurtenances as approved by the City,
 8. The installation of environmental monitoring or control facilities, including those related to water quality and wildlife regulation,
 9. The mowing of or installation of permeable pathways not to exceed four feet in width to allow reasonable access to the Wetland.
 10. The installation of boardwalks, docks, or other structures to allow reasonable access to the Wetland. These structures shall not exceed four feet in width or have poses greater than eight inches in diameter.
 11. The installation of public trails, if required. The temporary and permanent trail disturbance shall not exceed eight feet in width.
- C. Any WCA required wetland banking or replacement plan shall be reviewed and approved by the city council.

15-4-6 Vegetation Performance Standards.

Buffer Setback areas shall meet the following vegetation performance standards:

- A. Where acceptable natural vegetation exists in a Buffer Setback area, disturbance is allowed only with approval from the city. A Buffer Setback area will be considered to have acceptable natural vegetation if it:
 1. Is composed of less than 25 percent Weeds;
 2. Is covered by Native Vegetation with less than five percent exposed soil. Exposed soils may exceed 5% in cases where native trees and shrub canopy closure of 75% or greater exists; and
 3. Does not contain maintained turf grass.

- B. Where a Buffer Setback area or a portion thereof is not considered acceptable or is to be disturbed, a Buffer landscape plan must be submitted to the Natural Resource Coordinator for approval. At a minimum the landscaping plan shall include the following information:
1. A plan sheet that shows the location of the Buffer Zone area. The plan must identify the buffer areas that are acceptable and the areas that have been identified as unacceptable or disturbed. The city will require that all acceptable buffer areas be protected with silt fence during construction to protect them from erosion and disturbance.
 2. The species, planting and seeding locations for the Buffer Zones for the unacceptable and/or disturbed areas. The plan shall include a minimum of four species of native grasses and five species of native forbs and a cover crop. The seed mix shall consist of at least 15 pounds of pure live seed (PLS) per acre and the cover crop shall be at least 20 pounds per acre.
 3. Detailed specifications that describe sequencing, scheduling, materials, installation of maintenance execution for the seeding, planting or Weed removal.
- C. In cases where a Buffer Setback landscaping plan is required, the city may require an approved form of a financial guarantee.

15-4-7 Wetland and Buffer Setback Mitigation.

- A. In cases where a Wetland or Buffer Setback alteration is approved by the city and mitigation is required, the mitigation must result in equal or improved Wetland function and value. The following standards shall apply for any Wetland or Buffer Setback mitigation:
1. Wetland mitigation must conform to the requirements of the WCA.
 2. In cases where an approved WCA Application allows Wetland impacts, Buffer Setback areas shall be required on the fill slope of the impact, but additional fill shall not be permitted to meet the Buffer Setback requirements of this Chapter. Instead, expansion of the Buffer Setback area shall be required elsewhere along the edge of the Wetland to meet the overall area of the required buffer.
 3. The area of the Buffer Setback area required for Wetlands created is subject to an approved WCA Permit Application and shall meet or exceed the area of required Buffer Setbacks by this Chapter and Section [Table 12-4A-1.1] for the impacted Wetland.
 4. Wetland and Buffer Setback area plantings that are completed for mitigation shall meet the vegetative requirements of this Chapter.

5. Buffer Setback areas may be utilized for Wetland mitigation credits if they meet the requirements of the WCA.

15-4-8 Fees

- A. Fees: A base fee as set by resolution of the city council shall be paid by all applicants for review of a Wetland Delineation Report.
- B. Escrows: All applicants shall submit an escrow as determined by the city council to cover the staff and consultant costs to review the Wetland Delineation Report and any associated mitigation plan.

15-4-9 Violation; Penalty

Any person failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this code. (1981 Code 402 § 13; amd. 2003 Code)

CHAPTER 5: FLOODPLAIN MANAGEMENT

15-5-1 Statutory Authorization, Findings of Fact and Purpose

- A. Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize those losses in flood hazard areas by provisions contained herein.
- B. Statutory Authorization: The legislature of the state of Minnesota has, in Minnesota statutes chapters 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council of the city of Mendota Heights, Minnesota, does ordain as follows.
- C. Findings Of Fact:
 1. *Effects Of Flooding*: The flood hazard areas of the city of Mendota Heights, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 2. *Methods Used To Analyze Flood Hazards*: This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota department of natural resources.
 3. *National Flood Insurance Program Compliance*: This chapter is adopted to comply with the rules and regulations of the national flood insurance program codified as 44 code of federal regulations parts 59-78, as amended, so as to maintain the community's eligibility in the national flood insurance program. (Ord. 439, 11-1-2011)

15-5-2 General Provisions

- A. Lands To Which Chapter Applies: This chapter shall apply to all lands within the jurisdiction of the city of Mendota Heights shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway and flood fringe districts.
- B. Establishment Of Official Zoning Map: The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this chapter. The attached material shall include the "Flood Insurance Study, Dakota County, Minnesota And Incorporated Areas", flood insurance rate map panels therein numbered

27037C0014E, 27037C0017E, 27037C0018E, 27037C0019E, 27037C0036E, 27037C0080E, and 27037C0081E and the flood insurance rate map index (map number 27037CIND1A), all dated December 2, 2011, and prepared by the federal emergency management agency. The official zoning map shall be on file in the office of the city clerk and the zoning administrator.

C. Interpretation:

1. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
2. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first national flood insurance program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board of adjustment and to submit technical evidence.

D. Abrogation And Greater Restrictions: It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

E. Warning And Disclaimer Of Liability: This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Mendota Heights or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

F. Severability: If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

- G. Annexations: The flood insurance rate map panels adopted by reference into subsection B of this section may include floodplain areas that lie outside of the corporate boundaries of the city of Mendota Heights at the time of adoption hereof. If any of these floodplain land areas are annexed into the city of Mendota Heights after the date of adoption hereof, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of annexation into the city of Mendota Heights. (Ord. 439, 11-1-2011)

15-5-3 Establishment Of Zoning Districts

A. Districts:

1. *Floodway District*: The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in subsection 15-5-2B of this chapter.
2. *Flood Fringe District*: The flood fringe district shall include those areas designated as floodway fringe. The flood fringe district shall include those areas shown on the flood insurance rate map as adopted in subsection 15-5-2B of this chapter as being within zones AE but being located outside of the floodway.

- B. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, repaired, maintained or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. All uses not listed as permitted uses or conditional uses in this code are prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are prohibited by this code.
2. Modifications, repair and maintenance, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter and specifically section 15-5-11 of this chapter.
3. As built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this chapter and specifically as stated in section 15-5-10 of this chapter. (Ord. 439, 11-1-2011)

15-5-4 Floodway District (FW)

A. Permitted Uses, Standards For Floodway And Flood Fringe Permitted Uses:

1. Permitted uses shall be any use of land which does not involve a structure, a fence, an addition to the outside dimensions to an existing structure (including a fence) or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.
2. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

B. Conditional Uses:

1. Conditional uses shall be permissible in the underlying zoning district and shall have low flood damage potential.
2. Structures accessory to the uses listed in subsections A and B3 through B8 of this section.
3. Extraction and storage of sand, gravel, and other materials.
4. Marinas, boat rentals, docks, piers, wharves, and water control structures.
5. Railroads, streets, bridges, utility transmission lines, and pipelines.
6. Storage yards for equipment, machinery, or materials.
7. Placement of fill or construction of fences.
8. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures.

C. Standards For Floodway And Flood Fringe Conditional Uses:

1. *All Uses:* No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
2. *Procedures And Standards:* All floodway and flood fringe conditional uses shall be subject to the procedures and standards contained in subsection 15-5-10D of this chapter.
3. *Fill:*

- a. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain and flood fringe shall not cause a net decrease in storage capacity without providing compensatory storage. This shall be determined by a professional engineer, or satisfied through a no-rise certification. If compensatory storage is needed, creation of determined adequate storage shall be created before the proposed fill is placed, unless it is demonstrated that doing so is impractical and that placement of fill and creation of compensatory storage can be achieved concurrently.
 - b. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain and Flood Fringe shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - c. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway and flood fringe unless a long term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - d. As an alternative and consistent with subsection C3b of this section, dredge spoil disposal and sand and gravel operations may allow temporary, on site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway and flood fringe based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.
4. *Accessory Structures:*
- a. Accessory structures shall not be designed for human habitation.
 - b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters:
 - (1.) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (2.) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - c. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed five

hundred (500) square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards:

- (1.) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
- (2.) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and
- (3.) To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one foot (1') above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5. *Storage Of Materials And Equipment:*

- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

6. *Structural Works For Flood Control:* Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota statute, chapter 103G. Community wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

7. *Structures In Floodway:* A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream. (Ord. 439, 11-1-2011; amd. Ord. 556, 4-21-2020)

15-5-5 Flood Fringe District (FF)

A. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s).

B. Standards For Flood Fringe Permitted Uses:

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than two feet (2') below the regulatory flood protection elevation, unless protection via floodproofing is provided, and the fill shall extend at such elevation at least fifteen feet (15') beyond the outside limits of the structure erected thereon.
2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet at its largest projection may be internally floodproofed in accordance with subsection 15-5-4C(4) of this chapter.
3. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

C. Standards For All Flood Fringe Uses:

1. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
2. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
3. *Commercial uses*: Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity

such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

4. *Manufacturing and industrial uses:* Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection C3 of this section. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas. (Ord. 439, 11-1-2011; amd. Ord. 556, 4-21-2020)

15-5-6 Reserved

15-5-7 Subdivisions

- A. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet (2') below the regulatory flood protection elevation. For all subdivisions in the floodplain, the floodway and flood fringe districts boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- B. Removal Of Special Flood Hazard Area Designation: The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi- structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. (Ord. 439, 11-1-2011)

15-5-8 Public Utilities, Railroads, Roads, And Bridges

- A. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.
- B. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain shall comply with sections 15-5-4 and 15-5-5 of this chapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where

such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

- C. On Site Sewage Treatment And Water Supply Systems: Where public utilities are not provided: 1) on site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and 2) new or replacement on site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on site sewage treatment systems shall be determined to be in compliance with this section. (Ord. 439, 11-1-2011)

15-5-9 Manufactured Homes, Manufactured Home Parks, And Placement Of Recreational Vehicles

- A. Manufactured homes are not permissible under this title.
- B. Licensed and operable recreation vehicles are allowed only within residential districts and shall not be stored in floodplain areas.
1. No structural additions or accessory structures may be attached to recreational vehicles in any zoning district. (Ord. 439, 11-1-2011)

15-5-10 Administration

- A. Zoning Administrator: A zoning administrator or other official designated by the governing body shall administer and enforce this chapter. If the zoning administrator finds a violation of the provisions of this chapter the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in section 15-5-12 of this chapter.
- B. Permit Requirements:
1. *Permit Required*: A permit issued by the zoning administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on site septic system; prior to the change or extension of a nonconforming use; prior to the repair of

- a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
2. *Application For Permit:* Application for a permit shall be made to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable: plans drawn to scale showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
 3. *State And Federal Permits:* Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.
 4. *Certificate Of Zoning Compliance For A New, Altered, Or Nonconforming Use:* It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this chapter.
 5. *Construction And Use To Be As Provided On Applications, Plans, Permits, Variances And Certificates of Zoning Compliance:* Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter, and punishable as provided by section 15-5-12 of this chapter.
 6. *Certification:* The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this chapter. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
 7. *Record Of First Floor Elevation:* The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.

8. *Notifications For Watercourse Alterations:* The zoning administrator shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota statute, chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago regional office of the federal emergency management agency (FEMA).
9. *Notification To FEMA When Physical Changes Increase Or Decrease The 100-Year Flood Elevation:* As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the zoning administrator shall notify the Chicago regional office of FEMA of the changes by submitting a copy of said technical or scientific data.

C. Board Of Adjustment:

1. *Rules:* The board of adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.
2. *Administrative Review:* The board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter.
3. *Variances:* The board of adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this chapter, any other zoning regulations in the community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the federal emergency management agency must be satisfied:
 - a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

- b. Variances shall only be issued by a community upon: 1) a showing of good and sufficient cause, 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. *Hearings:* Upon filing with the board of adjustment of an appeal from a decision of the zoning administrator, or an application for a variance, the board of adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The board of adjustment shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.
5. *Decisions:* The board of adjustment shall arrive at a decision on such appeal or variance within sixty (60) days. In passing upon an appeal, the board of adjustment may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the board of adjustment may prescribe appropriate conditions and safeguards such as those specified in subsection D6 of this section, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter punishable under section 15-5-12 of this chapter. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten (10) days of such action.
6. *Appeals:* Appeals from any decision of the board of adjustment may be made, and as specified in this community's official controls and also by Minnesota statutes.
7. *Flood Insurance Notice And Recordkeeping:* The zoning administrator shall notify the applicant for a variance that: a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and b) such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record

of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.

D. Conditional Uses: The city council shall hear and decide applications for conditional uses permissible under this chapter. Applications shall be submitted to the zoning administrator who shall forward the application for consideration.

1. *Hearings*: Upon filing with the zoning administrator an application for a conditional use permit, the zoning administrator shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.
2. *Decisions*: The city council shall arrive at a decision on a conditional use within sixty (60) days. In granting a conditional use permit the city council shall prescribe appropriate conditions and safeguards which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter punishable under section 15-5-12 of this chapter. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten (10) days of such action.
3. *Procedures To Be Followed By The City Council In Passing On Conditional Use Permit Applications Within All Floodplain Districts*:
 - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the city council for determining the suitability of the particular site for the proposed use:
 - (1.) Plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel; and
 - (2.) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection D3a of this section to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

- c. Based upon the technical evaluation of the designated engineer or expert, the city council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
4. *Factors Upon Which The Decision Of The City Council Shall Be Based:* In passing upon conditional use applications, the city council shall consider all relevant factors specified in other sections of this chapter, and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - l. Such other factors which are relevant to the purposes of this chapter.
5. *Time For Acting On Application:* The city council shall act on an application in the manner described above within sixty (60) days from receiving a completed application.

6. *Conditions Attached To Conditional Use Permits:* Upon consideration of the factors listed above and the purpose of this chapter, the city council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
 - a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy and operation.
 - c. Imposition of operational controls, sureties and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
 - e. Floodproofing measures, in accordance with the state building code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. (Ord. 439, 11-1-2011)

15-5-11 Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions. Historic structures, as defined by this chapter shall be subject to the following provisions:
 1. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
 2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the state building code, except as further restricted below.
 3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty percent (50%) of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of the structure, then the structure must meet the standards of section 15-5-4 or 15-5-5 of

this chapter for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.

4. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses that have been discontinued for a period of twelve (12) months.
5. If any nonconforming use or structure is substantially damaged, as defined in subsection 15-5-3B(2) of this chapter, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in section 15-5-4 or 15-5-5 of this chapter will apply depending upon whether the use or structure is in the floodway or flood fringe district, respectively.
6. If a "substantial improvement" occurs, as defined in subsection 15-5-3B(2) of this chapter, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of section 15-5-4 or 15-5-5 of this chapter for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively. (Ord. 439, 11-1-2011)

15-5-12 Penalties For Violation

- A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- B. Nothing herein contained shall prevent the city of Mendota Heights from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
 1. In responding to a suspected chapter violation, the zoning administrator and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the national flood insurance program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct chapter violations to the extent possible so as not to jeopardize its eligibility in the national flood insurance program.

2. When a chapter violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources and federal emergency management agency regional office along with the community's plan of action to correct the violation to the degree possible.
3. The zoning administrator shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either: a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or b) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.
4. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this chapter. (Ord. 439, 11-1-2011)

15-5-13 Amendments

The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the commissioner of natural resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this chapter, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the federal emergency management agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten (10) days' written notice of all hearings to

consider an amendment to this chapter and said notice shall include a draft of the chapter amendment or technical study under consideration. (Ord. 439, 11-1-2011)

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CHAPTER 6: SHORELAND ORDINANCE

15-6-1 In General.

Reserved.

15-6-2 Shoreland Ordinance

- A. Intent and Purpose. The city has determined that a shoreland ordinance will help protect surface water quality, near shore habitat, and the shoreland aesthetics. The city intends to adopt a tailored ordinance after it has studied the specific characteristics of the city's shoreland in coordination with the other chapters contained in this Environmental Standards ordinance.
- B. State Rules adopted by Reference. Until the city completes its study and adopts its regulations, it herein incorporates by reference the applicable standards and regulations established by Minnesota Rules Chapter 6120.
 1. Where any rule or regulation is in conflict with any other provision of this Environmental Standards ordinance, the more restrictive standard shall apply.

CHAPTER 7: PERFORMANCE STANDARDS

15-7-1 Chloride Reduction

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

1. *Anti-icing* means the application of a liquid deicer prior to the onset of a snow event.
2. *Best Management Practice (BMP)* means structural, vegetative, or managerial practices used to treat, prevent, or reduce water pollution.
3. *Certified Salt Applicator* means an individual who applies deicer and has completed Minnesota Pollution Control Agency Smart Salting training (Level 1 or 2).
4. *Deicer* means any substance used to melt snow and ice or used for its anti-icing effects.
5. *Winter Maintenance Professional* means an individual who applies deicer for hire (i.e. snow plow drivers, salt truck drivers).

B. Intent and purpose.

1. The removal of snow and ice from roadways is essential to both public safety and to the local economy and in order to protect the public safety, during and after winter storm events, the use of pavement deicing chemical is a widely accepted means of keeping roadways passable; and
2. Pavement deicing is typically accomplished through the use of deicers which can be corrosive to vehicles, roadway surfaces, and bridges and has been found to have adverse effects on the surface waters, groundwater and to environmentally sensitive areas; and
3. The restoration of surface and ground water quality and ecosystems in such areas can be very difficult and costly, if not impossible to rehabilitate through reverse osmosis, once the events of contamination occur; and
4. Proper utilization and management of deicing materials is critical to ensure that the environmental impacts of related practices are reduced to the maximum extent possible; and
5. Negative environmental impacts may occur when salt and other deicers are not properly stored and transported; and

6. One of the primary sources of chloride entering the ground water is salt spillage that is either plowed or washed from maintenance yards, unloading and loading areas and it is necessary to regulate all persons engaged in the storage and use of bulk deicing materials on their property and elsewhere in order to reduce the costly impacts of such use to the surrounding vegetation, surface water and ground water; and

C. Occupational Licensure for Winter Maintenance Professionals

1. *Applicability.* No person will engage in the operation of a winter maintenance business for the private operation of a snowplowing service or the use or storage of salt and other deicing materials, or to assist others in the same for the purpose of managing ice and snow from private roadways, parking areas, and sidewalks on commercial, industrial, institutional, office, multi-family, and private single-family residential dwellings without being in compliance with the terms and provisions of this chapter,
2. *Certification Required.*
 - a. All persons engaged in the operation of a winter maintenance business for the private operation of a snowplowing service or the use or storage of salt or other deicing materials must employ an individual who possesses current Smart Salting Level 1 and Level 2 Certification from the Minnesota Pollution Control Agency. This individual must be responsible for the application of appropriate deicing material at the proper amount and rate; the employment of correct procedures for temperature and conditions; accurate record-keeping and data recordation; and calibration of equipment annually. In the event of a major storm emergency, the licensing official may exempt winter maintenance professionals from the requirements of this section for services completed under contract with the City of Mendota Heights.
3. *Deicer Storage Requirements.*
 - a. All persons must employ best management practices to minimize the discharge of polluted runoff from salt and deicer storage and application as follows:
 - (1.) Designated salt and deicer storage areas must be covered or indoors.
 - (2.) Designated salt and deicer storage areas must be located on an impervious surface; and
 - (3.) Implementation of practices to reduce exposure when transferring material in designated salt and deicer storage areas (e.g., sweeping, diversions, and/or containment).

4. *Deicer Bulk Storage Facility Regulations.*

a. Applicability.

- (1.) The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials. Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form (or 1,000 gallons in liquid form).

b. General Requirements.

- (1.) Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
- (2.) All salt, sand and other deicing materials stored outdoors must be covered at all times.
 - (i.) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles (to protect against precipitation and surface water runoff). The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - (ii.) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

c. Facility Siting.

- (1.) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
- (2.) Each facility must be located outside of floodplains and 300 feet from lakes, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
- (3.) A facility must be located on impermeable surfaces.
- (4.) The property slope must be away from the facility's salt, deicer, and sand storage area.

(5.) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. Salt vulnerable/intolerable natural areas include, but are not limited to:

(i.) Areas with salt sensitive vegetation.

(ii.) Areas serving as a source of drinking water (surface water and ground water)

(iii.) Areas with bodies of water with low dilution, low volume or salt sensitive species.

(iv.) Areas associated with ground water recharge zones or shallow water table, with medium to high permeable soils.

d. Snow Piles

(1.) Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

e. Deicer Truck Wash Water

(1.) Deicer- and salt-containing truck wash water must be captured, treated, and recycled for use as saltbrine in pre-wetting and anti-icing activities.

f. Transfer of Materials

(1.) Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment when transferring salt or other deicing material.

D. Land Disturbance Permitting.

1. *Chloride Management*

a. An applicant for a permit for land-disturbing activity on property other than individual single-family home sites must provide a plan for post construction management of chloride use on the site that includes, at a minimum:

(1.) Designation of an individual authorized to implement the chloride-use plan; and

(2.) Designation of a Minnesota Pollution Control Agency Smart Salting-certified salt applicator engaged in the implementation of the chloride-use plan for the site.

E. Parking Lot, Sidewalk and Private Road Sweeping Requirements.

1. *Sweeping of Parking Lots, Sidewalk, and Private Roads*

- a. Every owner or occupant of any dwelling or other residential building, proprietor or lessee of any business, commercial or public premises, or [insert other entities as appropriate such as homeowner's associations] within the City of Mendota Heights, must conform to ice and snow removal specified under this section [12-7-1]. If dry deicing material is spread, it must be properly swept and disposed of immediately after snow melt. If an owner, occupant, proprietor or lessee neglects or refuses to sweep excess deicing material, the City of Mendota Heights may sweep such material or authorize some person to do the same on behalf of the City of Mendota Heights. The City of Mendota Heights, in its sole discretion, may issue notices of violation to an owner, lessee, proprietor, or occupant for violations of this section.

15-7-2 Temporary Keeping of Goats for Prescribed Grazing and Invasive Vegetation Removal

- A. Purpose: The purpose of this Section is to establish conditions under which the temporary and periodic use of a limited number of goats for invasive and noxious vegetation control is permitted and to establish the requirements for doing so in order to protect the environment and the health, safety, and welfare of the general population.
- B. Prescribed Goat Grazing Permit Required: No goat may be kept, maintained, or harbored on any property in the city unless a goat grazing permit has been approved and issued. A permit may be granted only for:
 1. A parcel or lot of record that is 0.5 acres or more in size; or
 2. A prescribed grazing area located on more than one parcel or lot provided the grazing areas on each parcel/lot are contiguous and an aggregate of 0.5 acres or more in size.
- C. Application for Permit: The applicant must submit the following information for the request to be considered.
 1. The applicant shall complete an application form provided by the City and filed with the City Clerk. The applicant shall also pay the application fee for the permit which shall be established by the City fee schedule. Permit fees shall not be prorated or refundable.
 2. A detailed site plan of the premises on which prescribed grazing is sought to occur, including the location and the dimensions of the proposed grazing area, a list of the vegetation existing on the site and sought to be controlled by the prescribed grazing.

3. The full name and address of the following persons:
 - a. The applicant; and
 - b. The owner(s) of the premises on which prescribed goat grazing is sought to occur and for which the permit would apply.
 4. The street address of the premises on which prescribed grazing is sought to occur and for which the permit would apply.
 5. The number of goats to be kept on the premises under the permit, not to exceed two (2) goats per every one-tenth (0.10) acre of the prescribed grazing area.
 6. A list of person(s) owning, providing, managing and monitoring the goats, including their full name, address, and twenty-four (24)-hour contact information accompanied by evidence of liability insurance as required by this Section.
 7. The type of fencing to be used for the required enclosure, and date the temporary fence will be installed.
 8. Date the goats will arrive on the premises for which the permit would apply, and the latest date the goats will be removed from the premises for which the permit would apply.
 9. A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of goats on the property for which the permit is sought.
 10. The signature of the owner(s) of the premises or a homeowners' association board officers where the prescribed grazing will occur.
 11. Any other and further information as the City deems necessary.
- D. Granting or Denying Issuance of Permit: The City may grant a permit under this Section provided the application filed demonstrates compliance with the requirements of this section. The City shall deny a permit hereunder for any of the following reasons:
1. The application is incomplete or contains false, fraudulent, or deceptive statements.
 2. The applicant does not or has not complied with one or more of the provisions of this Section.
 3. The premises for which the permit is sought, including, but not limited to, the proposed grazing area, is not in compliance with any provisions of this subdivision, other City Code provisions or state laws relating to zoning, health, fire, building, or safety.

4. The applicant or owner of the premises where the prescribed grazing is to occur has been previously convicted of a violation under this Section within the past two (2) years.
5. The owner of the goats has violated any provision hereunder, or on more than two prior occasions, the owner's goats have been found running at large.

E. Duration of Permit: The duration of a permit under this section shall be as follows:

1. Prescribed grazing shall not be permitted for more than thirty (30) consecutive days. No more than three (3) prescribed grazing permits may be issued within one (1) calendar year for the same property. There shall be a minimum of thirty (30) days between the expiration of the first permit issued and the second permit issued in a twelve (12) month period.

F. Conditions of Permit: The keeping of goats is permitted pursuant to a permit granted under this Section, subject to the following conditions:

1. *Transferability of Permit*: A permit issued hereunder shall be nontransferable and shall be solely for the property listed on the permit.
2. *Liability Insurance*: The provider or owner of the goat(s) to be utilized under the permit shall have and maintain insurance coverage for claims arising from prescribed grazing in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate and shall provide to the City proof of the required insurance coverage prior to issuance of the permit. The City shall have no liability for any damages that may be caused by goats kept on a property pursuant to a prescribed grazing permit. The permit holder shall be responsible for any damage caused by goats used for prescribed grazing purposes.
3. *Monitoring*: Goat provider or owner must have staff available to respond to any emergency complaints or concerns at all time of the day or night. Applicant will furnish an emergency contact number when applying for any permit.
4. *Right-of-Entry for Inspection*: The premises for which a permit is issued shall, at all reasonable times, be open to inspection by the city staff to determine compliance with the permit, other City Code provisions and state laws relating to zoning, health, fire, building, or safety.
5. *Number of Goats Permitted*: No more than two (2) goats per every one-tenth (0.10) acre of the prescribed grazing area shall be on the premises at one time under the permit.

6. *Proper Enclosures:* The prescribed grazing area shall be fully and securely enclosed with proper enclosures, and fully maintained for the duration of the prescribed grazing permit, as required and provided herein. Fencing must be designed to prevent escape by goats and to protect the goats from the intrusion of other predatory animals. All sides of the enclosure(s) shall be of sufficient height and the bottom of the enclosures shall be constructed or secured in a manner as to prevent the goats from escaping over or under the enclosure(s). The prescribed grazing activity shall be fully and properly enclosed at all times. It is unlawful and a violation of the permit for any goat to be allowed to run at large during the duration of this permit. An enclosure shall meet the following requirements:
- a. Permanent enclosures: Fences and structures constructed to enclose prescribed grazing goats, but intended to remain at the expiration of the prescribed grazing activity, shall comply with the regulations for the zoning district in which the prescribed grazing is located and shall be permitted separately from the prescribed grazing activity.
 - b. Temporary enclosures:
 - (1.) Temporary fencing and structures for the sole purpose of enclosing prescribed grazing goats shall be allowed for the duration of the prescribed grazing. All temporary fencing or structures shall be removed within seven (7) days of the removal of the goats from the premises as required under the permit;
 - (2.) Temporary fences must not exceed six-feet (6') in height;
 - (3.) Temporary fences may be electric or electrified as specified in the approved prescribed grazing permit. Where electric fences are used, a double fence system with a non-electric outer fence, maintained a minimum of three (3) feet from the electric fence, is required to serve as a safety barrier to reduce the possibility of the public coming in contact with the electric fence. If an existing natural barrier or permanent structure exist as to prevent contact with or serve as a barrier to the electric fence, then the second outer fence may not be required for the applicable segment of fencing; and
 - (4.) The outer fence may be allowed up to the property line of the premises on which the permit applies, and shall not be located within any public or private right-of-way.
7. *Signage, Temporary:* The permit holder shall install and maintain temporary signs on the premises for the duration of the permit as follows:

- a. All signs must be located on each side of the enclosed area and visible to the public;
 - b. The signs must state the purpose of the goats and enclosure, and provide any caution or warning message in a manner that is visible to the public;
 - c. The signs must contain emergency contact information of the owner of the goat(s);
 - d. The signs shall be setback a minimum of ten (10) feet from property line if freestanding, or placed on the enclosure fence;
 - e. All signs shall be removed when goats are removed from the premises; and
 - f. Any electric or electrified fence in association with prescribed grazing must have a warning sign posted on every boundary of the enclosure at least every fifty (50) feet along each side of the fence. The warning sign shall clearly identify the electric fence. No single sign shall exceed four (4) square feet in area. Each sign shall be clearly visible on the approach to the fence and be posted on or within one (1) foot of the electric or electrified fence.
8. *Shelter*: Temporary shelters for the goats may be allowed as per the discretion of the provider.
 9. *Herd Specifics*: Only females, neutered male goats, or unneutered male goats less than six months old that accompany female goats are allowed.
 10. *Odor and Cleanliness*: The property must be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisance conditions.
 11. *Natural Resources Protection*: Prescribed grazing shall not adversely affect significant natural resources. Prescribed grazing activities shall comply with the following:
 - a. Prescribed grazing activities shall comply with the best management practices established by the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, Dakota County Soil and Water Conservation District, and all other pertinent agencies;
 - b. Prescribed grazing activities shall not impair water quality as defined by the Federal Clean Water Act;
 - c. Threatened or endangered plant species shall be protected from grazing activities; and

- d. No goats may be brought onto a property that is known to have the Invasive Jumping Worm (*Amyntas Z* species).
- 12. *Conservation Easements*: If the proposed prescribed grazing area is within a conservation easement, all requirements of the conservation easement must be met. If the terms of the conservation easements do not allow prescribed grazing, then the permit will be denied.
- G. Feeding of Goats: No supplemental feeding of grain based feed or foods will be allowed, except for vitamin or mineral supplements. All goats on the premises shall be provided with and have daily access to fresh drinking water.
- H. Care of Goats: All goats used under the permit shall receive proper veterinary treatment and regular deworming. In the event that a prescribed grazing goat becomes ill, hurt, or perishes, the permit holder and the owner of the goat is responsible for immediate on-site care or removal of the goat from the property. Overall care of the goats shall include the following:
 - 1. Goats that become parasitized or otherwise unhealthy shall be removed off-site by the contractor or provider.
 - 2. To ensure the biosecurity of the grazing site, all goats introduced to the permitted grazing site must come clean and leave clean.
- I. Violation and Penalties: If a violation of the terms of this Section or the prescribed goat grazing permit is found, the City shall give written notice thereof to the permit holder. If the violation is not remedied within ten (10) days of the date of the notice, a misdemeanor citation may be issued and/or the prescribed goat grazing permit may be revoked. Notwithstanding the foregoing, the City may immediately revoke the permit and/or a misdemeanor citation may be immediately issued if there is a violation of 15-7-2(G) or 15-7-2(H) or if a permit holder's goat(s) have been found running at large on two (2) or more occurrences within the term of the permit. The City shall notify the permit holder of the opportunity to appeal the revocation to the City Council in writing, and the City shall specify the length of time the permit holder has to file an appeal. The permit holder shall file the request for the hearing in front of City Council within ten (10) days of the date of the revocation or shall be deemed to have waived the right to appeal. (Ord. 566, 7-6-2021)

15-7-3 Shade Tree Program

- A. State regulations adopted:
 - 1. Sections 1505.0010 through 1505.0600 of 3 Minnesota rules, department of agriculture, shade tree program, together with amendments thereof to date, are hereby adopted by reference and made a part of this chapter as if set out herein in full, except

as hereinafter provided. A copy of said rules marked "Official Copy" is on file in the office of the city clerk. (1981 Code 1008 § 1; amd. 2003 Code)

B. Stockpiling elm wood:

1. The stockpiling of bark bearing elm wood within the city limits of the city shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this chapter and the regulations incorporated hereby. (1981 Code 1008 § 2)

C. Conflicting provisions:

1. Where the provisions of this chapter conflict or are inconsistent with any other ordinance of the city, the provisions of this chapter shall supersede except in instances where one regulation is more restrictive than another, in which case, the more restrictive shall apply and control. (1981 Code 1008 § 3)

D. Violation; penalty:

1. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punishable as provided in section 1-4-1 of this code. (1981 Code 1008 § 4; amd. 2003 Code)

15-7-4 Weeds and Noxious Vegetation

A. Definition:

1. The word "person" as used in this chapter shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued. (1981 Code 1001 § 5)

B. Weeds and Noxious Vegetation Prohibited:

1. *Height Restriction; Accumulations Prohibited:* It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative or employee of any such owner, lessee, or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City to permit or maintain on any such lot or land, or on or along the sidewalk, street, or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet (10') outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a greater height than twelve inches (12"), or any accumulation of dead weeds, grass or brush. (1981 Code 1001 § 1; amd. 2003 Code)

2. *Exemption.* Any ground cover vegetation located in the following areas is hereby exempt from height restrictions:
 - a. Shore impact zones;
 - b. Areas within fifty feet (50') of a wetland or natural drainage way;
 - c. Bluff impact zones;
 - d. Areas of native plant communities; and
 - e. Significant vegetative stands, with said areas identified under Title 12 Zoning, Chapter 3, Mississippi River Corridor Critical Area (MRCCA) Overlay District ordinance.

Ground cover vegetation and any vegetation management within the MRCCA Overlay District shall comply with the Vegetation Management requirements and standards of Section 12-6A-9 of City Code Title 12, Chapter 6 and any Vegetation Management Permits approved by the City.

3. *Poisonous Plants:* It shall be unlawful for any such person or persons to cause, suffer, or allow poison ivy, ragweed or other poisonous plant or plants detrimental to health to grow on any lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow the seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air into any public place. (1981 Code 1001 § 1; amd. 2003 Code; Ord. 568, 9-23-2021)

C. Duty to Abate:

1. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of section 15-7-4B of this chapter; provided, that cutting and removing such weeds, grass and vegetation at least once in every three (3) weeks, between May 15 and September 15 shall be deemed to be a compliance with this chapter. (1981 Code 1001 § 2)

D. Abatement Procedure:

1. *Notice To Abate:* If the provisions of sections 15-7-4B and 15-7-4C of this chapter are not complied with, the weed inspector shall serve written notice upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provision of this chapter.

2. *Abatement By City; Costs A Lien:* If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass or other vegetation within five (5) days after receipt of such notice, or if no person can be found in the city who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the weed inspector shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal, plus five percent (5%) for inspection and other additional costs in connection therewith, shall be certified by the city clerk to the county auditor and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes. (1981 Code 1001 § 3)

E. Exemptions from Provisions:

1. *Application For Exemption:* An application for an annual exemption from the requirements of this chapter may be filed with the weed inspector.
2. *Grounds For Exemptions:* The weed inspector may grant exemption from strict compliance with this chapter if, in his determination, the property meets certain criteria.
 - a. The inspector will give consideration for exemption to properties which he determines to be wetland areas, wooded areas, steep slopes, large undeveloped parcels, wildlife habitats, nature preserves or properties adjacent thereto, or to those portions of developed residential lots which are designated as natural and planted with decorative plants such as prairie grass and wildflowers.
 - b. Unimproved portions of city parks, state owned property, rights of way, and ditches are exempt from compliance with the provisions of this chapter.
3. *Revocation Of Exemption:* Exemptions authorized by the weed inspector are subject to revocation should any of the following conditions be determined to exist:
 - a. Noxious weeds are found to be present subsequent to the granting of an exemption;
 - b. The exemption results in creation of a sight obstruction or hydrant obstruction;
 - c. An unusual number of complaints are lodged with the weed inspector; or

- d. The property becomes a disposal site for grass clippings, branches or other forms of debris. (Ord. 273, 3-5-1991)

F. Penalty:

1. Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this chapter or who shall resist or obstruct the weed inspector or his employees in the cutting and removal of weeds, grass and other vegetation, shall, upon conviction thereof, be subject to a fine as provided in section 1-4-1 of this code, and each day on which such violation continues shall constitute a separate offense. (1981 Code 1001 § 4; amd. 2003 Code)

ADOPTED this 17th day of September, 2024 by the City Council for the City of Mendota Heights.

CITY COUNCIL

CITY OF MENDOTA HEIGHTS

Stephanie B. Levine, Mayor

ATTEST:

Nancy Bauer, City Clerk

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

SUMMARY ORDINANCE NO. 592

**AN ORDINANCE TO REPEAL AND REPLACE TITLE 12: ZONING OF THE CITY
CODE OF THE CITY OF MENDOTA HEIGHTS, REGULATING LAND USE AND
IMPLEMENTING THE GOALS AND POLICIES OF THE CITY'S COMPREHENSIVE
PLAN.**

NOTICE IS HEREBY GIVEN that, on September 17, 2024, Ordinance No. 592 was adopted by the City Council of the City of Mendota Heights, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 592, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council repeals and replaces Title 12: Zoning of the City Code. The zoning ordinance imposes land use controls that regulate what can be built on individual parcels of land, from proposed new developments and buildings to small residential additions; the ordinance revises and updates key focus areas including but not limited to (1) Zoning And Overlay Districts, (2) Allowed and Prohibited Uses, (3) Character, Building and Design Standards, and (4) Administration and Conformance, and corresponding Amendments to the Zoning Map to modify Zoning District boundaries and titles.

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours at the office of the City Administrator/City Clerk or on the City's website.

PASSED, ADOPTED and APPROVED FOR PUBLICATION by the City Council of the City of Mendota Heights, Minnesota, this 17th day of September 2024.

CITY COUNCIL OF MENDOTA HEIGHTS
/S/Stephanie Levine, Mayor
Attest
/s/Nancy Bauer, City Clerk

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

SUMMARY ORDINANCE NO. 593

**AN ORDINANCE TO CREATE TITLE 15: ENVIRONMENTAL STANDARDS OF THE
CITY CODE OF THE CITY OF MENDOTA HEIGHTS, ESTABLISHING A NEW TITLE
FOR ENVIRONMENTAL STANDARDS AND REGULATIONS.**

NOTICE IS HEREBY GIVEN that, on September 17, 2024, Ordinance No. 593 was adopted by the City Council of the City of Mendota Heights, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 593, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council creates Title 15: Environmental Standards, establishing a new title to house environmental standards and natural resources-focused codes and ordinances, created as a framework for existing environmental ordinances and outlining the location of upcoming and future ordinance implementation for environmental codes, including but not limited to tree replacement, wetlands systems, floodplain management, and surface water management.

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours at the office of the City Administrator/City Clerk or on the City's website.

PASSED, ADOPTED and APPROVED FOR PUBLICATION by the City Council of the City of Mendota Heights, Minnesota, this 17th day of September 2024.

CITY COUNCIL OF MENDOTA HEIGHTS

/S/Stephanie Levine, Mayor

Attest

/s/Nancy Bauer, City Clerk



PLANNING STAFF REPORT

DATE: August 27, 2024
TO: Planning Commission
FROM: Sarah Madden, Community Development Manager
Jennifer Haskamp, Swanson-Haskamp Consulting
SUBJECT: Zoning Code Update Public Hearing
APPLICANT: City of Mendota Heights

BACKGROUND/ITEM DESCRIPTION

The Final Draft of the Zoning Code Update has been prepared for presentation at a public hearing before the Planning Commission. The City has prepared proposed amendments to Title 12: Zoning to adopt a revised zoning title and corresponding Zoning Map.

This item has been tabled from the July 23, 2024 regular Planning Commission meeting, where a public hearing was opened, held, and closed. The Planning Commission met at a Work Session on July 30, 2024 to continue to discuss the comments received at the July 23rd meeting. The background report from the July 23rd meeting and the July 30th Work Session are included as an attachment to this report.

A the July 30, 2024 Planning Commission Work Session, the Planning Commission discussed:

- The table of uses for business and industrial zoning districts, notably warehouse and distribution
 - The group determined that warehouse and distribution could be a listed Conditional Use in the B-1 General Business Zoning District
- Utilizing a 'mapping' document to illustrate where code provisions have been relocated to once the Zoning Code Update is adopted and implemented
 - This document will be utilized as an attachment to the Ordinance on a temporary basis following the implementation of the Ordinance
- Listing prohibited uses vs. noting that uses that are not listed are prohibited (Ex: Accessory Dwelling Units)
 - Uses not listed on the Table of Uses are considered prohibited. This provision is restated at the beginning of the table to clarify for readers
- Defining governmental and municipal buildings
 - A municipal building and other governmental buildings were added in the table of uses to distinguish between the two types
- Noise regulatory standards
 - Cannot be more restrictive than MPCA standards

- Lighting regulatory standards related to athletic fields
 - Athletic fields have added performance standards, has been removed from school-specific section and into a separate performance standard section within 12-3B
- Clarifying swimming pool provisions for Multiple Family Zoning Districts
 - Modified to clarify that single-family district swimming pool requirements are not subject to the greater setbacks that multiple-family zoning districts are

A public hearing notice for this tabled item was published in the *Pioneer Press* and notice letters were mailed to all properties within 350-feet of the properties which are proposed to be changed from I-Industrial to B-1 General Business on the corresponding revised Zoning Map. The city has not received any new written comments or objections to this land use request as of the submittal of this report.

The Planning Commission is asked to re-open the public hearing and continue their discussion of this item. The City's Planning Consultant, Jennifer Haskamp, AICP, Swanson-Haskamp Consulting will provide an overview of the Zoning Code Update and the modifications made to the Final Draft as a result of the first public hearing and continued discussion at the July 30, 2024 Work Session.

ALTERNATIVES

1. Approve the proposed amendments to Title 12: Zoning to adopt the revised Zoning Title drafted within the City of Mendota Heights Zoning Code Update project and corresponding amendments to the Zoning Map to modify district boundaries and Zoning District titles; or
2. Table the request and request more information from staff.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Title 12: Zoning to adopt the revised Zoning Title drafted within the City of Mendota Heights Zoning Code Update project and corresponding amendments to the Zoning Map to modify district boundaries and Zoning District titles.

If this item receives a positive recommendation from the Planning Commission, it will be forwarded for review at the City Council's September 17, 2024 regular meeting.

ATTACHMENTS:

1. Zoning Code Update – Final Draft dated August 13, 2024
2. Zoning Code Update – Revised Zoning Map dated July 12, 2024
3. Proposed Environmental Title – Full Draft dated July 11, 2024
4. Staff Report from the July 23, 2024 Regular Planning Commission Meeting
5. Public Comments Received
6. Staff Report from the July 30, 2024 Planning Commission Work Session (with attachments)



PLANNING STAFF REPORT

DATE: July 23, 2024
TO: Planning Commission
FROM: Sarah Madden, Community Development Manager
Jennifer Haskamp, Swanson-Haskamp Consulting
SUBJECT: Zoning Code Update Public Hearing
APPLICANT: City of Mendota Heights

INTRODUCTION

The Final Draft of the Zoning Code Update has been prepared for presentation at a public hearing before the Planning Commission. The City has prepared proposed amendments to Title 12: Zoning to adopt a revised zoning title and corresponding Zoning Map.

A public hearing notice for this planning item was published in the *Pioneer Press* and notice letters were mailed to all properties within 350-feet of the properties which are proposed to be changed from I-Industrial to B-1 General Business on the corresponding revised Zoning Map. The city has not received any comments or objections to this land use request as of the submittal of this report.

BACKGROUND / PROJECT DESCRIPTION

In 2022, the City of Mendota Heights began the process of updating its Zoning Code to be consistent with the adopted 2040 Comprehensive Plan in compliance with State Statute.

The Planning Commission has served as the working group on the project, meeting several times to discuss key sections of the Zoning Ordinance revision including:

- Zoning and Overlay Districts
- Allowed and Prohibited Uses
- Character, Building and Design Standards
- Administration and Conformance

The Planning Commission and City Council met for the first time in a joint Work Session on the Zoning Code Update project in May 2022, and planned for the Planning Commission to meet at several special work sessions of the next year to evaluate the key sections for review as listed above. There were three additional joint Work Sessions in 2023 to review and discuss the full drafts of the revised City Code which had been prepared by the City's Planning Consultant Jennifer Haskamp, of Swanson-Haskamp Consulting. Following the final joint Work Session in January 2024, the City moved forward with the preparation of the final draft of the Zoning Code and held a Public Open House on the project on February 15, 2024. The presentation slides from the Public Open House are included as an attachment to this report.

At the Public Open House, Planning Consultant Jennifer Haskamp prepared an overview presentation of the key areas of interest within the revised Zoning Code draft and prepared a survey for members of the public to participate in to share their comments and feedback on the proposed draft. The survey was open for two weeks and there were 60 survey respondents. Some respondents commented on the impervious surface calculations, specifically for the RE-Residential Estate zoning district (currently noted as R-1A on the City's zoning map). City Staff and Planner Haskamp discussed the survey results with the City Council at their April Work Session and the majority of the City Council was in favor of removing the option to exceed 35% impervious surface with the inclusion of BMPs (Best Management Practices) for the RE zoning district.

The final draft of the Zoning Code Update and revised Zoning Map have been prepared for public hearing and are included as an attachment to this report. Also included as an attachment is the drafted newly proposed Title 15: Environmental Standards. The Zoning Code contains several cross references to environmental-related ordinances and sections which are still pending, such as the City's Tree Removal ordinance which is currently being drafted by the Natural Resources Commission. This Environmental Title is planned to be adopted at the same time as the Zoning Code Update in order to provide a location for the environmentally focused ordinances within the City that are being removed from the Zoning Title, and to set aside a placeholder for future adoption of new environmentally-focused ordinances. This Title is not subject to a public hearing requirement and is not included as a separate review and recommendation by the Planning Commission, however it has been provided for context to the cross-references which are listed in the proposed revised Zoning Code (Title 12).

Additional details on previous drafts of the Zoning Code Update project, and former Work Session presentation slides can be found by visiting www.mendotaheightsmn.gov/zoning

ALTERNATIVES

1. Approve the proposed amendments to Title 12: Zoning to adopt the revised Zoning Title drafted within the City of Mendota Heights Zoning Code Update project and corresponding amendments to the Zoning Map to modify district boundaries and Zoning District titles; or
2. Table the request and request more information from staff.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Title 12: Zoning to adopt the revised Zoning Title drafted within the City of Mendota Heights Zoning Code Update project and corresponding amendments to the Zoning Map to modify district boundaries and Zoning District titles.

If this item receives a positive recommendation from the Planning Commission, it will be forwarded for review at the City Council's August 20, 2024 regular meeting.

ATTACHMENTS:

1. Presentation Slides – Public Open House Feb 15, 2024
2. Zoning Code Update – Final Draft dated July 12, 2024
2. Zoning Code Update – Revised Zoning Map dated July 12, 2024
3. Proposed Environmental Title – Full Draft dated July 11, 2024

July 23, 2024

Mendota Heights Planning Commission
1101 Victoria Curve
Mendota Heights, MN 55118

Dear Planning Commission Members:

The topic of permitting Accessory Dwelling Units (ADU's) in Mendota Heights has been addressed over time, most recently in the City's proposed Comprehensive Plan, culminating in what appears to be a single mention of the subject on page 120, Table 5-9, with the words "will explore". We understand that the topic has also been addressed in the course of a joint work session between the City Council and Commission, where apparently a majority of those attending were "not in favor" of allowing ADU's within the revised ordinance.

We are writing to ask that the Planning Commission continue to keep an open mind regarding the subject, and ideally to put in place plans to indeed continue to "explore" the subject.

We live on South Lane, on a lot having a current density of one unit - and two people - per 1.2 acres, together with a native prairie that we have started on the front one half acre. We are hoping to remain in Mendota Heights, including to "age in place" on the property we have lived in - and continue to improve upon - for nearly 40 years.

As the Members of the Commission know, any fair discussion of the topic of ADU's involves consideration of an array of factors well beyond our ability to respond to the current Plan at this point, having only recently become aware of the existence, or in turn, potential impact of Table 5-9.

These factors would include:

The ability to meet increasing housing demands amidst limited opportunities for growth, and to do so in a sustainable manner that preserves green spaces (and prairies) and reduces the environmental impact associated with new construction.

To increase the availability of affordable housing options, providing smaller, secondary housing units on existing lots, in order to offer affordable living spaces for young professionals and small families, as well as seniors who may have recently started a prairie and hope to watch it grow as they age in place.

To provide opportunities for multigenerational living, allowing extended families to live close together while maintaining some independence, which in turn can strengthen family ties and support networks within the community.

To keep Mendota Heights attractive to those looking for a place to live, particularly when considering that several of our neighboring communities have already approved ADU's or are considering plans to do so.

The thought of allowing ADUs in our city presents a strategic opportunity to address our housing needs, enhance our economic stability, and promote sustainable growth. Given the unique characteristics of our community, and the growing demand for diverse housing options, allowing ADUs would significantly benefit our community.

We therefore strongly encourage the Commission, and in turn Council, to at the very least, maintain an open mind and actively engage in a genuine effort to further explore the topic.

Thank you for your attention to this important matter.

Sincerely,

Phil and Renae Goldman
1926 South Lane
Mendota Heights, MN 55118
pgold1926@gmail.com



April 10, 2024

Sarah Madden
Community Development Manager
City of Mendota Heights
1101 Victoria Curve
Mendota Heights, MN 55118

BY EMAIL

Re: 2500 Lexington Avenue South

Thank you for your time at the recent zoning code update event at City Hall. As I previously shared, we represent the property owner of 2500 Lexington Avenue South (the “Property”) as well as its main tenant, Summit Companies. Summit is in the process of building its new expanded corporate headquarters in the City, and when complete the Property will seek new primary tenant. The Property is zoned Industrial (“I-District”). The current proposed draft of the City’s zoning code update (“Zoning Code Update”) rezones the Property from the I-District to the City’s B-1 District. This rezoning will impact the permitted and conditional uses of the Property, significantly impacting the future use of the building.

To better understand impact of the Zoning Code Update, we conducted a high-level analysis of the I-District today, the B-1 District as proposed and the I-District as proposed. Blue boxes highlight the elimination of a use currently permitted, yellow boxes reflect a limitation or narrowing of existing use rights, and green boxes show where the Zoning Code Update expands the potential uses of the Property.

Uses	I-District Today	B-1 District Proposed	I District New
Auto Repair, Major/Minor	Permitted	CUP	Permitted
Bus Terminal	Permitted	CUP	Permitted
Business and Professional Offices	Permitted	Permitted	Permitted
Maintenance Garage	Permitted	CUP	Permitted
Colleges	Permitted	CUP	CUP
Landscaping and building design and construction	Permitted		Permitted
Manufacturing (enclosed with certain excluded uses (below))	Permitted	Permitted	Permitted *
Railroad Spurs	Permitted	CUP	CUP
Scientific Research	Permitted	Permitted /CUP (Research Centers and Labs)	Permitted

Uses	I-District Today	B-1 District Proposed	I District New
Warehousing and distribution <i>not</i> abutting a residential uses	Permitted, subject to performance standards		CUP
Accessory Retail Sales	CUP	CUP /Permitted based on size of building or shop	Permitted
Airport/Truck/Freight Terminals, Team Tracks	CUP		CUP
Open Sales Lot	CUP		
Commercial Recreation (outside)	CUP	CUP	CUP
Commercial Recreation	CUP	CUP	CUP
Dog Training Facility	CUP		CUP
Essential Service Structures	CUP	CUP	CUP
Manufacturing* Not enclosed	CUP		CUP
Massage Therapy	CUP	Permitted	
Motel Hotel	CUP	CUP	CUP
Outdoor storage	CUP	CUP	CUP
Personal self storage	CUP		CUP
Radio/TV towers	CUP	CUP	CUP
Ready Mix Concrete	CUP		CUP
Restaurants	CUP	Permitted	CUP
Retail Sales	CUP	Permitted	
Warehousing/Dist. Abutting residential	CUP		CUP
Adult Uses	CUP		CUP
Animal Hospital		CUP	
Convention Hall		CUP	
Art Studio		CUP	
Banks		Permitted	
Boats and Marine Sales		Permitted	
Brewery		CUP	CUP
Daycare		Permitted	
Drive Though		CUP	
Dry Cleaning/Laundry		CUP	
Health Club		Permitted	CUP
Food Trucks		Permitted	Permitted
Food hall		CUP	CUP
Funeral Homes		CUP	CUP

Uses	I-District Today	B-1 District Proposed	I District New
Garden Supply Store		Permitted	
Greenhouse		Permitted	Permitted
Laundromat		Permitted	
Medical/Dental Clinics		Permitted	CUP
Motor Vehicle Fuel Stations		CUP	CUP
Pet Shop		Permitted	
Printing Shop		Permitted	
Private Club/Lodge		CUP	
Radio/TV Repair		Permitted	
Drug and Alcohol Treatment		CUP	
Theater		CUP	
Travel/Ticket office		Permitted	
Alternative Energy		CUP	CUP
Auto Sales (Tesla)		Permitted	CUP
Dog Daycare			CUP
Electrical Services, heating, plumbing (Construction services)	Permitted	CUP	CUP
Stone Sales	CUP	CUP	CUP

Based on the City's presentation and our subsequent conversations, we understand the City's goals to be: 1) updating the City's zoning ordinance to ensure consistency with the City's 2040 plan (the "2040 Plan") and 2) addressing developing policy objectives within certain areas of the City. Again, based upon our engagement with the City, we understand the rezoning of the Property to originate from priority 1- consistency with the 2040 plan.

The Property is outlined in yellow on the 2030 plan and 2040 plan below.



Figure 1: 2030 Comp Plan

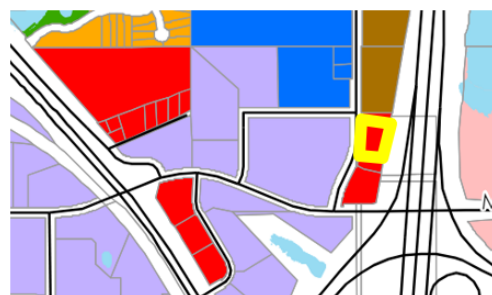


Figure 2: 2040 Comp Plan

The Property was historically guided Business. In 2016, the Property was reguired from Business to Industrial, rezoned from the B-1 District to the I-District, and the zoning code was amended at the request of the Property owner to allow for warehousing and distribution uses

adjacent to a residential use. The recency of these approvals led us to believe that the 2040 plan inadvertently reguiled the Property back to its original designation, rather than retaining the revised uses approved in the 2016 application.

The Property has long served a variety of industrial, warehousing, and mixed-use purposes. Rezoning the Property to the B-1 District would undo the 2016 approval and create difficult legal nonconforming use issues which impact the value of the Property and future investment in the building. We do not believe it is the City's goal to create these impacts. We also understand that the City is simultaneously reviewing the 2040 Plan during the Zoning Code Update process and intends to self-initiate reguiling of a number of properties. To retain the uses that benefit the Property today and to ensure that the Property is not impacted by future restrictions on expansion and renovation, we request that the City reguide the Property to Industrial as part of this process.

While we would also support inclusion of additional uses within the City's revised B-1 District, we believe that this solution, reguiling the Property to the Industrial designation, most efficiently meets the City's policy goals while also preserving the value of the Property.

If you have any additional questions, please do not hesitate to reach out to our office. Thank you.

Sincerely,



Megan C. Rogers, for
Larkin Hoffman

Direct Dial: (952) 896-3395

Direct Fax: (952) 842-1847

Email: mrogers@larkinhoffman.com

From: [Rogers, Megan C.](#)
To: [Sarah Madden](#)
Subject: RE: 2500 Lexington Avenue South- Zoning Update
Date: Thursday, July 18, 2024 10:37:53 PM
Attachments: [4 Quints- Summit- Mendota Heights- 2500 Lexington Avenue South 4855-8695-2365 v.4.pdf](#)

Sarah,

Our client received notice of the July 23, 2024 Planning Commission Meeting- that notice included the statement that our Property is still proposed to be rezoned to the B-1 District. I submitted a narrative back in April outlining the reasons why rezoning in conjunction with this review is inappropriate and would create unintended consequences for the property owner that would impact value and use moving forward. I understood staff to be supportive of bringing forward a reguinding (consistent with our Client's 2016 application and subsequent approvals). We simultaneously requested consideration of expanded uses within the City's B-1 District that are not evident from the materials available on the City website. Specifically, the warehousing and distribution use long approved for this Property would no longer be permitted by right or by a CUP in the new district. We object to this rezoning and renew our request that the City retain the existing industrial zoning for this parcel for all of the reasons previously outlined. I would appreciate a call to discuss prior to the hearing- I am hopeful that our request was misplaced in the larger substantive work your team and the Planning Commission has been engaged in over the past several months.

My office number is below- I can be reached on my cell as well at 303-810-1294.

Megan

Megan C. Rogers
Shareholder

direct | 952-896-3395
fax | 952-842-1847

8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

www.larkinhoffman.com



PLANNING STAFF REPORT

DATE: July 30, 2024
TO: Planning Commission
FROM: Sarah Madden, Community Development Manager
SUBJECT: Zoning Code Update Discussion

BACKGROUND

The Final Draft of the Zoning Code Update was prepared for presentation at a public hearing before the Planning Commission, held on July 23, 2024 to consider the proposed amendments to Title 12: Zoning to adopt a revised zoning title and corresponding Zoning Map. The City has prepared proposed amendments to Title 12: Zoning to adopt a revised zoning title and corresponding Zoning Map.

There were three individuals present at the public hearing, and two individuals chose to provide public comment. In addition, two instances of written public comments were distributed to the Planning Commissioners as an addendum to the staff report, as they were received following the submission of the staff report.

During the Commission's review and discussion of the Zoning Code Update, they made the determination that an additional Work Session should be held to continue the discussion of the items which were brought up during the meeting.

The following items were identified as discussion topics for the Work Session:

- Warehouse/distribution as a CUP in the B-1 General Business district
- Definition of 'government building or structure'
- Lighting at school ball fields
- Noting prohibition of ADUs in the use chart

ATTACHMENTS:

1. Draft/Unapproved Minutes from July 23, 2024 Planning Commission meeting
2. Zoning Ordinance Update – Summary of Changes
3. Code Mapping Reference Guide



MEMO

To: Members of Mendota Heights Planning Commission

CC: Sarah Madden, Community Development Manager

From: Jennifer Haskamp, AICP, SHC

Date: July 26, 2024

RE: Zoning Ordinance Update – Summary of Changes

Introduction

At the public hearing held on July 23, 2024 the Planning Commission tabled consideration of the Zoning Ordinance update and scheduled a work session. One of the issues brought forward was a request to have a more thorough understanding of what changes have been made to the proposed Zoning Ordinance compared to the adopted Zoning Ordinance. As stated during the meeting, a full track-changes version of the Zoning Ordinance is not available since the structure of the ordinance has been modified. However, in an effort to provide more clarity with respect to the changes we have completed an ordinance mapping process which is attached to this memo to assist in your review of the ordinance.

Summary Changes Affecting Full Document

The ordinance mapping process provides detailed section references of key policy related changes. Some changes affect the entire ordinance update and therefore are not individually identified within the attached ordinance mapping. A summary of the changes that are present throughout the ordinance is provided for your reference:

- ***Reduce legalese.*** Throughout the ordinance language has been modified to use more layman's vernacular rather than the current legalese. This is intentional to make the ordinance more accessible to residents, stakeholders and policymakers. For example, throughout the ordinance where the meaning of the policy or regulation would not change if the word "shall" was replaced with "must" the term "must" was used.
- ***Updated Structure Language.*** The updated code is structured as follows: Title, Chapter, Article, Section. The appropriate references throughout the ordinance have been updated to ensure that the appropriate regulation is referenced.
- ***Updated Base Zoning Code References.*** The Base Zoning Districts have been adjusted to match the 2040 Comprehensive Plan land use designations, and the business districts have been consolidated. Specific zoning district changes are noted in the attached ordinance mapping. The revised zoning districts required that all references to the Base Zoning Districts in various sections must be updated to reflect the new zoning code terms. For example, where the existing code references the B-4 zoning district it has been revised to B-2. These updates are incorporated throughout the ordinance.



Ordinance Mapping

Attached is a working draft of the ordinance mapping process which “maps” the existing code language to the new location in the updated zoning ordinance. The attached tables are organized by Chapter. Each table is organized as follows:

- Column 1: Proposed Code Section. The code sections are numerically organized by the proposed code update with the section title.
- Column 2: Existing Code Section(s). The location of the corresponding existing code sections is mapped to the Proposed Code Section. This allows for a quick reference guide to look up the existing code language.
- Column 3: Summary of key changes. A summary of key changes in the proposed code when compared to the existing code is provided. Note that the “Changes Affecting Full Document” identified above are not included in the table as they are changes found throughout the ordinance.

Chapter 1: Title, Purpose, and Conformance		
Updated Zoning Code	Existing Zoning Code	Key Change(s)
12-1A-1: Title and Application	12-1A-1: Title	No substantive change
12-1A-2: Intent and Purpose	12-1A-2: Intent and Purpose	No substantive change
12-1A-3: Application and Interpretation	12-1A-3: Application and Interpretation	No substantive change
12-1A-4: Separability		This Section is new
12-1A-5: Authority		This Section is new
12-1B-1: Relationship to Comprehensive Plan		This Section is new
12-1B-2: Nonconforming Uses, Structures and Land	12-1D-1: Nonconforming Uses, Structures and Land	Updated for consistency with State Statute Simplified and condensed language in 12-1B-2.D

DRAFT

City of Mendota Heights
Zoning Ordinance Update
Code Mapping Reference Guide

Chapter 2: Zoning Districts		
Updated Zoning Code	Existing Zoning Code	Key Change(s)
12-2A-1: Summary		This Section is new
12-2A-2: Zoning Districts Established	12-1C-1: Districts Established	Consolidated and renamed Residential districts. Created PUD Overlay. Consolidated and renamed Business districts.
12-2A-3: Zoning of Annexed Territory	12-1C-4: Zoning of Annexed Territory	No substantive change
12-2A-4: Zoning Map	12-1C-2: Zoning Map	No substantive change
12-2A-5: Boundaries of Districts	12-1C-3: Boundaries of Districts	Added detailed provisions for different types of overlay districts. Specifies which regulatory agencies establish the boundaries and provides conditions.
12-2A-6: Applicability of Standards and other Jurisdictions		This Section is new Requested by City Council and Planning Commission at Joint Work Session
12-2B-1: Base Zoning Districts		This Section is new
12-2B-2: Residential Estate	12-1E-3: R-1A One-Family Residential District	Tabular organization Added impervious surface requirement R-1B and R-1C One-Family Residential District Removed - No properties are zoned this designation
12-2B-3: Low Density Residential (R-1)	12-1E-3: R-1 One-Family Residential District	Tabular organization Added impervious surface requirement
12-2B-4: Medium Density Residential	12-1E-7: R-2 Medium Density Residential District	Tabular organization Adjusted lot size and lot width for consistency with 2040 Future Land Use Designation Added impervious surface requirement
12-2B-5: Multi-Family Residential	12-1E-8: R-3 High Density Residential District	Tabular organization Adjusted lot size and lot width for consistency with 2040 Future Land Use Designation Added impervious surface requirement
12-2B-6: Mixed Use (MU)		This Section establishes a Base Zoning District for existing Mixed Use PUD properties Added impervious surface requirement Added dimensional standards for consistency with 2040 Future Land Use Designation
12-2B-7: General Business	12-1F-2: B-1A Business Park District 12-1F-4: B-3 General Business District 12-1F-5: B-4 Shopping Center District	Tabular Organization Consolidated districts - Minor adjustments to dimensional standards to encompass standards of prior districts Moved Uses to Chapter 3 Added impervious surface requirement
12-2B-8: Neighborhood Business (B-2)	12-1F-1: B-1 Limited Business District 12-1F-3: B-2 Neighborhood Business District	Tabular Organization Consolidated districts - Minor adjustments to dimensional standards to encompass standards of prior districts Moved Uses to Chapter 3 Added impervious surface requirement
12-2B-9: Industrial (I)	12-1G: Industrial District	No substantive changes to dimensional standards Moved Uses to Chapter 3 Moved parking, landscaping, and screening standards to Chapter 4
12-2B-10: State Park (SP)		This Section is new, cross-reference to Minnesota DNR Regulations Added for consistency with 2040 Future Land Use Designation

City of Mendota Heights
Zoning Ordinance Update
Code Mapping Reference Guide

12-2C-1: Public/Semi-Public Overlay (PSP-O)		This Section is new, geographically limits PSP uses within Base Residential Zoning Districts
12-2C-2: Planned Unit Development Overlay Districts	12-1K: Planned Unit Developments	Revised PUD to an Overlay District that requires a Base Zoning District

DRAFT

City of Mendota Heights
Zoning Ordinance Update
Code Mapping Reference Guide

Chapter 3: Allowed Uses

Updated Zoning Code	Existing Zoning Code	Key Change(s)
12-3A-1: Uses contained in this Chapter		This Section is new
12-3A-2: Uses not Identified in this Chapter		This Section is new Section establishes that Uses not identified within Table of Uses are prohibited and provides a process to amend the Section or the Table if a resident wanted the City to consider a Use
12-3A-3: General Standards Applicable for Uses		Subsection A is new, but A.1 is carried over from existing code. Requested to include by Planning Commission and City Council. In Subsection A.1, the Atomic Energy Commission was removed because they were dissolved in 1975
12-3B-1: Table of Uses	12-1E-3.A-B: R-1 One-Family Residential District 12-1E-4.A-B: R-1A One-Family Residential District 12-1E-7.A-B: R-2 Medium Density Residential District 12-1E-8.A-B: R-3 High Density Residential District 12-1F-1.A-B: B-1 Limited Business District 12-1F-2.A-B: B-1A Business Park District 12-1F-3.A-B: B-2 Neighborhood Business District 12-1F-4.A-B: B-3 General Business District 12-1F-5.E-F: B-4 Shopping Center District 12-1G-1: Permitted Uses 12-1G-1: Conditional Uses 12-1G-1-1: Interim Uses	Tabular organization of Uses pulled from Article C: Zoning Districts and Map Added Uses for Mixed Use (MU) District Added the following Land Uses to Table: Commercial recreation (outdoor), Crematorium, Food Trucks, Food Hall, Dog Daycare, Off-Leash Dog Area, Brewery, Cidery, and Micro-distillery Retail uses were consolidated to be based on square-footage Residential descriptions were revised to match building code definitions Added language to the Table under Public/Semi-Public Uses that PSP Uses in Residential Districts must be within the designated overlay Planning Commission updated each use based on the Zoning District
12-3B-2: Use Specific Regulations		This Section is new
12-3B-3: Residential Use Specific Regulations	12-1E-3.B: R-1 One-Family Residential District 12-1D-8: Farming Operations 12-1E-7.A: R-2 Medium Density Residential District	This Section moves the Use Specific Standards from existing zoning districts into one Section Subsection A is new Subsection B had minor edits Subsection 2 - 3 had no substantive changes Reorganization of Residential Use Specific Regulations into one Section
12-3B-4: Business/Commercial Use Specific Regulations	12-1F-3.B: B-2 Neighborhood Business District 12-1D-13-4: Drive-In and Fast Food Restaurants 12-1F-1: B-1 Limited Business District 12-1F-2: B-1A Business Park District 12-1F-3: B-2 Neighborhood Business District 12-1F-4: B-3 General Business District 12-1F-5: B-4 Shopping Center District 12-1G-2: Conditional Uses 12-1D-13-3: Motor Fuel Stations and Motor Fuel Station Convenience Stores Article H. Adult-Oriented Businesses and Uses	This Section moves the Use Specific Standards from existing zoning districts into one Section Subsection A is new Subsection B.1 is new, Adult Use ordinance considered previously but not adopted Subsection B.2 consolidated animal hospital with cat clinic Subsection B.3 is new Subsection B.4 was added by the Planning Commission in 2023 Subsection B.5 is new Subsection B.6 - additional criteria was added Subsection B.7 - no substantive changes Subsection B.8 - no substantive changes Subsection B.9 - modified retail uses based on building square-footage
12-3B-5: Industrial, Transportation, & Utility Use Specific Regulations	12-1F-18: Alternative Energy Systems 12-1G-2: Conditional Uses 12-1D-7: Essential Services 12-1G-2-1: Interim Uses 12-5-6: Other Outdoor Storage 12-1G-1: Permitted Uses 12-1D-14: Wireless Antennas, Towers, and Accessory Structures	Subsection A is new Subsection B.1 - B.7 - no substantive changes Subsection B.8 - updated subsection E for location preferences, other minor text modifications
12-3B-6: Public, Semi-Public Use Specific Regulations	12-1E-3.B: R-1 One-Family Residential District 12-1E-8.A-B: R-3 High Density Residential District 12-1F-2: B-1A Business Park District	Subsection A - B are new Subsection B.2 - B.4 - no substantive changes Added the following Sections: Cultural Centers, Places of Assembly

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12-3B-7: Accessory Use Specific Regulations	12-1E-3.C: R-1 One-Family Residential District 12-1E-4.C: R-1A One-Family Residential District 12-1E-7.C: R-2 Medium Density Residential District 12-1E-8.C: R-3 High Density Residential District 12-1F-1.C: B-1 Limited Business District 12-1F-2.C: B-1A Business Park District 12-1F-3.A-B: B-2 Neighborhood Business District 12-1F-4.A-B: B-3 General Business District 12-1F-5.G: B-4 Shopping Center District 12-1G-3: Permitted Accessory Uses 12-1G-2: Conditional Uses	Subsection A - B.1 are new Subsection B.2 - no substantive changes Subsection B.3 - updated Home Occupation criteria Subsection B.4 - B.6 no substantive changes Reorganization of Uses pulled from Article C: Zoning Districts and Map Added the following Section: Home Occupation
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Chapter 4: Building, Character, and Design Standards

Updated Zoning Code	Existing Zoning Code	Key Change(s)
12-4A-1: General Character and Form of Property		This Section is new
12-4A-2: Utilities and Services	12-1D-12: Sanitary Sewer and Water Systems 12-1I-16: Drainage	No substantive changes - language updated Subsection B - updated to match current process, no substantive changes to the policy
12-4A-3: Yards and Open Space	12-4A-3: Yards and Open Space	Subsection C updated with minor adjustments to permitted encroachment standards, modified front yard deck/porch encroachments to limit encroachment permitted, cleaned up language Subsection D - added maximum front yard setback for infill lots
12-4A-4: Wetland Requirements		Modified existing wetland permit standards to follow WCA, added wetland buffer and setback requirements table Permit process aligns with WCA rules and are cross-referenced in Title 15
12-4A-5: Landscaping Requirements	12-1D-13-2: Additional Requirements for all B and I Districts	Expanded landscape requirements to apply to all multi-family, mixed, and industrial uses Subsection D.9 - adjustments for maintenance requirements for native vegetation were incorporated No substantive changes to standards Updated cross-references
12-4A-6: Impervious Surface Requirements		This Section is new - Industrial District was the only Zoning District with impervious surface standards
12-4A-7: Structure Height Standards	12-1D-12-1: Increase in Structure Height Limits	No substantive change Language added to address infill lots in R-1 District
12-4A-8: Accessory Structure Standards	12-1D-3: Accessory Structures	Subsection A is new Subsection B.3 is a new definition Subsection C added impervious surface requirements Subsection C.7 - requires administrative permit Subsection D.3 - added provisions to allow garage door up to 12-feet with a CUP Subsection F is new, added provisions regarding Children's Play Structures and Tree Houses
12-4A-9: Off-Street Parking and Loading	12-1D-16: Off Street Parking and Loading	Added subsection D.5 for parking space and drive aisle standards Subsection F - Table 4A-7.3 - Adjusted multi-family parking ration to one space per dwelling unit or per bedroom, whichever is greater
12-4A-10: Fences	12-1D-6: Fences	Language updated to remove subjectivity Updated Figure 12-4A-8.1 to match language in subsection C.1
12-4A-11: Signs	12-1D-15: Signs	No substantive change Subsection J.3 - language added regarding murals
12-4B-1: Lot and Building Provisions	12-1D-2: Lot Provisions	Modified Subsection B to cross-reference exception language in Section 12-2B-3, subdivision D
12-4B-2: Single-Family Detached and Attached Building Requirements	12-1E-1: Minimum Requirements for Single-Family Residential Districts	Subsection B - added exception for flat roofs Subsection 3 - added language for landscape standards
12-4B-3: Attached and Multi-Family Residential Building Requirements	12-1E-8: High Density Residential District	Adjusted Table 12-4B-3.1 for one-bedroom units to 700 SF Subsection E - added design standards, modified construction and building plan standards, added cross-reference to landscape standards
12-4B-4: Outside Storage of Personal Recreational Equipment in Residential Districts	12-1D-13-5: Outside Storage in Residential Districts	Added subsection C - exceptions for corner lots

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12-4C-1: Public Semi-Public Overlay District		This Section is new
12-4C-2: Floodplain Overlay District		This Section is new, provides cross-reference to Title 15
12-4D-1: Lot and Building Standards	12-1D-13-2: Additional Requirements for all B and I Districts	No substantive change - language added about landscaping
12-4D-2: Screening	12-1D-13-2: Additional Requirements for all B and I Districts	No substantive change - language added about landscaping
12-4D-3: Lighting	12-1I-15: Lighting	Added subsection B.3 regarding photometric plan Added subsection C regarding fixture type and maximum height

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Chapter 5: Administration and Conformance

Updated Zoning Code	Existing Zoning Code	Key Change(s)
12-5A-1: Administration and Enforcement Officials	12-1L-1: Administration and Enforcement Officials	No substantive change
12-5A-2: Duties of a Zoning Administrator	12-1L-2: Duties Of Zoning Administrator	No substantive change
12-5A-3: Appeal of Zoning Administrator Decision	12-1L-3: Appeals	No substantive change
12-5B-1: Purpose and Applicability	12-3-13: Official Review Process	Subsection A - B are new Subsection C - modified language for individual application to comply with current Minnesota State Statute Subsection D - consolidated individual land use application procedures into one common set of procedures consistent with Minnesota Statute 15.99 Tabular Organization of Land Use Application Review Procedures
12-5B-2: Comprehensive Plan Amendment	12-1L-9: Comprehensive Plan Amendments	No substantive change, updated for consistency with Minnesota State Statute 15.99
12-5B-3: Zoning Amendment (Text or Map)	12-1L-8: Zoning Amendments	No substantive change, updated for consistency with Minnesota State Statute 15.99
12-5B-4: Site Plan	12-3-12: Site Plan Requirements	This Section is new
12-5B-5: Conditional Uses	12-1L-6: Conditional Uses	No substantive change, updated for consistency with Minnesota State Statute 15.99
12-5B-6: Interim Uses	12-1L-6-1: Interim Uses	No substantive change, updated for consistency with Minnesota State Statute 15.99
12-5B-7: Variances	12-1L-5: Variances	No substantive change, updated for consistency with Minnesota State Statute 15.99
12-5B-8: Planned Unit Development	Article K. Planned Unit Developments	Modified to require rezoning to PUD-O Added subsection C, regarding PUD overlay district types Remaining sections - no substantive changes
12-5C-1: Building Permits	12-1D-13-2: Additional Requirements for all B and I Districts 12-1E-2: Building Permit Requirements for Single-Family Residential Districts	This Section is new - Consolidated building permit language into one Section
12-5C-2: Certificate of Occupancy	12-1L-4: Certificate of Occupancy	No substantive change
12-5C-3: Traffic Studies	12-1D-17: Traffic Studies	No substantive change
12-5C-4: Administrative Permit		This Section is new
12-5D-1: Environmental Assessment Worksheet (EAW)	12-6-1: Environmental Review Program 12-6-2: Cost of Preparation and Review 12-6-3: Administration 12-6-4: Optional EAW 12-6-5: Enforcement and Penalty	No substantive change
12-5E-1: Fees and Deposits	12-1L-10: Fees And Deposits	No substantive change
12-5E-2: Violations; Penalties	12-1L-11: Violations; Penalties	No substantive change

Chapter 6: Critical Area Overlay District

Updated Zoning Code	Existing Zoning Code	Key Change(s)
12-6A-1: Authority, Policy, and Intent	12-3-1: Authority, Policy and Intent	No substantive change
12-6A-2: General Provisions and Definitions	12-3-2: General Provisions and Definitions	
12-6A-3: Administration	12-3-3: Administration	
12-6A-4: Mississippi River Corridor Critical Area (MRCCA) District	12-3-4: Mississippi River Corridor Critical Area (MRCCA) Districts	
12-6A-5: Special Land Use Provisions	12-3-5: Special Land Use Provisions	
12-6A-6: Structure Height, Placement, and Lot Size	12-3-6: Structure Height, Placement and Lot Size	
12-6A-7: Performance Standards for Private Facilities	12-3-7: Performance Standards for Private Facilities	
12-6A-8: Performance Standards for Public Facilities	12-3-8: Performance Standards for Public Facilities	
12-6A-9: Vegetation Management	12-3-9: Vegetation Management	
12-6A-10: Land Alteration Standards and Stormwater Management	12-3-10: Land Alteration Standards and Stormwater Management	
12-6A-11: Subdivision and Land Development Standards	12-3-11: Subdivision and Land Development Standards	
12-6A-12: Site Plan Requirements	12-3-12: Site Plan Requirements	
12-6A-13: Official Review Process	12-3-13: Official Review Process	
12-6A-12: Notification to Resource Agencies	12-3-14: Notification to Resource Agencies	
12-6A-15: Exemptions	12-3-15: Exemptions	

Chapter 7: Rules and Definitions

Updated Zoning Code	Existing Zoning Code	Key Change(s)
10-7A-1: Rules of Word Construction	12-1B-1: Rules of Word Construction	No substantive change
12-7B-1: Definitions	12-1B-2: Definitions	No substantive change Added definitions for: Accessory Structures (non-building structures), Sign (mural), Right of Way, Public Street
12-7C-1: Definitions	12-1H-2: Definitions	Adult Uses added from previously reviewed ordinance
12-7D-1: Definitions	12-3-2: General Provisions and Definitions	No substantive change
12-7E-1: Definitions	12-4-3: Definitions	No substantive change

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**EXCERPT FROM DRAFT/UNAPPROVED 8/27/24 PLANNING
COMMISSION MINUTES**

A) ZONING CODE UPDATE

Planning Consultant Jennifer Haskamp presented the Final Draft of the Zoning Code Update. The City has prepared proposed amendments to Title 12: Zoning to adopt a revised zoning title and corresponding Zoning Map. This item was tabled from the July 23, 2024, regular Commission meeting, where the public hearing was opened, held, and closed. The Planning Commission met at a Worksession on July 30, 2024, to continue to discuss the comments received at the July 23rd meeting.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received. The Commission is asked to reopen the public hearing and continue its discussion of this item.

Planning Consultant Jennifer Haskamp provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Staff recommended adoption of Zoning Code updates as presented.

Commissioner Katz thanked staff for continuing to go through the drafts and answer questions, acknowledging that this has been a long process.

Acting Chair Corbett reopened the public hearing.

Tim Lawrence, Alltech Engineering, referenced the proposed rezoning which would rezone a lot of industrial property to general business. He commented that it would seem that a number of current uses would not be included in the allowed table of uses for general business, using the example of metal fabrication.

Commissioner Petschel commented that he specifically mentioned that use as something they wanted to allow and therefore if it is not listed, it should be. He believed that would fall under the definition of manufacturing.

Mr. Lawrence asked the purpose of rezoning the parcels.

Commissioner Petschel commented that those properties are not currently be rezoned. He stated that there is only one parcel in the industrial district being reguied as general business, and identified that parcel.

Planning Consultant Jennifer Haskamp identified the stretch of property proposed to be rezoned. She explained that this is a follow up from the Comprehensive Plan guiding which had an intent to better match the existing uses of the property.

Mr. Lawrence stated that he is seeking to understand the purpose of the change as his business is similar to many in that area. He stated that while their business is not engaging in manufacturing, they support industrial businesses and does not want the other businesses to be impacted by the change in zoning.

Commissioner Stone asked how they could ensure that this would not impact the current businesses that are there.

Community Development Manager Sarah Madden stated that the map itself has looked like this for some time because of the Comprehensive Plan guiding and cannot be separated from the Zoning Code update at this point. She stated that the table of uses could be updated.

Planning Consultant Jennifer Haskamp stated that the existing businesses are protected as they would predate the changes to the Code and would be legal nonconforming uses. She stated that there was discussion that the existing businesses better match B-1 and if that is not the case, that whole section could be recommended to revert back to industrial. She stated that uses could also be added to the allowed uses if desired.

Commissioner Stone asked the number of uses of that nature in that area.

Public Works Director Ryan Ruzek commented that there may be one, noting that block may be better served as industrial and east of Pilot Knob Road he is not familiar with industrial-type properties. He stated that the map could therefore be modified, or if the intent is to have more general business in the future, the map could be left as proposed.

Acting Chair Corbett commented that they would not want to adversely impact businesses or properties.

Commissioner Petschel stated that perhaps manufacturing is added as a conditional use within general business.

Planning Consultant Jennifer Haskamp reviewed the changes that could be made to allow those uses conditionally within general business.

Commissioner Johnson suggested they look at the other B-1 zoning areas because that change would then open it up in those areas.

Commissioner Petschel commented that manufacturing is already allowed, noting that there is just a specification on certain methods that are not allowed.

Planning Consultant Jennifer Haskamp reviewed some of the allowed industrial activities that would not be allowed within general business. She stated that if those uses seem appropriate for this strip of property, then she would suggest changing that area back to industrial rather than adjusting the table.

DRAFT/UNAPPROVED MINUTES

Community Development Manager Sarah Madden commented that as suggested by Public Works Director Ryan Ruzek, they could adjust the portion of the block west of Pilot Knob back to industrial.

Commissioner Stone asked the opinion of the planning consultant.

Planning Consultant Jennifer Haskamp commented that if those uses, she reviewed feel consistent with what is going on, and what they would like in the future, she would recommend the map change. She noted that it has been two years since the last review and discussion related to the map change.

Commissioner Petschel stated that he would be comfortable going that route, as in reviewing the current uses, that seems to be more appropriate as industrial.

Planning Consultant Jennifer Haskamp commented that would still be consistent with the Comprehensive Plan.

The Commission thanked Mr. Lawrence for his input.

Seeing no one further coming forward wishing to speak, Acting Chair Corbett asked for a motion to close the public hearing.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER KATZ, TO CLOSE THE PUBLIC HEARING.

AYES: 5

NAYS: 0

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER PETSCHER, TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENTS TO TITLE 12: ZONING TO ADOPT THE REVISED ZONING TITLE DRAFTED WITHIN THE CITY OF MENDOTA HEIGHTS ZONING CODE UPDATE PROJECT AND CORRESPONDING AMENDMENTS TO THE ZONING MAP TO MODIFY DISTRICT BOUNDARIES AND ZONING DISTRICT TITLES, WITH THE ADDITIONAL RECOMMENDATION FOR THE MAP CHANGE TO REZONE WEST OF PILOT KNOB, SOUTH OF MENDOTA HEIGHTS ROAD, FROM B-1 TO INDUSTRIAL.

AYES: 5

NAYS: 0

Community Development Manager Sarah Madden advised the City Council would consider this application at its September 17, 2024 meeting.



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Consider Approval of Ordinance No. 591, Amending Title 3: Business and License Regulations to create a Short Term Rental Ordinance and license process; Authorize publication of Summary Ordinance; and, consider Approval of Ordinance No. 594, Amending the City's Fee Schedule

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Community Development **CONTACT:** Sarah Madden, Community Development Manager

ACTION REQUEST:

Adopt Ordinance No. 591, amending Title 3: Business and License regulations to add a new Chapter 5A: Short Term Rentals; Authorize Publication of Summary Ordinance; and, Adopt Ordinance No. 594, amending the City's Fee Schedule by establishing a Short Term Rental License fee

BACKGROUND:

The City Council passed a year-long moratorium on short term rentals in September 2023 in order to provide time for the City to study and develop appropriate ordinance regulations for the use. The City's existing ordinance and policy regarding rental of residential real estate in the R-1 zoning district is contained in Title 3, Chapter 5 Rental Housing. There are no current ordinance performance standards regarding short term rentals in either Chapter 5 or within Title 12 Zoning. The moratorium was established as an interim ordinance in order to provide the City with the time needed to conduct an ordinance research and drafting process, which has been occurring for the last several months. This interim ordinance expires on September 19, 2024, and a final draft of the Short Term Rental ordinance has been prepared for the consideration and adoption by the City Council.

To begin this ordinance preparation process, staff distributed a questionnaire to the City Council, and to members of the Planning Commission, consisting of general questions on policy details that relate to Short Term Rentals. A Short Term Rental, also known as vacation rental (e.g. Airbnb and VRBO rentals), is a living space that is offered for rent to visiting guests for a short period of time. Short Term Rental properties are usually furnished, and the dwelling

can be a single room, multiple rooms, or an entire home. The rent period ranges from days to weeks, with a maximum of 30 days. The goal of the City's research has been to identify performance standards and regulations that Mendota Heights could implement that would balance the concerns of residents with those of short-term rental property owners while preserving neighborhood character. Staff presented research relating to short-term rental ordinance standards and potential policy objectives, and the information gleaned from the questionnaire to the City Council at their March 19, 2024, City Council Work Session.

At that Work Session, the City Council provided direction to staff to move forward with an ordinance amendment within Title 3, Business and License Regulations, Chapter 5: Rental Housing which would authorize a short-term rental license requirement and associated application process. For specific ordinance provisions, the City Council agreed with consensus that the proposed ordinance should include standards such as:

- The definition of a short-term rental would be 30 days or less
- Short term rental units should be licensed and require an inspection when an application for licensing is received
- The number of occupants limited to two occupants per legal bedroom (with means of egress needed)
- The home be homesteaded, or the owner/operators primary residence
- Establish a minimum night stay
- Parking be provided on-site for four operable vehicles on a paved surface, consistent with City Code
- Owners follow the existing property maintenance code

Much of those initial policy directives have remained in the draft Short Term Rental Ordinance as staff continued to revise and present updated versions of the ordinance to the City Council. The City Council provided additional feedback on the ordinance standards at their May 21st and June 18th work sessions, with the resulting feedback including standards within the final draft of the ordinance such as:

- A maximum number of 5 bedrooms
- A maximum occupancy of two persons per bedroom, with one of the proposed bedrooms within the unit available for up to 4 bedrooms (totaling a maximum of 12 person occupancy overall)
- Reservations must have a minimum 2-night stay
- No short term rental may be rented to any person under the age of 25

The full and final draft of the Short Term Rental ordinance is included as an attachment to this report. Due to the length of the ordinance, the City Council is also asked to consider authorizing the publication of a Summary Ordinance, which requires 4/5ths of the Council's votes to succeed.

In addition to the proposed Ordinance No. 591, staff has prepared Ordinance No. 594

amending the City's fee schedule to add a Short Term Rental License fee, which is proposed to be set at \$200.00 per annual license.

Staff recommends that the City Council approve the new ordinance and may make a motion for the consideration of adoption of the two proposed ordinances as noted below:

- (1) Adopt Ordinance No. 591, Amending Title 3 of the City Code to incorporate Chapter 5A: Short Term Rentals, establishing a short term license and regulatory standards, and Authorize Publication of a Summary Ordinance; and,
- (2) Adopt Ordinance No. 594, Amending the City's Fee Schedule to add a Short Term Rental License fee.

FISCAL AND RESOURCE IMPACT:

A Short Term Rental license fee of \$200.00, annually is proposed to be established to coordinate the function of the short term rental license review process and act as cost recovery for the staff time involved in administering the license.

ATTACHMENTS:

1. Ordinance No. 591, Establishing a Short Term Rental Ordinance and License
2. Summary of Ordinance No. 591
3. Ordinance No. 594, Amending the City's Fee Schedule

CITY COUNCIL PRIORITY:

Economic Vitality & Community Vibrancy

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 591

AMENDING TITLE 3 TO CREATE CHAPTER 5A: SHORT TERM RENTALS

The City Council of the City of Mendota Heights does ordain:

Section 1. City Code Title 3 – BUSINESS AND LICENSE REGULATIONS is hereby amended to add Chapter 5A: SHORT TERM RENTALS as follows:

3-5A-1: PURPOSE AND SCOPE:

It is the purpose of this chapter to assure that short-term rental of dwelling units in the City's R-1 one-family residential zoning district is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood or an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community. The City recognizes that short-term rentals provide an opportunity for residents to use their property to generate supplemental income; and, when properly managed, short-term rentals have a minimal impact on surrounding properties. When not properly managed, short-term rentals have the capacity to generate noise, traffic, and trash beyond what is typically present in a residential neighborhood creating a nuisance. These issues can be especially acute when the owner of the property does not reside in the home. In order to promote the health, safety, general welfare, aesthetics, and image of the community, the City facilitates and regulates the use of residential properties for short-term rentals by requiring the licensure of short-term rentals.

3-5A-2: DEFINITIONS:

For the purpose of this chapter, the following terms shall be defined as set forth below:

BEDROOM: A habitable room within a single-family dwelling which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room. The room shall have a method of egress in addition to the primary entry door to the room in accordance with the Minnesota Residential Building Code.

DWELLING: A building or one or more portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, tents and recreational vehicles, or attached multiple- family dwellings.

DWELLING UNIT: A residential accommodation located within a dwelling that includes permanently installed cooking, sleeping, and sanitation facilities, designed or intended for use as living quarters for a single family. Dwelling units subject to this chapter are defined as being detached dwelling units in the R-1 one-family zoning district.

OCCUPANT: A person who lives or sleeps in a dwelling unit.

OWNER: Any person, operator, firm or corporation having a legal or equitable interest who is the recorded or unrecorded owner, or otherwise has control, of the dwelling unit.

PRIMARY RESIDENCE: A dwelling unit where the property owner: lives in the property for more than six months a year; is a resident of the state of Minnesota and files state income taxes in Minnesota; qualifies for Homestead tax classification as defined by MN Statutes 273.124 and as determined by the Dakota County Assessor; and uses the property address for their driver's license, voting registration, and federal and state tax returns.

RENT: To permit occupancy of a dwelling unit by a person other than the legal owner thereof, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.

SHORT TERM HOME RENTAL: The furnishing for consideration of lodging to tourist or transient guests in a dwelling or dwelling unit, where the renting or letting for occupancy is for a temporary period of time that is thirty (30) consecutive calendar days or less.

SHORT TERM RENTAL GUEST: any person who, at their own expense or at the expense of another, exercises occupancy or possession, or is entitled to occupancy or possession, by reason of any rental agreement, concession, permit, right of access, option to purchase, license, time-sharing arrangement, or any other type of agreement for a period of thirty (30) consecutive calendar days or less.

3-5A-3: GENERAL LICENSING PROVISIONS:

A. License Required:

1. No property shall be used as a short-term rental without a license issued by the City. The license once issued shall be valid for a period of one year from the date of issuance and must be renewed annually. This requirement applies to short term home rentals unless exempted pursuant to Section 3-5A-6.

B. License Application:

1. Application for a license shall be made to the City upon a form furnished by the City. A person who has been issued a rental license shall give notice, in writing, to the city administrator, within five (5) business days of any change in the information contained on the license application.

C. License Fees:

1. Licensing fees shall be prescribed as set forth in the City's fee schedule, and maintained on file in the office of the city administrator. The required fees shall be submitted along with the application for a new or renewal license. Applications for a renewal license submitted after the license term expiration are subject to a penalty fee.

D. License Terms:

1. All short term rental licenses shall be valid for a period of one calendar year, except as otherwise provided herein or in cases of suspension or revocation.

2. In order to be issued a license the applicant must submit the following application materials:

- i. Name and address of the short term rental property and the property owner.
- ii. Name, address, and phone number of a local agent authorized to be the emergency contact for the property and accessible at all times, and to make or order repairs or services for the property if in violation of City or State Codes, if the person is different than the owner.
- iii. Number of bedrooms.
- iv. Maximum number of occupants.
- v. Signed agreement that the City has permission to access exterior areas of the property when responding to a reported violation of the standards in this section in order to ascertain if a violation has occurred.
- vi. Verification that there are not any unresolved Code Enforcement or Property Maintenance cases.
- vii. Affidavit of Residency to verify primary residence: Applicants for short term rental licenses are required to sign an affidavit of residency attesting that the home is their primary residence and acknowledging that subsequent discovery of non-residency shall be ground for revocation of the license.
- viii. Listing services where the short term rental is advertised.
- ix. Such other and further information as the City Council may require if applicable.

E. License Issuance:

1. The City shall issue a short term rental license if real estate taxes and municipal utility bills for the dwelling unit have been paid, and the City has no record of unresolved complaints regarding the property subject to the rental license. The short term rental license must be in compliance with all standards of this Chapter.

F. Renewal Of License:

1. A licensee may continue to rent a dwelling unit after the expiration date of the rental license provided that the owner has filed with the city administrator, on or before the expiration date, the appropriate renewal license application and license fee, and provided that the City has no record of unresolved complaints regarding the property subject to the rental license.

G. Transfer Of License:

1. A short term rental license shall not be transferable to another person or to another dwelling unit. Each license shall automatically terminate upon the sale or other conveyance of the property to an unlicensed person or entity.

3-5A-4: CONDITIONS OF LICENSE:

All short-term rental unit owners and operators must comply with the following:

A. Performance Standards:

1. The short term rental dwelling unit shall have a maximum of five (5) bedrooms. Only one (1) bedroom may be larger 280 square feet in size.
2. The maximum occupancy within the short term rental dwelling unit shall be two (2) persons per bedroom in bedrooms less than 280 square feet in size. For a bedroom that is larger than 280 square feet, the maximum occupancy may be up to four (4) persons.
3. Short term rental reservations must have a minimum two (2) night stay.
4. The maximum number of vehicles that may be parked overnight on the property shall be consistent with the Property Maintenance Code. Vehicles in garages shall not be counted towards total number of vehicles.
5. The owner of a short-term rental dwelling unit must provide sufficient waste collection containers and service for the short term rental dwelling unit in order to meet the demand of the unit's occupants. The owner shall be solely responsible for ensuring that waste is properly collected, stored, and made available for regular collection. Waste may not be stored outside of approved containers. All waste containers must be stored, screened, and collected in accordance with Section 12-5-8 of this Code.
6. Listings advertising the property's availability for rent must state the license number, maximum occupancy permitted by the license, and the maximum number of vehicles that may be parked overnight on the property.
7. Ensure that all short term rental dwelling units have working smoke detectors and carbon monoxide alarm(s) installed in accordance with Minnesota Statutes Sections 299F.362 and 299F.51, and in accordance with the Minnesota Residential Building Code and Minnesota State Fire Code. Additionally, each unit shall have at least one properly maintained and charged fire extinguisher located in an easily-accessible location which is clearly marked and which is made known to the temporary occupants.
8. Provide and post the following information in a conspicuous place within each short-term rental dwelling unit:
 - i. Emergency contact information for the short term rental dwelling unit owner;

- ii. Emergency contact information for the short term rental dwelling operator, of applicable;
 - iii. The street address of the short term rental dwelling unit;
 - iv. A Floor Plan of the short term rental dwelling unit indicating exits, escape routes, and the location of all fire extinguishers;
 - v. The maximum occupancy limits of the short term rental dwelling unit; and
 - vi. A parking map showing all allowable parking locations serving the property
9. A guest registry of the short term rental dwelling unit must be kept by the owner that includes the following information: a record of the dates the unit was rented, the number of guests during the rental periods, and the amount of rent paid by the guests in connection with the rental of the short term rental dwelling unit. This record shall be kept by the owner for at a minimum of five years.
10. No short term rental dwelling unit may be rented to any person who is under the age of 25. The person who rents the unit must provide a telephone number to the owner or operator and must be accessible to the owner or operator by telephone during the short term rental period.
11. If the short term rental dwelling unit includes a swimming pool, spa, or hot tub, the owner or operator must post a sign near the pool, spa, or hot tub indicating that it is not licensed or inspected by the State or the county.
12. The short term rental dwelling unit must have a visible house number that can be easily seen from a public street during the day and at night.
13. Comply with all applicable city, state, and federal laws, ordinances, and regulations.
14. Remit all applicable local, state, and federal taxes, including, but not limited to applicable lodging tax.
15. The city must be provided with accurate and up to date information regarding the name and contact information for the short term rental dwelling unit owner and operator, if applicable. If the owner or operator's contact information changes, updates must be filed with the city within 30 days of the date of the change.

B. Conduct On Licensed Premises:

1. **Disorderly Conduct:** It is the responsibility of the owner to ensure that persons occupying the licensed premises conduct themselves in such a manner so as not to cause the premises to be disorderly or constitute a nuisance. The owner or operator of the short-term rental dwelling unit is responsible to ensure that the property remains in compliance with the City's nuisance regulations.

3-5A-5: ENFORCEMENT:

The application for a short term rental license will be reviewed by the City Administrator or their designee.

A. Inspections:

1. The City Administrator or their designee shall conduct inspections of the short term rental dwelling unit to determine the compliance with the applicable provisions of this code. An inspection is required prior to the initial issuance of the license. The City may conduct inspections of the short term rental dwelling unit upon submittal of a license renewal application. The code official or designated representative may enter, examine, and survey at all reasonable times all short term rentals and premises after obtaining consent from an owner or occupant of the premises.

B. Violations:

1. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Section or other provisions of this Code.

2. The code official shall serve a notice of violation on the licensee. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the termination of the unlawful occupancy of the structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

3. A short term rental license may be revoked or suspended for violations of this section.

4. The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building in violation of this section, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

5. The property owner of record shall be responsible for any city costs in enforcing the provisions of this chapter including inspection fees, or other fees, charges or penalties that are imposed as permitted by law.

C. License Suspension Or Revocation, Or Refusal To Renew:

1. In the event of any potential health or safety violations, the code official may suspend the license until the violation is corrected.

2. If a property with a short term rental receives three notices of violation within a 365-day period, its short term rental license shall be revoked. The license may be revoked after a single violation if the violation is not immediately corrected pursuant to a notice of violation.

3. No person who has had a permit revoked under this Section shall be issued a short term rental license for one year from the date of revocation.

D. Appeal: The licensee may appeal the occupancy limit, parking limit, denial, suspension, or revocation to the City Council. The licensee must file with the city clerk a notice of appeal within ten days of an issuance, denial, suspension, or revocation. The Council shall consider the appeal at a regularly scheduled council meeting on or after 15 days from service of the notice of appeal upon the City Clerk by the licensee. Hearing on the appeal shall be open to the public and the licensee shall have the right to appear and be represented by legal counsel and to offer evidence in behalf of licensure. At the conclusion of the hearing, or as soon thereafter as practicable, the Council may order:

1. The denial, suspension, or revocation of the license.
2. The denial, suspension, or revocation by the code official be lifted and the license be returned to the licensee.
3. Additional terms, conditions and stipulations to be imposed on the licensee to mitigate problems.

3-5A-6: EXEMPTIONS:

A. This Chapter does not apply to:

1. Hotels, motels, bed and breakfasts, nursing homes, or state licensed residential care facilities.
2. Individual sleeping rooms within an otherwise owner-occupied residence, or rentals where the owner is present for the duration of the rental.

ADOPTED this 17th day of September, 2024 by the City Council for the City of Mendota Heights.

**CITY COUNCIL
CITY OF MENDOTA HEIGHTS**

Stephanie B. Levine, Mayor

ATTEST:

Nancy Bauer, City Clerk

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

SUMMARY ORDINANCE NO. 591

**AN ORDINANCE AMENDING TITLE 3: BUSINESS AND LICENSE REGULATIONS OF
THE CITY CODE OF MENDOTA HEIGHTS TO ADD CHAPTER 5A: SHORT TERM
RENTALS, ESTABLISHING A NEW ORDINANCE REGULATING SHORT TERM
RENTALS.**

NOTICE IS HEREBY GIVEN that, on September 17, 2024, Ordinance No. 591 was adopted by the City Council of the City of Mendota Heights, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 591, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council amends Title 3: Business and License Regulations to add Chapter 5A: Short Term Rentals, establishing a new ordinance regulating Short Term Rentals, including provisions to outline a Short Term Rental License process, terms and conditions of such a license, and performance standards for Short Term Rentals within the City of Mendota Heights.

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours at the office of the City Administrator/City Clerk or on the City's website.

PASSED, ADOPTED and APPROVED FOR PUBLICATION by the City Council of the City of Mendota Heights, Minnesota, this 17th day of September 2024.

CITY COUNCIL OF MENDOTA HEIGHTS

/S/Stephanie Levine, Mayor

Attest

/s/Nancy Bauer, City Clerk

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 594

**AN ORDINANCE AMENDING THE FEE SCHEDULE TO ADD A SHORT TERM
RENTAL LICENSING FEE**

WHEREAS, the City has adopted the City Fee Schedule and desires to amend the City Code and the current Fee Schedule to reflect the addition of a Short Term Rental License and fees; and

WHEREAS, the City's revised fee schedule for 2024 is set forth in "Exhibit A" which is available on the city's website at www.mendotaheightsmn.gov or upon request.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENDOTA HEIGHTS ORDAINS:

Section 1. The City Fee Schedule is amended by the addition of the following language:

LICENSE AND PERMIT FEES

Short Term Rental License

\$200 /
annual

Title 3: Chapter 5A

Section 3. Effective date. This ordinance shall be effective upon adoption and publication according to law.

ADOPTED this 17th day of September 2024 by the Mendota Heights City Council.

CITY OF MENDOTA HEIGHTS

ATTEST:

Stephanie B. Levine, Mayor

Nancy Bauer, City Clerk



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Resolution 2024-50 Calling for an Assessment Hearing on the Bridgeview Shores Street Improvement Project

ITEM TYPE: New and Unfinished Business

DEPARTMENT: Engineering

CONTACT: Lucas Ritchie, Assitant City Engineer
Ryan Ruzek, Public Works Director

ACTION REQUEST:

Adopt Resolution 2024-50 calling for an Assessment Hearing on the Bridgeview Shores Street Improvement Project.

BACKGROUND:

City Council ordered the Bridgeview Shores Street Improvements at their January 23, 2024 meeting, and directed staff to prepare plans and specifications for this street rehabilitation project. The plans were approved and authorized to bid at the April 2, 2024, meeting. Council awarded a contract to Bituminous Roadways, Inc for a low bid of \$1,735,766.19 at the meeting on May 7, 2024.

The Bridgeview Shores Street Improvements are proposed to be financed by Special Assessments, Municipal Bonds, Saint Paul Regional Water Services Funds, and various Utility Funds. The actual project costs following substantial completion of the project are further expanded to include indirect costs for administration, engineering, finance, legal, etc.:

Project Total	Total Estimated Costs
Street Improvements	\$ 1,143,404
Indirect Costs for Street Improvements (20%)*	\$ 228,681

Total Costs for Street Improvements	\$ 1,372,085
Park Improvements	\$ 145,650
Indirect Costs Park Improvements (20%)*	\$ 29,130
Total Costs for Park Improvements	\$ 174,780
Storm Sewer Improvements	\$ 132,888
Water Improvements	\$ 11,753
Sanitary Improvements	\$ 26,000
Total Cost for Utility Improvements	\$ 170,641
Saint Paul Regional Water Service Watermain Replacement	\$ 99,401
Indirect Costs for SPRWS (15%)	\$ 14,910
Total Cost for SPRWS Improvements	\$ 114,311
Total Improvement Cost	\$ 1,559,096
Total Indirect Costs for City*	\$ 272,721
Total Cost	\$ 1,831,817
Rounded Total Cost	\$ 1,831,800

Funding Source	Project Total
Municipal Levy	\$ 752,268

Park Fund (Municipal Levy)	\$ 174,780
Total Municipal Levy	\$ 927,049
Residential Assessments (50%)	\$ 619,816
Utility Fund - Storm Sewer	\$ 132,888
Utility Fund - Sanitary	\$ 26,000
Utility Fund - Water	\$ 11,753
Saint Paul Regional Water Services	\$ 114,311
Total	\$ 1,831,817

Zoning	R1	R2	Combined
Assessment Calculation	Total	Total	Total
Total Project Cost	\$1,341,130.53	\$428,781.37	\$1,769,911.90
Assessable Amount	\$1,032,134.26	\$339,632.71	\$1,371,766.97
Assessment Amount (50% of Assessable Amount)	\$516,067.13	\$169,816.36	\$685,883.48
Assessable Units	60	34	94
Estimated Unit Assessment per City Policy	\$8,601.12	\$4,994.60	\$7,296.63
Proposed Assessment Amount	\$7,500	\$4,994.60	\$7,296.63
Total Assessment Funding	\$450,000	\$169,816	\$685,883.48
	R1 + R2 = \$619,816		

In reviewing the split assessments for the project, costs were broken out based on a property's zoning of low density residential (R1) and medium density residential (R2). Council should direct staff on the method of assessing the residents for the Bridgeview Shores Street Improvements. The assessment can be assessed based on the project as a whole or can be split based on the street and zoning. Historically, where properties show different zoning or improvement methods, the assessments have been split within the project.

FISCAL AND RESOURCE IMPACT:

None at this time. Project costs will be further updated at the assessment hearing.

ATTACHMENTS:

1. Resolution 2024-50

CITY COUNCIL PRIORITY:

Inclusive and Responsive Government, Economic Vitality & Community Vibrancy

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 2024-50

**RESOLUTION CALLING FOR AN ASSESSMENT HEARING ON THE BRIDGEVIEW
SHORES STREET IMPROVEMENTS**

WHEREAS, the City Council, approved Resolution 2024-06 Ordering Plans for the Bridgeview Shores Street Improvements; and

WHEREAS, the plans for the Bridgeview Shores Street Improvements were approved and authorized for an advertisement for bids under Resolution 2024-11; and

WHEREAS, the City Council accepted the bids and authorized and approved a contract with Bituminous Roadways, Inc under Resolution 2024-21 for their low bid of \$1,735,766.19; and

WHEREAS, the City Council desires to specially assess the benefitting properties following the Mendota Heights Street Reconstruction and Assessment Policy; and

NOW THEREFORE, BE IT RESOLVED, the Mendota Heights City Council will consider the special assessments, and an assessment hearing shall be held on such proposed assessments on the fifteenth day of October, 2024, before the City Council in the Mendota Heights City Hall located at 1101 Victoria Curve at 7:00 p.m.

The City Clerk is hereby directed to give published, posted, and mailed notice of such hearing as required by law including total project costs and assessment amounts

Adopted by the City Council of the City of Mendota Heights this seventeenth day of September, 2024.

**CITY COUNCIL
CITY OF MENDOTA HEIGHTS**

BY _____
Stephanie B. Levine, Mayor

ATTEST

BY _____
Nancy Bauer, City Clerk

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REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 17, 2024

AGENDA ITEM: Adopt Fiscal Year 2025 Preliminary Budget and Levy

ITEM TYPE: Resolution

DEPARTMENT: Administration

CONTACT: Cheryl Jacobson, City
Administrator
Kristen Schabacker, Finance
Director

ACTION REQUEST:

Adopt a preliminary budget and proposed levy for Fiscal Year 2025.

BACKGROUND:

The City's operating budget is the budget used to finance the day-to-day operations and obligations of the city. The operating budget is also called the General Fund budget. The budget development process begins in June with staff preparing budget requests and proposals. The council has reviewed the requests and proposals over the course of three council work sessions.

The preliminary budget focuses on the following city council strategic priorities:

- Economic Vitality and Community Vibrancy
- Environmental Sustainability and Stewardship
- Premier Public Services and Infrastructure
- Inclusive and Responsive Government

The budget process requires that the city adopt the preliminary budget and property tax levy for 2025 and certify it to Dakota County by September 30.

FISCAL AND RESOURCE IMPACT:

The proposed General Fund budget for 2025 is \$13,226,981, an increase of 7.26% or \$895,310 over 2024. The proposed preliminary levy for 2025 is \$13,682,993, which reflects an increase of 6.16% or \$793,674 over 2024 and consists of the following:

	2024 Final	2025 Preliminary
General Fund	\$10,104,289	\$10,706,632
Emergency Preparedness	\$25,000	\$25,000
Fire Relief	\$252,000	\$270,000
Equipment Reserve	\$0	\$180,000
Oheyawahe	\$0	\$20,000
Legal & Contingency	\$40,000	\$40,000
General Fund Levy	\$10,421,289	\$11,241,632
Improvement Bonds	\$1,428,946	\$1,418,633
Tax Abatement Bonds	\$170,731	\$173,097
Fire Station Levy	\$622,283	\$620,393
Equipment Certificates	\$161,070	\$136,238
Streetlight District	\$85,000	\$93,000
Total Tax Levy	\$12,889,319	\$13,682,993

Tax Impact on Residential Properties

The value of residential properties in Mendota Heights increased by an average of 1.34% from 2024 to 2025. The median market value for a residential home in Mendota Heights increased 2.5% from tax year 2023 (payable 2024) to 2024 (payable 2025). The proposed levy will increase the city portion of property taxes on a median home from \$2,016 in 2024 to \$2,133 in 2025. This represents a 5.80% increase in the city portion of property taxes.

ATTACHMENTS:

1. Proposed 2024 Levy Collectible 2025
2. Preliminary 2025 Budget resolution
3. Final 2024 Tax Levy for Special Taxing District 1 Collectible 2025
4. 2025 Prelim Budget Sheets 09 17 2024 pdf

CITY COUNCIL PRIORITY:

Economic Vitality & Community Vibrancy, Premier Public Services & Infrastructure, Environmental Sustainability & Stewardship, Inclusive and Responsive Government

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION 2024-51
RESOLUTION APPROVING PROPOSED 2024 LEVY COLLECTIBLE IN 2025**

WHEREAS, the state law requires the City of Mendota Heights to certify a tentative tax levy for 2025 prior to September 30, 2024; and

WHEREAS, the levy may be adjusted prior to December 30, 2024, to an amount not to exceed the adopted tentative levy.

NOW THEREFORE BE IT RESOLVED, that the City Council adopt the following tentative levy for tax against all taxable property in the City of Mendota Heights for collection in the year 2025:

2025 Preliminary

General Fund	10,706,632
Emergency Preparedness	25,000
Fire Relief	270,000
Equipment Reserve	180,000
Oheyawahe	20,000
Legal & Contingency Levy	40,000
Net General Tax Levy	\$11,241,632

Special Debt Levies

Improvement Bonds	1,418,633
Tax Abatement Bonds	173,097
Fire Station Levy	620,393
Equipment Certificates	<u>136,238</u>
Net Levy Debt Service	\$2,348,361

Street Light District	93,000
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Preliminary Levy Certified	\$13,682,993
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BE IT FURTHER RESOLVED that the debt levy for Series 2020A has been reduced because sufficient funds exist in the debt service fund for the payment of the debt service levy.

BE IT FURTHER RESOLVED that the levy shall be amended following budget hearings to reflect the adopted city budget.

BE IT FURTHER RESOLVED that the City Council will hold a hearing Tuesday, December 3, 2024 at 7:00 P.M. at their regularly scheduled council meeting for the purpose of considering the proposed budget and levy. The public is invited to attend the meeting and speak to the final budget and levy.

Adopted by the City Council of the City of Mendota Heights this 17th day of September, 2024.

**CITY COUNCIL
CITY OF MENDOTA HEIGHTS**

Stephanie B. Levine, Mayor

ATTEST

Nancy Bauer, City Clerk

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2024-52

RESOLUTION ADOPTING 2025 PRELIMINARY BUDGET

WHEREAS, State Statute requires City Council adoption of a proposed budget for 2025 on or before September 30, 2024; and

WHEREAS, the City Council has received and reviewed the City Administrator's proposed 2025 budget; and

WHEREAS, the Council recognized that the budget document was prepared on the basis of a preliminary levy; and

WHEREAS, the final budget and levy will be considered at a Council meeting set for December 3, 2024.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Mendota Heights that the City Administrator's proposed 2025 budget appropriates expenditures in a manner consistent with service level needs and preliminary levy funding; and

BE IT FURTHER RESOLVED, that Council hereby adopts the Administrator's proposed 2025 budget subject to amendment following budget and levy hearings and adoption of a final levy. The 2025 proposed budget reflects \$20,252,337 of expenditures for all budgeted funds.

Adopted by the City Council of the City of Mendota Heights this 17th day of September, 2024.

**CITY COUNCIL
CITY OF MENDOTA HEIGHTS**

Stephanie B. Levine, Mayor

ATTEST

Nancy Bauer, City Clerk

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2024-53

**RESOLUTION APPROVING FINAL 2024 TAX LEVY FOR
SPECIAL TAXING DISTRICT NO. 1 COLLECTIBLE IN 2025**

WHEREAS, the City of Mendota Heights has, by Resolution No. 87-91, authorized the levy of taxes within Special Tax District No. 1 for the purpose of paying operating costs of the street lighting system established with said district; and

WHEREAS, the City of Mendota Heights has determined that the sum of \$93,000 will be required in 2025 for the purpose of paying such operating costs.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Mendota Heights adopt the following levy against all taxable property within said Special Taxing District No. 1.

Operation and Maintenance costs \$93,000

BE IT FURTHER RESOLVED, that any tax exempt property within said district be billed for services at a comparable rate computed on the assessor's market value of such property.

Adopted by the City Council of the City of Mendota Heights this 17th day of September, 2024.

**CITY COUNCIL
CITY OF MENDOTA HEIGHTS**

Stephanie B. Levine, Mayor

ATTEST

Nancy Bauer, City Clerk

BUDGET AND REVENUE SUMMARY

CITY OF MENDOTA HEIGHTS						
2025 BUDGET						
BUDGET AND REVENUE SUMMARY						
	2022	2023	2023	2024	2025	
BUDGET	ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	% CHANGE
GENERAL FUND	\$10,074,485	\$10,874,159	\$11,116,348	\$12,331,671	\$13,226,981	7.26%
GENERAL FUND CONTINGENCY	\$198,145	\$34,751	\$40,000	\$40,000	\$40,000	0.00%
UTILITY FUND	\$2,163,729	\$2,022,128	\$2,462,973	\$2,307,523	\$2,448,195	6.10%
STORM WATER UTILITY FUND	\$190,036	\$447,434	\$475,758	\$752,826	\$835,909	11.04%
PAR THREE FUND	\$261,734	\$317,890	\$317,726	\$287,327	\$344,293	19.83%
CITY HALL FUND	\$248,584	\$240,745	\$334,668	\$306,303	\$294,898	-3.72%
EMERGENCY PREPAREDNESS FUND	\$10,275	\$15,299	\$42,700	\$49,700	\$46,700	-6.04%
FACILITY/INFRASTRUCTURERESERVE FUND	\$385,131	\$56,776	\$0	\$300,000	\$0	100.00%
FIRE RELIEF FUND	\$309,229	\$347,157	\$350,000	\$378,000	\$392,000	3.70%
SPECIAL PARK FUND	\$377,588	\$577,159	\$86,790	\$246,830	\$2,000	-99.19%
DEBT FUND	\$2,226,724	\$2,216,460	\$2,216,460	\$2,383,030	\$2,348,361	-1.45%
EQUIPMENT RESERVE FUND	\$543,433	\$923,948	\$901,167	\$157,000	\$180,000	14.65%
STREETLIGHT MAINTENANCE FUND	\$73,427	\$93,359	\$166,000	\$53,000	\$93,000	75.47%
TOTAL BUDGET	\$17,062,520	\$18,167,265	\$18,510,590	\$19,593,210	\$20,252,337	3.36%
REVENUE						
GENERAL FUND	\$10,947,412	\$12,449,650	\$11,116,348	\$12,331,671	\$13,226,981	7.26%
GENERAL FUND CONTINGENCY	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	0.00%
UTILITY FUND	\$2,371,000	\$2,537,142	\$2,300,592	\$2,414,979	\$2,555,585	5.82%
STORM WATER UTILITY FUND	\$383,983	\$503,582	\$571,850	\$571,850	\$615,350	7.61%
PAR THREE FUND	\$262,790	\$302,105	\$217,950	\$265,450	\$307,000	15.65%
CITY HALL FUND	\$216,940	\$216,940	\$216,940	\$260,000	\$260,000	0.00%
EMERGENCY PREPAREDNESS FUND	\$22,894	\$32,942	\$25,000	\$25,000	\$25,000	0.00%
FACILITY/INFRASTRUCTURERESERVE FUND	\$348,848	\$52,050	\$0	\$0	\$0	0.00%
FIRE RELIEF FUND	\$331,390	\$345,838	\$350,000	\$378,000	\$392,000	3.70%
SPECIAL PARK FUND	\$510,115	\$510,115	\$5,000	\$5,000	\$5,000	0.00%
DEBT FUND	\$2,226,724	\$2,216,460	\$2,216,460	\$2,383,030	\$2,348,361	-1.45%
EQUIPMENT RESERVE FUND/RESERVES	\$571,347	\$1,117,271	\$901,167	\$157,000	\$180,000	14.65%
STREETLIGHT MAINTENANCE FUND	\$51,419	\$80,666	\$85,000	\$85,000	\$93,000	9.41%
TOTAL REVENUE	\$18,284,862	\$20,404,762	\$18,046,307	\$18,916,980	\$20,048,277	5.98%

TAX LEVY SUMMARY

CITY OF MENDOTA HEIGHTS					
2025 BUDGET					
TAX LEVY SUMMARY					
	2022	2023	2024	2025	% CHANGE
GENERAL FUND	\$8,642,981	\$9,380,964	\$10,104,289	\$10,706,632	5.96%
EMERGENCY PREPAREDNESS	\$25,000	\$25,000	\$25,000	\$25,000	0.00%
FIRE RELIEF	\$207,000	\$200,000	\$252,000	\$270,000	7.14%
EQUIPMENT RESERVE	\$0	\$0	\$0	\$180,000	100.00%
OHEYAWAHE	\$0	\$0	\$0	\$20,000	100.00%
LEGAL AND CONTINGENCY	\$40,000	\$40,000	\$40,000	\$40,000	0.00%
GENERAL FUND LEVY	\$8,914,981	\$9,645,964	\$10,421,289	\$11,241,632	7.87%
IMPROVEMENT BONDS	\$1,224,954	\$1,259,807	\$1,428,946	\$1,418,633	-0.72%
TAX ABATEMENT BONDS	\$171,145	\$173,615	\$170,731	\$173,097	1.39%
FIRE STATION LEVY	\$624,173	\$623,543	\$622,283	\$620,393	-0.30%
EQUIPMENT CERTIFICATES - DUMP TRUCK	\$27,707	\$27,300	\$26,775	\$0	-100.00%
EQUIPMENT CERTIFICATES - FIRE TRUCK	\$0	\$132,195	\$134,295	\$136,238	1.45%
TOTAL SPECIAL LEVY	\$2,047,979	\$2,216,460	\$2,383,030	\$2,348,361	-1.45%
MARKET VALUE REFERENDUM LEVY	\$178,745	\$0	\$0	\$0	0.00%
STREETLIGHT TAXING DISTRICT	\$53,000	\$85,000	\$85,000	\$93,000	9.41%
TOTAL TAX LEVY	\$11,194,705	\$11,947,424	\$12,889,319	\$13,682,993	6.16%

GENERAL FUND EXPENDITURE SUMMARY

GENERAL FUND						FUND 01
DEPARTMENT	2022 ACTUAL	2023 ACTUAL	2023 BUDGET	2024 BUDGET	2025 BUDGET	% CHANGE
CITY COUNCIL	\$42,922	\$42,821	\$49,906	\$58,966	\$60,371	2.38%
ADMINISTRATION	\$1,500,284	\$1,387,853	\$1,365,825	\$1,509,469	\$1,793,278	18.80%
ELECTIONS	\$103,236	\$81,524	\$42,497	\$133,420	\$64,600	-51.58%
IT	\$224,469	\$183,889	\$226,475	\$327,325	\$384,688	17.52%
POLICE	\$4,179,811	\$4,605,430	\$4,852,973	\$5,162,353	\$5,554,905	7.60%
FIRE	\$619,194	\$667,578	\$653,863	\$758,206	\$788,746	4.03%
CODE ENFORCEMENT	\$119,854	\$403,589	\$135,389	\$335,125	\$344,625	2.83%
PUBLIC WORKS-STREETS	\$1,188,002	\$1,306,578	\$1,341,987	\$1,346,077	\$1,345,062	-0.08%
PUBLIC WORKS-PARKS	\$1,244,352	\$1,291,808	\$1,306,600	\$1,202,146	\$1,333,787	10.95%
RECREATION	\$71,001	\$77,905	\$107,250	\$112,800	\$120,850	7.14%
NATURAL RESOURCES	\$0	\$0	\$0	\$447,942	\$479,459	7.04%
COMMUNITY DEVELOPMENT	\$214,438	\$195,972	\$225,468	\$200,838	\$199,718	-0.56%
RECYCLING	\$6,973	\$8,130	\$41,980	\$47,600	\$54,600	14.71%
ENGINEERING	\$559,949	\$621,083	\$766,135	\$689,404	\$702,292	1.87%
TOTAL GENERAL FUND	\$10,074,485	\$10,874,159	\$11,116,348	\$12,331,671	\$13,226,981	7.26%
GENERAL FUND CONTINGENCY	\$198,145	\$34,751	\$40,000	\$40,000	\$40,000	0.00%

GENERAL FUND REVENUE SUMMARY

GENERAL FUND						FUND 01
REVENUE SOURCE	2022 ACTUAL	2023 ACTUAL	2023 BUDGET	2024 BUDGET	2025 BUDGET	% CHANGE
TAXES						
CURRENT TAX LEVY	\$8,749,950	\$9,364,985	\$9,380,964	\$10,104,289	\$10,706,632	5.96%
LICENSES AND PERMITS						
CIGARETTE LICENSES	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	0.00%
RUBBISH LICENSES	\$1,120	\$1,390	\$1,400	\$1,200	\$1,400	16.67%
LIQUOR LICENSES	\$32,850	\$33,000	\$25,000	\$30,000	\$33,000	10.00%
BUILDING PERMITS	\$590,264	\$451,834	\$275,000	\$300,000	\$350,000	16.67%
HEATING PERMITS	\$50,409	\$42,152	\$30,000	\$40,000	\$40,000	0.00%
PLUMBING PERMITS	\$30,968	\$28,066	\$20,000	\$25,000	\$25,000	0.00%
RIGHT OF WAY PERMITS	\$21,049	\$10,945	\$7,500	\$10,000	\$10,000	0.00%
MASSAGE PERMITS	\$3,020	\$3,400	\$750	\$2,000	\$3,000	50.00%
TOTAL LICENSES AND PERMITS	\$731,480	\$572,587	\$361,450	\$410,000	\$464,200	13.22%
FINES AND FORFEITS						
COURT FINES	\$57,686	\$63,463	\$90,000	\$70,000	\$65,000	-7.14%
FALSE ALARMS FINES	\$2,600	\$3,075	\$1,500	\$2,000	\$2,500	25.00%
DOG IMPOUNDING	\$0	\$0	\$0	\$0	\$0	0.00%
TOTAL FINES AND FORFEITS	\$60,286	\$66,538	\$91,500	\$72,000	\$67,500	-6.25%
CHARGES FOR SERVICES						
RECREATION PROGRAMS	\$37,366	\$33,030	\$30,000	\$35,000	\$35,000	0.00%
PARK USE FEES	\$18,412		\$7,500	\$7,500	\$7,500	0.00%
FIELD USE FEES	\$0	\$18,957	\$10,500	\$10,500	\$10,500	0.00%
SOFTBALL LEAGUES	\$4,901	\$5,974	\$7,750	\$5,975	\$6,200	3.77%
MAPS AND ORDINANCES	\$0	\$0	\$0	\$0	\$0	0.00%
PLANNING FEES	\$9,357	\$15,842	\$15,000	\$10,000	\$10,000	0.00%
FIRE CONTRACTS	\$185,851	\$192,521	\$191,237	\$215,789	\$235,334	9.06%
LILYDALE POLICING	\$248,352	\$331,080	\$331,076	\$344,865	\$361,541	4.84%
MENDOTA POLICING	\$48,324	\$73,824	\$73,821	\$71,769	\$73,774	2.79%
POLICE SECURITY (OFF DUTY OT)	\$15,430	\$5,969	\$10,000	\$12,000	\$10,000	-16.67%
STREET MAINT. CHARGES	\$2,850	\$1,400	\$1,000	\$1,500	\$1,500	0.00%
ENGINEERING CHARGES	\$38,009	\$40,213	\$40,000	\$35,000	\$40,000	14.29%
FILING FEES	\$25	\$0	\$0	\$20	\$0	100.00%
LEASE MAINTENANCE CHARGES	\$7,262	\$7,619	\$4,000	\$5,000	\$6,000	20.00%
TOTAL CHARGES FOR SERVICES	\$616,139	\$726,429	\$721,884	\$754,918	\$797,349	5.62%

GENERAL FUND REVENUE SUMMARY

INTERGOVERNMENTAL						
MSA MAINTENANCE	\$174,661	\$169,407	\$175,000	\$175,000	\$170,000	-2.86%
POLICE STATE AID	\$191,147	\$707,720	\$175,000	\$190,000	\$195,000	2.63%
SCHOOL RESOURCES OFFICER	\$63,367	\$0	\$0	\$0	\$0	0.00%
FEDERAL AND STATE GRANTS	\$111,583	\$73,277	\$40,000	\$50,000	\$50,000	0.00%
DAKOTA COUNTY GRANT	\$30,000	\$0	\$10,000	\$10,000	\$10,000	0.00%
PEACE OFFICER INSUR REIMBURSE	\$17,849	\$167,322	\$15,000	\$50,000	\$180,000	260.00%
ELECTION REIMBURSEMENT	\$0	\$12,067	\$0	\$0	\$0	0.00%
TOTAL INTERGOVERNMENTAL	\$588,607	\$1,129,792	\$415,000	\$475,000	\$605,000	27.37%
MISCELLANEOUS REVENUE						
SUNDRY REVENUE	\$176,063	\$35,490	\$5,000	\$20,000	\$20,000	0.00%
DONATIONS	\$24,000	\$25,380	\$0	\$0	\$0	0.00%
CELL TOWER REVENUE	\$67,276	\$51,226	\$48,000	\$50,000	\$90,000	80.00%
INTEREST	-\$125,684	\$419,418	\$20,000	\$20,000	\$50,000	150.00%
TOTAL MISCELLANEOUS	\$141,655	\$531,514	\$73,000	\$90,000	\$160,000	77.78%
DAKOTA COUNTY						
WASTE MANAGEMENT	\$11,745	\$10,255	\$25,000	\$27,914	\$28,750	2.99%
TOTAL DAKOTA COUNTY	\$11,745	\$10,255	\$25,000	\$27,914	\$28,750	2.99%
OTHER REVENUE						
UNAPPROPRIATED FUND TRANSFER	\$47,550	\$47,550	\$47,550	\$47,550	\$47,550	0.00%
UTILITY FRANCHISE FEE	\$0	\$0	\$0	\$350,000	\$350,000	100.00%
TOTAL OTHER REVENUE	\$47,550	\$47,550	\$47,550	\$397,550	\$397,550	0.00%
TOTAL GENERAL FUND REVENUE	\$10,947,412	\$12,449,650	\$11,116,348	\$12,331,671	\$13,226,981	7.26%

CITY COUNCIL
DEPARTMENT 9

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	CITY COUNCIL						
4110	SALARIES-REGULAR	\$22,344	\$22,344	\$22,500	\$22,500	\$22,500	0.00%
4133	WORKERS COMPENSATION	\$186	\$176	\$185	\$195	\$100	-48.72%
4135	FICA	\$1,709	\$1,709	\$1,721	\$1,721	\$1,721	0.00%
	TOTAL HUMAN RESOURCES	\$24,239	\$24,229	\$24,406	\$24,416	\$24,321	-0.39%
4220	PROFESSIONAL SERVICES	\$330	\$0	\$2,500	\$3,000	\$3,000	0.00%
4400	TRAINING	\$0	\$785	\$1,000	\$1,000	\$2,500	150.00%
4490	TELEPHONE	\$541	\$542	\$500	\$550	\$550	0.00%
4490	HALLOWEEN BONFIRE	\$0	\$0	\$500	\$0	\$0	0.00%
4490	FIREWORKS	\$15,225	\$15,000	\$15,000	\$25,000	\$25,000	0.00%
4490	MISCELLANEOUS	\$2,587	\$2,264	\$6,000	\$5,000	\$5,000	0.00%
	TOTAL OTHER CHARGES	\$18,683	\$18,591	\$25,500	\$34,550	\$36,050	4.34%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$42,922	\$42,821	\$49,906	\$58,966	\$60,371	2.38%
	CAPITAL OUTLAY ITEMS	APPROVED					

ADMINISTRATION
DEPARTMENT 10

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	ADMINISTRATION						
4110	SALARIES-REGULAR	\$654,504	\$679,728	\$669,989	\$758,196	\$929,073	22.54%
4115	SALARIES-OVERTIME	\$0	\$85	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$112,927	\$129,741	\$149,193	\$160,306	\$195,180	21.75%
4133	WORKERS COMPENSATION	\$6,895	\$13,410	\$14,290	\$15,000	\$11,000	-26.67%
4134	PERA	\$47,695	\$52,118	\$50,249	\$56,865	\$69,680	22.54%
4135	FICA	\$52,737	\$55,552	\$51,254	\$58,002	\$71,075	22.54%
4137	EMPLOYEE ASSISTANCE PROGRAM	\$1,795	\$1,795	\$1,800	\$1,800	\$2,020	12.22%
	TOTAL HUMAN RESOURCES	\$876,553	\$932,429	\$936,775	\$1,050,169	\$1,278,028	21.70%
4200	RENTALS AND LEASES	\$873	\$205	\$0	\$10,600	\$1,000	-90.57%
4209	CITY HALL RENT	\$65,000	\$65,000	\$65,000	\$78,000	\$92,500	18.59%
4210	TELEPHONE	\$1,329	\$1,198	\$2,500	\$2,500	\$2,000	-20.00%
4220	CITY ATTORNEY	\$15,982	\$17,307	\$27,000	\$27,000	\$27,000	0.00%
4220	AUDITOR	\$25,795	\$29,834	\$27,000	\$28,000	\$32,000	14.29%
4220	CODIFIER-LINK TO CITY CODE	\$0	\$0	\$500	\$500	\$0	-100.00%
4220	ARCHITECTURAL SERVICES	\$30,739	\$47,062	\$0	\$0	\$0	0.00%
4220	CODIFICATION SERVICES	\$2,140	\$500	\$5,000	\$5,000	\$5,500	10.00%
4220	PROF SERVICES - HR COMP	\$0	\$18,917	\$17,500	\$5,000	\$5,000	0.00%
4220	SAFETY TRAINING	\$7,974	\$8,133	\$7,000	\$8,000	\$12,800	60.00%
4220	HR TESTING	\$3,696	\$580	\$1,000	\$4,000	\$1,500	-62.50%
4220	COUNCIL RECORDING SERVICES	\$5,644	\$4,961	\$6,000	\$6,000	\$6,000	0.00%
4220	MISCELLANEOUS	\$24,487	\$25,968	\$21,000	\$21,000	\$21,000	0.00%
4220	ADA TRANSITION PLAN	\$0	\$0	\$0	\$0	\$35,000	100.00%
4221	RETAINER-CITY ATTORNEY	\$7,506	\$972	\$0	\$0	\$0	0.00%
4240	LEGAL PUBLICATIONS	\$2,156	\$2,577	\$2,200	\$2,200	\$2,500	13.64%
4250	LIABILITY AND AUTO INSURANCE	\$128,046	\$123,781	\$146,000	\$146,000	\$152,200	4.25%
4268	NEWSLETTER	\$16,693	\$22,448	\$21,500	\$23,650	\$25,000	5.71%
	TOTAL CONTRACTUAL SERVICES	\$338,060	\$369,443	\$349,200	\$367,450	\$421,000	14.57%
4300	OFFICE SUPPLIES	\$7,777	\$7,368	\$8,000	\$8,000	\$5,500	-31.25%
4306	RECRUITMENT COSTS	\$166	\$65	\$2,000	\$2,000	\$2,000	0.00%
4318	POSTAGE	\$1,925	\$1,736	\$2,500	\$2,500	\$2,500	0.00%
4320	FUEL	\$2,480	\$2,677	\$2,500	\$2,500	\$2,700	8.00%
4330	EQUIPMENT REPAIR	\$1,690	\$1,032	\$3,000	\$3,000	\$3,000	0.00%
4331	MISCELLANEOUS FURNITURE/EQUIP	\$0	\$0	\$1,000	\$1,000	\$1,000	0.00%
	TOTAL COMMODITIES	\$14,038	\$12,877	\$19,000	\$19,000	\$16,700	-12.11%
4400	TRAINING	\$1,974	\$4,000	\$7,500	\$7,500	\$10,000	33.33%
4402	BOOKS AND SUBSCRIPTIONS	\$0	\$0	\$1,000	\$1,000	\$1,000	0.00%
4404	MEMBERSHIP DUES	\$18,092	\$18,477	\$21,500	\$23,500	\$24,000	2.13%
4415	MILEAGE AND AUTO ALLOWANCE	\$3,062	\$3,062	\$3,800	\$3,800	\$3,500	-7.89%
4437	CREDIT CARD FEES	\$11,193	\$2,145	\$1,000	\$1,000	\$3,000	200.00%
4480	CONTINGENCY	\$200,635	\$35,201	\$20,000	\$30,000	\$30,000	0.00%
4490	MISCELLANEOUS	\$5,577	\$7,719	\$5,000	\$5,000	\$5,000	0.00%
4490	ARC PER DIEM	\$800	\$2,500	\$1,050	\$1,050	\$1,050	0.00%
	TOTAL OTHER CHARGES	\$241,333	\$73,104	\$60,850	\$72,850	\$77,550	6.45%
4600	CAPITAL OUTLAY	\$30,300	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$30,300	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$1,500,284	\$1,387,853	\$1,365,825	\$1,509,469	\$1,793,278	18.80%
	CAPITAL OUTLAY ITEMS	REQUESTED					

ELECTIONS
DEPARTMENT 12

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	ELECTIONS						
4110	SALARIES-REGULAR	\$22,572	\$28,874	\$28,983	\$32,836	\$35,085	6.85%
4115	SALARIES-OVERTIME	\$4,016	\$2,109	\$0	\$5,000	\$0	-100.00%
4125	SALARIES-ELECTION JUDGES	\$41,879	\$16,170	\$0	\$49,500	\$0	-100.00%
4131	INSURANCE	\$5,990	\$6,092	\$7,623	\$8,001	\$8,400	4.99%
4134	PERA	\$1,550	\$842	\$2,174	\$2,838	\$2,631	-7.29%
4135	FICA	\$2,975	\$1,220	\$2,217	\$2,895	\$2,684	-7.29%
	TOTAL HUMAN RESOURCES	\$78,982	\$55,306	\$40,997	\$101,070	\$48,800	-51.72%
4220	CONSULTING FEES	\$693	\$315	\$0	\$1,000	\$0	-100.00%
4220	ABSENTEE/EARLY VOTING	\$0	\$0	\$0	\$0	\$4,500	100.00%
4240	LEGAL PUBLICATIONS	\$516	\$152	\$0	\$750	\$0	-100.00%
	TOTAL CONTRACTUAL SERVICES	\$1,209	\$467	\$0	\$1,750	\$4,500	100.00%
4300	OFFICE SUPPLIES	\$6,513	\$357	\$0	\$6,500	\$0	-100.00%
4318	POSTAGE	\$3,369	\$668	\$0	\$4,000	\$0	-100.00%
4330	BALLOT COUNTER MAINTENANCE	\$3,445	\$1,724	\$0	\$3,500	\$3,500	0.00%
4330	ELECTRONIC POLL BOOKS	\$0	\$0	\$0	\$4,000	\$4,000	0.00%
4330	ELECTRONIC POLL BOOK MAINTENANC	\$0	\$5,230	\$1,500	\$4,900	\$2,800	-42.86%
	TOTAL COMMODITIES	\$13,327	\$7,979	\$1,500	\$22,900	\$10,300	-55.02%
4415	MILEAGE AND AUTO ALLOWANCE	\$295	\$60	\$0	\$500	\$0	-100.00%
4490	MISCELLANEOUS	\$4,505	\$2,897	\$0	\$6,200	\$0	-100.00%
4490	IPADS, SECURE BALLOT BOXES	\$4,918	\$14,814	\$0	\$1,000	\$1,000	0.00%
	TOTAL OTHER CHARGES	\$9,718	\$17,771	\$0	\$7,700	\$1,000	100.00%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$103,236	\$81,524	\$42,497	\$133,420	\$64,600	-51.58%
	CAPITAL OUTLAY ITEMS	APPROVED					

INFORMATION TECHNOLOGY
DEPARTMENT 14

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	IT						
4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
4110	IT STAFF POSITION	\$0	\$0	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
4210	TELEPHONE	\$27,420	\$28,860	\$22,905	\$35,830	\$33,405	-6.77%
4220	WEBSITE COSTS	\$0	\$0	\$0	\$1,000	\$1,200	20.00%
	LOGIS SUPPORT	\$57,584	\$56,823	\$35,000	\$62,866	\$70,900	12.78%
	WEB SERVICES	\$1,560	\$0	\$8,846	\$8,846	\$8,846	0.00%
	STATE OF MN LINE FEES (FIBER FEE)	\$1,332	\$1,332	\$3,000	\$3,000	\$3,000	0.00%
	SERVER HOSTING	\$43,038	\$41,250	\$42,530	\$44,790	\$48,375	8.00%
	FIBER MANAGEMENT (LOGIS)	\$12,915	\$1,260	\$18,375	\$9,877	\$10,476	6.06%
	TOTAL CONTRACTUAL SERVICES	\$143,849	\$129,525	\$130,656	\$166,209	\$176,202	6.01%
4301	COMPUTER SOFTWARE AND HARDWARE						
	MICROSOFT LICENSES & CALS	\$0	\$0	\$7,170	\$41,500	\$47,359	14.12%
	COMPUTER REPLACEMENT	\$33,603	\$6,750	\$9,975	\$17,080	\$17,810	4.27%
	MMD SYSTEM	\$0	\$0	\$0	\$0	\$0	0.00%
	MISC HARDWARE & SOFTWARE	\$11,082	\$13,298	\$5,384	\$13,537	\$54,470	302.38%
	LASERFICHE MAINTENANCE	\$10,464	\$12,559	\$11,500	\$22,211	\$30,414	36.93%
	ADDITIONAL LASERFICHE LICENSES	\$0	\$0	\$2,700	\$0	\$1,000	100.00%
	SOFTWARE MAINTENANCE/RENEWALS	\$14,656	\$14,442	\$35,227	\$52,191	\$52,683	0.94%
	SERVER REPLACEMENT AND MAINTENANCE	\$0	\$4,824	\$8,000	\$0	\$0	0.00%
	FIREWALL	\$6,474	\$0	\$10,213	\$9,847	\$0	-100.00%
	DOOR ACCESS SYSTEM MAINTENANCE	\$3,678	\$2,491	\$4,000	\$4,000	\$4,000	0.00%
	TOTAL COMMODITIES	\$79,957	\$54,364	\$94,169	\$160,366	\$207,736	29.54%
4400	TRAINING	\$663	\$0	\$750	\$750	\$750	0.00%
4490	MISCELLANEOUS	\$0	\$0	\$900	\$0	\$0	0.00%
	TOTAL OTHER CHARGES	\$663	\$0	\$1,650	\$750	\$750	0.00%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$224,469	\$183,889	\$226,475	\$327,325	\$384,688	17.52%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

POLICE DEPARTMENT
DEPARTMENT 20

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	POLICE						
4110	SALARIES-REGULAR/PATROL	\$1,356,006	\$1,532,846	\$1,451,441	\$1,557,070	\$1,569,971	0.83%
4110	SALARIES-REGULAR/ADMINISTRATION	\$746,823	\$794,836	\$856,248	\$940,950	\$983,372	4.51%
4115	SALARIES-OVERTIME/PATROL	\$36,550	\$34,521	\$80,946	\$80,946	\$80,946	0.00%
4130	SALARIES-TEMPORARY	\$5,437	\$5,414	\$10,400	\$10,400	\$10,400	0.00%
4131	INSURANCE	\$529,563	\$584,275	\$655,440	\$689,880	\$718,210	4.11%
4133	WORKERS COMPENSATION	\$168,447	\$165,803	\$176,680	\$185,510	\$210,000	13.20%
4134	PERA/PATROL	\$243,717	\$273,939	\$271,232	\$289,929	\$292,212	0.79%
4134	PERA/ADMINISTRATION	\$116,385	\$121,000	\$137,852	\$151,237	\$157,339	4.03%
4135	FICA/PATROL	\$23,638	\$25,872	\$23,015	\$24,547	\$24,734	0.76%
4135	FICA/ADMINISTRATION	\$18,442	\$19,338	\$20,746	\$22,951	\$24,421	6.40%
	TOTAL HUMAN RESOURCES	\$3,245,008	\$3,557,845	\$3,684,000	\$3,953,420	\$4,071,605	2.99%
4200	RENTALS AND LEASES	\$86,271	\$97,083	\$133,000	\$133,000	\$250,000	87.97%
4209	CITY HALL RENT	\$76,803	\$76,803	\$76,803	\$92,000	\$92,000	0.00%
4210	TELEPHONE	\$11,190	\$21,217	\$30,100	\$26,000	\$26,500	1.92%
4220	PROFESSIONAL SERVICES/LICENSES/FEES	\$12,405	\$16,888	\$12,920	\$13,200	\$13,200	0.00%
4222	PROSECUTIONS	\$70,264	\$70,996	\$75,000	\$75,000	\$75,000	0.00%
4225	ANIMAL IMPOUNDING FEES	\$697	\$2,078	\$2,500	\$2,500	\$2,500	0.00%
4223	OTHER CONTRACTUAL SERVICES	\$137,636	\$151,457	\$169,900	\$208,433	\$253,000	21.38%
4275	DISPATCH ANNUAL FEE	\$240,389	\$272,816	\$278,200	\$283,300	\$295,500	4.31%
	TOTAL CONTRACTUAL SERVICES	\$635,655	\$709,337	\$778,423	\$833,433	\$1,007,700	20.91%
4300	OFFICE SUPPLIES	\$2,796	\$3,315	\$6,000	\$6,000	\$6,000	0.00%
4301	COMPUTER SOFTWARE/HARDWARE	\$30,502	\$38,300	\$30,000	\$22,000	\$56,100	155.00%
4305	OPERATING SUPPLIES	\$11,671	\$14,038	\$40,000	\$40,000	\$40,000	0.00%
4305	POLICE RESERVES	\$5,147	\$1,694	\$4,000	\$4,000	\$6,000	50.00%
4306	RECRUITMENT COSTS	\$5,751	\$19,087	\$15,000	\$15,000	\$15,000	0.00%
4318	POSTAGE	\$454	\$301	\$2,000	\$2,000	\$4,000	100.00%
4320	GAS AND OIL	\$66,808	\$63,219	\$80,000	\$70,000	\$70,000	0.00%
4330	EQUIPMENT REPAIR/GENERAL	\$53,179	\$52,733	\$30,000	\$30,000	\$30,000	0.00%
4330	EQUIPMENT REPAIR/CAR SET UP	\$34,717	\$15,103	\$45,000	\$45,000	\$90,000	100.00%
4331	MISCELLANEOUS FURNITURE/EQUIP	\$1,707	\$21,397	\$11,000	\$11,000	\$11,000	0.00%
	TOTAL COMMODITIES	\$212,732	\$229,188	\$263,000	\$245,000	\$328,100	33.92%
4400	TRAINING	\$34,410	\$40,135	\$45,000	\$45,000	\$50,000	11.11%
4402	BOOKS AND SUBSCRIPTIONS	\$0	\$152	\$500	\$500	\$500	0.00%
4404	MEMBERSHIP DUES	\$16,826	\$31,826	\$55,050	\$58,000	\$50,000	-13.79%
4410	CLOTHING AND EQUIPMENT	\$31,197	\$33,567	\$20,000	\$20,000	\$40,000	100.00%
4430	CAR WASHES	\$0	\$0	\$1,000	\$1,000	\$1,000	0.00%
4490	MISCELLANEOUS	\$2,659	\$2,124	\$5,000	\$5,000	\$5,000	0.00%
4490	SHREDDING	\$1,324	\$1,257	\$1,000	\$1,000	\$1,000	0.00%
	TOTAL OTHER CHARGES	\$86,416	\$109,060	\$127,550	\$130,500	\$147,500	13.03%
4610	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$4,179,811	\$4,605,430	\$4,852,973	\$5,162,353	\$5,554,905	7.60%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

FIRE DEPARTMENT
DEPARTMENT 30

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	FIRE						
4110	SALARIES-REGULAR/ADMIN	\$50,967	\$55,194	\$82,995	\$96,757	\$100,905	4.29%
4110	SALARIES-REGULAR/FIREFIGHTERS	\$201,713	\$224,587	\$193,229	\$199,027	\$204,998	3.00%
4131	INSURANCE	\$5,190	\$11,300	\$5,445	\$17,145	\$18,000	4.99%
4132	INSURANCE-LONG TERM DISABILITY	\$2,864	\$2,924	\$3,000	\$3,000	\$3,000	0.00%
4133	WORKERS COMPENSATION	\$58,213	\$57,300	\$61,060	\$64,115	\$39,000	-39.17%
4134	PERA/ADMIN	\$3,783	\$5,916	\$3,933	\$7,257	\$7,568	4.29%
4135	FICA/ADMIN	\$3,886	\$4,241	\$6,349	\$7,402	\$7,719	4.28%
4135	FICA/FIREFIGHTERS	\$4,490	\$5,742	\$2,802	\$2,886	\$2,972	2.98%
	TOTAL HUMAN RESOURCES	\$331,106	\$367,204	\$358,813	\$397,589	\$384,162	-3.38%
4200	RENTALS AND LEASES	\$6	\$12	\$1,000	\$500	\$500	0.00%
4210	TELEPHONE	\$3,999	\$3,686	\$8,100	\$4,000	\$4,500	12.50%
4211	ELECTRICAL SERVICE	\$15,490	\$16,541	\$11,000	\$15,000	\$15,000	0.00%
4212	GAS SERVICE	\$21,431	\$15,858	\$18,000	\$20,000	\$20,000	0.00%
4213	SOLAR LEASE	\$3,995	\$4,156	\$4,200	\$4,200	\$4,651	10.74%
	PROFESSIONAL SERVICES						
4220	LOGIS - IT SERVICES	\$3,900	\$13,703	\$7,000	\$8,000	\$10,370	29.63%
4220	AUDIT	\$7,950	\$10,000	\$8,500	\$10,000	\$10,000	0.00%
4220	LEGAL	\$0	\$0	\$1,500	\$1,500	\$1,750	16.67%
4220	OTHER PROFESSIONAL SERVICES	\$242	\$3,930	\$2,000	\$1,000	\$9,000	800.00%
4240	LEGAL PUBLICATIONS	\$0	\$0	\$750	\$500	\$500	0.00%
4244	MEDICAL EXAMS	\$5,044	\$12,538	\$10,000	\$10,000	\$10,500	5.00%
4268	SNOWPLOW FIREFIGHTER DRIVEWAYS	\$5,615	\$7,015	\$11,000	\$11,000	\$11,000	0.00%
4268	DEPARTMENT REPORT PRINTING	\$4,289	\$4,279	\$4,500	\$4,500	\$4,500	0.00%
4268	STATIC TESTING	\$4,149	\$8,188	\$10,500	\$12,000	\$12,750	6.25%
4275	DISPATCH ANNUAL FEE	\$16,332	\$17,243	\$8,800	\$18,000	\$20,000	11.11%
4280	RUBBISH COLLECTION	\$2,274	\$2,635	\$2,500	\$2,750	\$2,900	5.45%
	TOTAL CONTRACTUAL SERVICES	\$94,716	\$119,784	\$109,350	\$122,950	\$137,921	12.18%
4300	OFFICE SUPPLIES	\$2,378	\$632	\$1,800	\$2,000	\$2,000	0.00%
4301	COMPUTER SOFTWARE	\$6,911	\$5,344	\$4,700	\$10,500	\$13,000	23.81%
4301	COMPUTER HARDWARE	\$17,322	\$3,653	\$8,800	\$21,750	\$29,263	34.54%
4305	OPERATING SUPPLIES						
	BOOTS/BUNKERPANTS/COATS	\$22,216	\$28,916	\$25,000	\$45,517	\$48,500	6.55%
	HOSE/NOZZELS/FITTINGS	\$3,471	\$5,702	\$10,000	\$11,000	\$13,000	18.18%
	MISCELLANEOUS OPERATING SUPPLIES	\$2,291	\$22,256	\$18,000	\$19,000	\$21,000	10.53%
	FIRE PREVENTION	\$0	\$2,829	\$7,500	\$7,500	\$7,750	3.33%
4318	POSTAGE	\$158	\$177	\$150	\$150	\$150	0.00%
4320	GAS AND OIL	\$9,742	\$9,140	\$8,000	\$8,000	\$9,000	12.50%
4330	EQUIPMENT REPAIR						
	COPIER MAINTENANCE	\$481	\$2,031	\$1,000	\$1,000	\$1,000	0.00%
	RADIO REPAIRS AND MAINTENANCE	\$0	\$3,150	\$1,000	\$1,500	\$1,750	16.67%
	APPARATUS REPAIRS AND MAINTENANCE	\$28,223	\$12,806	\$27,000	\$29,000	\$30,000	3.45%
	SCBA SERVICE	\$2,527	\$1,385	\$1,250	\$1,500	\$1,500	0.00%
	OTHER REPAIRS AND MAINTENANCE	\$8,897	\$12,205	\$5,000	\$7,000	\$8,500	21.43%
4331	MISC FURNITURE/EQUIPMENT	\$0	\$0	\$0	\$0	\$0	0.00%
4335	BUILDING MAINTENANCE	\$57,956	\$40,829	\$28,000	\$30,000	\$35,000	16.67%
	TOTAL COMMODITIES	\$162,573	\$151,053	\$147,200	\$195,417	\$221,413	13.30%

FIRE DEPARTMENT
DEPARTMENT 30

4400	TRAINING	\$13,056	\$9,341	\$18,000	\$18,250	\$18,750	2.74%
4402	BOOKS AND SUBSCRIPTIONS	\$2,098	\$905	\$1,750	\$2,000	\$2,500	25.00%
4403	TRAINING EXPENSES	\$7,732	\$4,772	\$5,500	\$5,500	\$5,500	0.00%
4404	MEMBERSHIP DUES	\$1,140	\$1,849	\$2,000	\$2,250	\$2,250	0.00%
4410	UNIFORMS	\$3,096	\$8,771	\$7,500	\$10,500	\$12,500	19.05%
4415	MILEAGE	\$0	\$0	\$250	\$250	\$250	0.00%
4425	WATER SERVICE	\$2,983	\$3,370	\$3,000	\$3,000	\$3,000	0.00%
4490	MISCELLANEOUS	\$694	\$530	\$500	\$500	\$500	0.00%
	TOTAL OTHER CHARGES	\$30,799	\$29,537	\$38,500	\$42,250	\$45,250	7.10%
4630	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$619,194	\$667,578	\$653,863	\$758,206	\$788,746	4.03%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

BUILDING OFFICIAL

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	BUILDING OFFICIAL						
4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
4133	INSURANCE-WORKERS COMPENSATION	\$0	\$0	\$0	\$0	\$0	0.00%
4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
4209	CITY HALL RENT	\$12,000	\$12,000	\$12,000	\$14,500	\$0	-100.00%
4210	TELEPHONE	\$3,343	\$3,239	\$5,500	\$4,000	\$4,000	0.00%
4220	PROFESSIONAL SERVICES	\$0	\$557	\$500	\$500	\$500	0.00%
	CITY ATTORNEY	\$0	\$700	\$2,000	\$1,000	\$1,000	0.00%
	CITY ENGINEER/GOPHER ONE	\$493		\$500	\$500	\$500	0.00%
4231	CONTRACTED INSPECTIONS	\$99,344	\$370,710	\$101,764	\$300,000	\$319,000	6.33%
	TOTAL CONTRACTUAL SERVICES	\$115,180	\$387,205	\$122,264	\$320,500	\$325,000	1.40%
4300	OFFICE SUPPLIES	\$1,717	\$1,006	\$1,250	\$1,250	\$1,250	0.00%
4305	OPERATING SUPPLIES	\$897	\$970	\$500	\$500	\$500	0.00%
4318	POSTAGE	\$1,774	\$2,252	\$1,500	\$1,500	\$2,500	66.67%
	TOTAL COMMODITIES	\$4,388	\$4,228	\$3,250	\$3,250	\$4,250	30.77%
4400	TRAINING	\$0	\$0	\$500	\$500	\$500	0.00%
4402	BOOKS AND SUBSCRIPTIONS	\$286	\$0	\$250	\$250	\$250	0.00%
4404	MEMBERSHIP DUES	\$0	\$0	\$125	\$125	\$125	0.00%
4490	MISCELLANEOUS	\$0	\$0	\$500	\$500	\$500	0.00%
4437	CREDIT CARD FEES	\$0	\$12,156	\$8,500	\$10,000	\$14,000	40.00%
	TOTAL OTHER CHARGES	\$286	\$12,156	\$9,875	\$11,375	\$15,375	35.16%
4620	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$119,854	\$403,589	\$135,389	\$335,125	\$344,625	2.83%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

STREETS
DEPARTMENT 50

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	PW - STREETS						
4110	SALARIES-REGULAR	\$411,837	\$434,915	\$414,876	\$452,104	\$470,115	3.98%
4115	SALARIES-OVERTIME	\$11,690	\$13,831	\$22,375	\$22,375	\$22,375	0.00%
4130	SALARIES-TEMPORARY	\$0	\$0	\$8,000	\$8,000	\$8,000	0.00%
4131	INSURANCE	\$94,451	\$93,126	\$116,305	\$122,072	\$128,160	4.99%
4133	WORKERS COMPENSATION	\$68,123	\$67,055	\$71,455	\$75,030	\$42,000	-44.02%
4134	PERA	\$31,112	\$33,008	\$32,794	\$35,586	\$36,937	3.80%
4135	FICA	\$33,046	\$35,021	\$34,062	\$36,910	\$38,287	3.73%
	TOTAL HUMAN RESOURCES	\$650,259	\$676,956	\$699,867	\$752,077	\$745,874	-0.82%
4200	RENTALS AND LEASES	\$3,059	\$3,417	\$5,500	\$5,500	\$5,000	-9.09%
4210	TELEPHONE	\$3,538	\$3,294	\$4,000	\$4,000	\$4,000	0.00%
4211	ELECTRICAL-STREET LIGHTS	\$24,855	\$25,252	\$24,000	\$25,000	\$26,000	4.00%
4211	ELECTRICAL-PUBLIC WORKS GARAGE	\$1,865	\$914	\$3,000	\$3,000	\$2,500	-16.67%
4211	ELECTRICAL-TRAFFIC SIGNALS	\$3,587	\$3,452	\$4,000	\$4,000	\$4,000	0.00%
4212	GAS SERVICE	\$9,558	\$4,844	\$7,500	\$10,000	\$9,000	-10.00%
4213	SOLAR LEASE	\$2,164	\$2,261	\$2,270	\$2,400	\$2,588	7.83%
4220	PROFESSIONAL SERVICES	\$6,053	\$8,494	\$5,000	\$7,500	\$7,500	0.00%
4220	CITY ATTORNEY	\$1,815	\$0	\$1,000	\$1,000	\$1,000	0.00%
4240	LEGAL PUBLICATIONS	\$0	\$405	\$500	\$500	\$500	0.00%
4280	RUBBISH REMOVAL	\$2,871	\$3,659	\$2,750	\$3,000	\$4,000	33.33%
	TOTAL CONTRACTUAL SERVICES	\$59,365	\$55,991	\$59,520	\$65,900	\$66,088	0.29%
4300	OFFICE SUPPLIES	\$840	\$1,618	\$1,000	\$1,000	\$1,000	0.00%
4305	OPERATING SUPPLIES	\$20,775	\$12,070	\$18,000	\$18,000	\$18,000	0.00%
4306	RECRUITMENT COSTS	\$0	\$0	\$500	\$500	\$500	0.00%
4318	POSTAGE	\$6	\$0	\$50	\$50	\$50	0.00%
4320	GAS AND OIL	\$43,739	\$41,533	\$45,000	\$45,000	\$45,000	0.00%
4330	EQUIPMENT REPAIR	\$83,249	\$97,756	\$80,000	\$85,000	\$90,000	5.88%
4331	MISC OFFICE/COMPUTER EQUIPMENT	\$331	\$0	\$1,500	\$1,500	\$1,500	0.00%
4335	PUBLIC WORKS GARAGE MAINTENANCE						
	BUILDING MAINTENANCE	\$8,854	\$9,469	\$8,500	\$10,000	\$10,000	0.00%
	CUSTODIAL SERVICES	\$1,040	\$0	\$1,500	\$1,500	\$1,500	0.00%
4336	SNOW REMOVAL DAMAGE REPAIR	\$578	\$7,090	\$5,000	\$4,000	\$4,000	0.00%
	TOTAL COMMODITIES	\$159,412	\$169,537	\$161,050	\$166,550	\$171,550	3.00%
4400	TRAINING	\$1,063	\$5,016	\$7,500	\$7,500	\$7,500	0.00%
4404	MEMBERSHIP DUES	\$0	\$0	\$300	\$300	\$300	0.00%
4410	CLOTHING AND EQUIPMENT	\$4,186	\$5,352	\$5,500	\$5,500	\$5,500	0.00%
4415	MILEAGE AND AUTO ALLOWANCE	\$0	\$0	\$250	\$250	\$250	0.00%
4420	STREET SIGNS AND POSTS	\$11,310	\$6,657	\$12,000	\$12,000	\$12,000	0.00%
4421	SAND AND SALT	\$73,151	\$85,914	\$125,000	\$125,000	\$125,000	0.00%
4422	STREET MAINTENANCE MATERIAL	\$27,355	\$78,651	\$40,000	\$40,000	\$40,000	0.00%
4423	CRACK SEALING/CHIP SEALING	\$41,796	\$75,634	\$100,000	\$100,000	\$100,000	0.00%
4424	STREET SWEEPING AND STRIPING	\$56,357	\$52,500	\$70,000	\$70,000	\$70,000	0.00%
4425	WATER SERVICE-PUBLIC WORKS	\$392	\$409	\$500	\$500	\$500	0.00%
4426	BONFIRE CLEAN UP	\$0	\$0	\$0	\$0	\$0	0.00%
4490	MISCELLANEOUS	\$256	\$105	\$500	\$500	\$500	0.00%
4500	TREE REMOVAL	\$92,450	\$93,855	\$60,000	\$0	\$0	0.00%
	TOTAL OTHER CHARGES	\$308,316	\$404,094	\$421,550	\$361,550	\$361,550	0.00%
4620	CAPITAL OUTLAY	\$10,650	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$10,650	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$1,188,002	\$1,306,578	\$1,341,987	\$1,346,077	\$1,345,062	-0.08%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

PARKS
DEPARTMENT 70

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	PW - PARKS						
4110	SALARIES-REGULAR	\$474,764	\$525,737	\$486,690	\$533,437	\$613,837	15.07%
4115	SALARIES-OVERTIME	\$7,791	\$3,878	\$15,000	\$15,000	\$30,500	103.33%
4130	SALARIES-TEMPORARY	\$32,829	\$42,700	\$50,000	\$50,000	\$50,000	0.00%
4131	INSURANCE	\$122,778	\$133,929	\$134,383	\$141,046	\$161,520	14.52%
4133	WORKERS COMPENSATION	\$27,245	\$26,815	\$28,575	\$30,000	\$33,000	10.00%
4134	PERA	\$34,623	\$38,826	\$37,627	\$41,133	\$48,325	17.48%
4135	FICA	\$40,847	\$46,261	\$42,205	\$45,780	\$53,117	16.03%
4138	UNEMPLOYMENT	\$0	\$1,792	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$740,877	\$819,938	\$794,480	\$856,396	\$990,299	15.64%
4200	RENTALS AND LEASES	\$22,593	\$22,274	\$29,000	\$29,000	\$29,000	0.00%
4210	TELEPHONE	\$3,826	\$4,247	\$4,000	\$4,000	\$4,000	0.00%
4211	ELECTRICAL-PW/WARMING HOUSES	\$1,916	\$914	\$3,500	\$3,500	\$3,000	-14.29%
4211	ELECTRICAL-COMF. STAT./AERATOR	\$5,612	\$5,861	\$6,000	\$6,000	\$6,000	0.00%
4212	GAS SERVICE	\$10,421	\$5,251	\$8,000	\$10,000	\$9,000	-10.00%
4213	SOLAR LEASE	\$2,164	\$2,261	\$2,270	\$2,400	\$2,588	7.83%
4220	PROFESSIONAL SERVICES						
	CITY ATTORNEY	\$1,426	\$2,887	\$1,500	\$2,000	\$2,500	25.00%
	TESTING/COMMISSION MINUTES	\$4,256	\$2,553	\$2,000	\$6,000	\$5,000	-16.67%
	BIKE/PED PLAN - VALLEY FOREST	\$34,513	\$7,500	\$0	\$0	\$0	0.00%
	CITY ENGINEERING	\$1,030	-\$257	\$0	\$0	\$0	0.00%
	NATURAL RESOURCES PLAN	\$87,654	\$68	\$0	\$0	\$0	0.00%
4240	LEGAL PUBLICATION	\$681	\$423	\$500	\$750	\$750	0.00%
4268	OTHER CONTRACT SERVICES	\$0	\$0	\$0	\$0	\$0	0.00%
4280	RUBBISH REMOVAL	\$2,871	\$3,649	\$2,750	\$3,000	\$4,000	33.33%
	TOTAL CONTRACTUAL SERVICES	\$178,963	\$57,630	\$59,520	\$66,650	\$65,838	-1.22%
4300	OFFICE SUPPLIES	\$1,656	\$2,995	\$1,750	\$1,750	\$2,000	14.29%
4305	OPERATING SUPPLIES	\$17,922	\$18,451	\$18,000	\$20,000	\$20,000	0.00%
4306	RECRUITMENT COSTS	\$180	\$226	\$500	\$500	\$500	0.00%
4318	POSTAGE	\$366	\$454	\$250	\$350	\$500	42.86%
4320	GAS AND OIL	\$22,732	\$19,434	\$25,000	\$25,000	\$25,000	0.00%
4330	EQUIPMENT REPAIRS AND MAINTENANCE						
	EQUIPMENT REPAIRS/MAINTENANCE	\$51,212	\$37,757	\$46,500	\$46,500	\$46,500	0.00%
	PARKS MAINTENANCE SUPPLIES	\$56,350	\$35,019	\$60,000	\$60,000	\$60,000	0.00%
	CHEMICALS AND FERTILIZER	\$0	\$6,475	\$14,000	\$14,000	\$14,000	0.00%
	PARK MAINTENANCE COSTS	\$8,314	\$48,177	\$31,000	\$31,000	\$31,000	0.00%
	ERADICATE INVASIVE PLANTS	\$25,330	\$42,615	\$50,000	\$0	\$0	0.00%
	TOWN CENTRE LANDSCAPE MAINT.	\$0	\$0	\$9,000	\$9,000	\$9,000	0.00%
	INFIELD MAINTENANCE	\$0	\$28,163	\$0	\$10,000	\$10,000	0.00%
	PILOT KNOB RESTORATION	\$0	\$0	\$15,000	\$0	\$0	0.00%
	TREE SALE	\$0	\$9,332	\$10,000	\$0	\$0	0.00%
	NATIVE PLANTINGS	\$21,575	\$3,113	\$40,000	\$0	\$0	0.00%
	TREE CITY USA DESIGNATION	\$0	\$5,786	\$25,000	\$0	\$0	0.00%
4331	MISC OFFICE/COMPUTER EQUIP	\$211	\$0	\$1,500	\$1,500	\$1,500	0.00%
4335	BUILDING MAINTENANCE						
	BUILDING MAINTENANCE	\$6,411	\$10,019	\$8,500	\$10,000	\$10,000	0.00%
	CUSTODIAL SERVICES	\$1,040	\$0	\$1,500	\$1,500	\$1,500	0.00%
	TOTAL COMMODITIES	\$213,299	\$268,015	\$357,500	\$231,100	\$231,500	0.17%

PARKS
DEPARTMENT 70

4400	TRAINING	\$130	\$1,489	\$7,000	\$7,000	\$5,000	-28.57%
4404	MEMBERSHIP DUES	\$450	\$615	\$1,000	\$1,000	\$1,000	0.00%
4410	CLOTHING AND EQUIPMENT	\$3,158	\$488	\$5,500	\$5,500	\$5,500	0.00%
4415	MILEAGE AND AUTO ALLOWANCE	\$260	\$105	\$400	\$400	\$400	0.00%
4425	WATER SERVICE						
	PUBLIC WORKS	\$392	\$409	\$500	\$500	\$500	0.00%
	PARKS	\$23,825	\$28,949	\$25,000	\$30,000	\$30,000	0.00%
4490	MISCELLANEOUS	\$2,946	\$754	\$1,500	\$1,500	\$1,500	0.00%
4490	COMMISSIONER PER DIEM	\$550	\$2,250	\$4,200	\$2,100	\$2,250	7.14%
4500	TREE REMOVAL	\$70,002	\$48,053	\$50,000	\$0	\$0	0.00%
	TOTAL OTHER CHARGES	\$101,713	\$83,111	\$95,100	\$48,000	\$46,150	-3.85%
4600	CAPITAL OUTLAY	\$9,500	\$63,115	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$9,500	\$63,115	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$1,244,352	\$1,291,808	\$1,306,600	\$1,202,146	\$1,333,787	10.95%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

RECREATION
DEPARTMENT 70

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	RECREATION						
4435	SOFTBALL LEAGUES	\$941	\$4,786	\$8,000	\$8,500	\$5,500	-35.29%
4435	TENNIS LESSONS	\$3,259	\$3,278	\$3,500	\$4,000	\$4,000	0.00%
4435	SUMMER CONCERTS	\$10,246	\$8,444	\$22,500	\$18,000	\$15,000	-16.67%
	WINTERFEST	\$8,125	\$7,262	\$6,000	\$8,000	\$8,500	6.25%
4435	SAFETY CAMP	\$1,047	\$1,677	\$1,700	\$1,700	\$2,000	17.65%
4435	SPECIAL EVENTS/PROGRAMMING	\$2,069	\$6,179	\$6,500	\$7,000	\$5,000	-28.57%
	TRICK OR TEEING	\$0	\$0	\$0	\$0	\$5,000	100.00%
	TOUCH A TRUCK	\$0	\$0	\$0	\$0	\$3,000	100.00%
4435	TOUR DE REC	\$0	\$0	\$500	\$1,000	\$1,000	0.00%
	WORKOUTS IN THE PARK	\$0	\$0	\$500	\$500	\$1,000	100.00%
	CONTRACTED PROGRAMS	\$9,459	\$9,886	\$11,250	\$11,250	\$11,250	0.00%
	SENIORS PROGRAMMING	\$151	\$413	\$4,500	\$4,500	\$4,500	0.00%
4435	PROGRAM SUPPLIES/EQUIPMENT	\$5,813	\$3,053	\$3,500	\$6,000	\$6,000	0.00%
4435	FIELD TRIPS	\$976	\$877	\$4,000	\$4,000	\$4,000	0.00%
4435	RECREATION OFFICE SUPPLIES	\$0	\$0	\$550	\$600	\$600	0.00%
4435	KIDS FISHING DERBY	\$612	\$1,477	\$1,750	\$1,750	\$1,750	0.00%
4435	YOUTH AND STAFF SHIRTS	\$1,460	\$1,522	\$3,250	\$3,250	\$3,250	0.00%
4435	SCHOLARSHIP PROGRAM	\$0	\$0	\$1,000	\$2,500	\$2,000	-20.00%
	PARK CELEBRATION EVENTS	\$9,840	\$7,636	\$9,000	\$9,000	\$10,000	11.11%
	MARKETING & COMMUNICATIONS	\$3,791	\$8,280	\$8,000	\$8,000	\$10,000	25.00%
4435	MISCELLANEOUS	\$6,609	\$3,655	\$1,000	\$1,500	\$2,500	66.67%
4436	ONLINE REGISTRATION FEES	\$2,432	\$2,865	\$2,250	\$2,750	\$3,000	9.09%
4400	TRAINING/CONFERENCES	\$4,171	\$6,617	\$6,500	\$7,500	\$7,500	0.00%
4400	SEASONAL STAFF TRAINING					\$3,000	100.00%
4400	MEMBERSHIPS/SUBSCRIPTIONS	\$0	\$0	\$1,500	\$1,500	\$1,500	0.00%
4400	TUITION REIMBURSEMENT	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL RECREATION CHARGES	\$71,001	\$77,905	\$107,250	\$112,800	\$120,850	7.14%
	BUDGET IMPROVEMENT REQUESTS	REQUESTED	APPROVED				

NATURAL RESOURCES

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	NATURAL RESOURCES						
4110	SALARIES-REGULAR				\$94,035	\$100,248	6.61%
4131	INSURANCE				\$22,860	\$24,000	4.99%
4134	PERA				\$7,053	\$7,519	6.61%
4135	FICA				\$7,194	\$7,669	6.60%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$131,142	\$139,436	6.32%
	VALLEY PARK POLLINATOR CORRIDOR				\$14,430	\$15,000	3.95%
	VALLEY PARK FOREST ENHANCEMENT - NORTH				\$34,070	\$0	-100.00%
	VALLEY PARK FOREST ENHANCEMENT - SOUTH CENTRAL				\$18,437	\$11,183	-39.34%
	VALLEY PARK NW FOREST ENHANCEMENT				\$21,165	\$10,000	-52.75%
	VALLEY PARK E FOREST ENHANCEMENT				\$8,235	\$15,252	85.21%
	VALLEY PARK S OAK/ASPEN KNOLL ENHANCEMENT				\$3,663	\$0	-100.00%
	ROGERS LAKE - SAVANA/FOREST AND SHORELINE ENHANCEMENT				\$0	\$34,518	100.00%
	NATURAL RESOURCE MAINTENANCE				\$40,000	\$37,670	-5.83%
	PILOT KNOB RESTORATION				\$15,000	\$15,600	4.00%
	TREE SALE				\$10,000	\$10,000	0.00%
	TREE CANOPY PROGRAM				\$25,000	\$27,000	100.00%
	TREE REMOVAL				\$125,000	\$100,000	-20.00%
	TREE PLANTING				\$0	\$10,000	100.00%
	TREE CARE (PRUNING, WATERING, DISEASE PREVENTION, MULCH, TREE GUARDS)				\$0	\$52,000	100.00%
	TOTAL CONTRACTUAL SERVICES	\$0	\$0	\$0	\$315,000	\$338,223	7.37%
4490	COMMISSIONER PER DIEM				\$1,800	\$1,800	0.00%
	TOTAL OTHER CHARGES	\$0	\$0	\$0	\$1,800	\$1,800	0.00%
	TOTAL EXPENDITURES	\$0	\$0	\$0	\$447,942	\$479,459	7.04%

COMMUNITY DEVELOPMENT
DEPARTMENT 80

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	COMMUNITY DEVELOPMENT						
4110	SALARIES-REGULAR	\$124,818	\$37,350	\$127,519	\$117,349	\$117,124	-0.19%
4131	INSURANCE	\$20,760	\$3,630	\$21,780	\$22,860	\$24,000	4.99%
4134	PERA	\$9,196	\$951	\$9,564	\$8,801	\$8,784	-0.19%
4135	FICA	\$8,923	\$1,844	\$9,755	\$8,978	\$8,960	-0.20%
	TOTAL HUMAN RESOURCES	\$163,697	\$43,774	\$168,618	\$157,988	\$158,868	0.56%
4220	PROFESSIONAL SERVICES						
	CONSULTING PLANNER	\$30,528	\$139,683	\$10,000	\$10,000	\$10,000	0.00%
	COMP PLAN	\$0		\$500	\$500	\$500	0.00%
	CITY ATTORNEY	\$8,547	\$2,660	\$20,000	\$10,000	\$10,000	0.00%
	OPEN TO BUSINESS - DAKOTA COUNTY	\$2,800	\$2,800	\$3,000	\$3,000	\$3,000	0.00%
	DAKOTA COUNTY CHAMBER DIRECTORIES	\$0	\$0	\$0	\$0	\$0	0.00%
	PLANNING COMMISSION-MINUTES	\$1,852	\$1,594	\$3,500	\$3,500	\$3,500	0.00%
	RESOLUTION FILING WITH COUNTY	\$1,183	\$99	\$2,000	\$2,000	\$2,000	0.00%
	OTHER PROFESSIONAL SERVICES	\$0	\$0	\$500	\$500	\$500	0.00%
4222	PROSECUTIONS	\$0	\$0	\$2,000	\$0	\$0	0.00%
4240	LEGAL PUBLICATIONS	\$837	\$1,250	\$2,000	\$2,000	\$2,000	0.00%
	TOTAL CONTRACTUAL SERVICES	\$45,747	\$148,085	\$43,500	\$31,500	\$31,500	0.00%
4300	OFFICE SUPPLIES	\$393	\$374	\$2,500	\$2,500	\$1,000	-60.00%
4318	POSTAGE	\$136	\$597	\$1,500	\$1,500	\$1,000	-33.33%
4330	EQUIPMENT REPAIR - VEHICLE MNTCE	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL COMMODITIES	\$529	\$970	\$4,000	\$4,000	\$2,000	-50.00%
4400	TRAINING	\$952	\$0	\$4,000	\$2,000	\$2,000	0.00%
4402	BOOKS AND SUBSCRIPTIONS	\$0	\$0	\$500	\$500	\$500	0.00%
4404	MEMBERSHIP DUES	\$473	\$355	\$750	\$750	\$750	0.00%
4415	MILEAGE AND AUTO ALLOWANCES	\$36	\$0	\$100	\$100	\$100	0.00%
4490	PLANNING COMMISSION PER DIEM	\$1,925	\$1,950	\$3,000	\$3,000	\$3,000	0.00%
4490	MISCELLANEOUS	\$1,079	\$837	\$1,000	\$1,000	\$1,000	0.00%
	TOTAL OTHER CHARGES	\$4,465	\$3,142	\$9,350	\$7,350	\$7,350	0.00%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$214,438	\$195,972	\$225,468	\$200,838	\$199,718	-0.56%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

RECYCLING
DEPARTMENT 85

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	RECYCLING						
4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
4133	WORKERS COMPENSATION	\$0	\$0	\$0	\$0	\$0	0.00%
4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
4220	RECYCLING EVENTS/SUPPLIES	\$6,943	\$6,897	\$10,000	\$10,000	\$10,000	0.00%
4220	SHARED RECYCLING POSITION	\$0	\$0	\$30,380	\$36,000	\$42,000	16.67%
	TOTAL CONTRACTUAL SERVICES	\$6,943	\$6,897	\$40,380	\$46,000	\$52,000	13.04%
4300	OFFICE SUPPLIES	\$0	\$133	\$500	\$500	\$500	0.00%
4318	POSTAGE	\$0	\$0	\$500	\$500	\$500	0.00%
	TOTAL COMMODITIES	\$0	\$133	\$1,000	\$1,000	\$1,000	0.00%
4415	MILEAGE AND AUTO ALLOWANCE	\$0	\$0	\$100	\$100	\$100	0.00%
4490	MISCELLANEOUS	\$30	\$1,100	\$500	\$500	\$1,500	200.00%
	TOTAL OTHER CHARGES	\$30	\$1,100	\$600	\$600	\$1,600	166.67%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$6,973	\$8,130	\$41,980	\$47,600	\$54,600	14.71%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

ENGINEERING
FUND 5 DEPARTMENT 15

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	ENGINEERING						
4110	SALARIES-REGULAR	\$353,930	\$391,750	\$477,594	\$424,168	\$429,798	1.33%
4115	SALARIES-OVERTIME	\$9,190	\$13,927	\$10,000	\$10,000	\$10,000	0.00%
4130	SALARIES-TEMPORARY	\$0	\$0	\$10,000	\$10,000	\$10,000	0.00%
4131	INSURANCE	\$72,009	\$75,713	\$100,406	\$82,525	\$87,600	6.15%
4133	WORKERS COMPENSATION	\$7,313	\$7,199	\$7,670	\$8,055	\$5,500	-31.72%
4134	PERA	\$26,610	\$29,051	\$36,570	\$32,563	\$32,985	1.30%
4135	FICA	\$28,769	\$31,086	\$38,066	\$33,978	\$34,409	1.27%
	TOTAL HUMAN RESOURCES	\$497,821	\$548,726	\$680,306	\$601,289	\$610,292	1.50%
4200	RENTALS AND LEASES	\$782	\$795	\$900	\$900	\$900	0.00%
4209	CITY HALL RENT	\$49,329	\$49,329	\$49,329	\$59,000	\$59,000	0.00%
4210	TELEPHONE	\$541	\$556	\$4,000	\$4,000	\$4,000	0.00%
4220	PROFESSIONAL SERVICES						
	CITY AUDIT	\$3,720	\$4,144	\$3,750	\$3,865	\$4,200	8.67%
	OTHER PROFESSIONAL SERVICES	\$0	\$0	\$2,000	\$2,000	\$2,000	0.00%
	TOTAL CONTRACTUAL SERVICES	\$54,372	\$54,823	\$59,979	\$69,765	\$70,100	0.48%
4300	OFFICE SUPPLIES	\$1,307	\$1,396	\$2,000	\$2,000	\$2,000	0.00%
4305	OPERATING SUPPLIES	\$928	\$1,534	\$1,200	\$1,200	\$1,500	25.00%
4318	POSTAGE	\$315	\$68	\$300	\$300	\$300	0.00%
4320	GAS AND OIL	\$2,980	\$1,742	\$3,000	\$3,500	\$3,500	0.00%
4330	EQUIPMENT REPAIR	\$483	\$333	\$1,500	\$1,500	\$1,500	0.00%
4331	MISCELLANEOUS OFFICE/COMPUTER EQUIPMENT						
	MISCELLANEOUS EQUIPMENT	\$0	\$9,135	\$5,000	\$5,000	\$5,000	0.00%
	TOTAL COMMODITIES	\$6,013	\$14,207	\$13,000	\$13,500	\$13,800	2.22%
4400	TRAINING	\$789	\$2,005	\$2,500	\$2,500	\$5,000	100.00%
4402	BOOKS AND SUBSCRIPTIONS	\$0	\$0	\$100	\$100	\$100	0.00%
4404	MEMBERSHIP DUES	\$123	\$925	\$500	\$500	\$1,000	100.00%
4410	CLOTHING AND EQUIPMENT	\$750	\$0	\$500	\$500	\$750	50.00%
4415	MILEAGE AND AUTO ALLOWANCE	\$0	\$58	\$1,000	\$1,000	\$1,000	0.00%
4490	MISCELLANEOUS	\$81	\$340	\$250	\$250	\$250	0.00%
	TOTAL OTHER CHARGES	\$1,743	\$3,327	\$4,850	\$4,850	\$8,100	67.01%
4620	CAPITAL OUTLAY	\$0	\$0	\$8,000	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$8,000	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$559,949	\$621,083	\$766,135	\$689,404	\$702,292	1.87%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

UTILITY FUND
REVENUE SUMMARY

UTILITY FUND					FUND 15	
	REVENUES					
					2025	
REVENUE SOURCE	2022 ACTUAL	2023 ACTUAL	2023 BUDGET	2024 BUDGET	BUDGET	% CHANGE
SEWER RENTAL	\$2,403,823	\$2,477,424	\$2,287,742	\$2,402,129	\$2,522,235	5.00%
SEWER PERMITS	\$2,025	\$2,100	\$1,500	\$1,500	\$1,500	0.00%
LILYDALE LIFT STATION MAINT.	\$5,377	\$3,019	\$2,500	\$2,500	\$3,000	20.00%
MISCELLANEOUS INCOME	\$20,151	\$23,221	\$10,000	\$10,000	\$20,000	100.00%
INTERST INCOME	-\$3,469	\$51,528	\$10,000	\$10,000	\$20,000	100.00%
UNAPPROPRIATED TRANSFER	-\$56,907	-\$20,150	-\$11,150	-\$11,150	-\$11,150	0.00%
TOTAL UTILITY FUND REVENUE	\$2,371,000	\$2,537,142	\$2,300,592	\$2,414,979	\$2,555,585	5.82%

UTILITY
FUND 15 DEPARTMENT 60

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	SEWER UTILITY						
4110	SALARIES-REGULAR	\$153,558	\$169,607	\$155,874	\$170,005	\$178,444	4.96%
4115	SALARIES-OVERTIME	\$2,980	\$2,416	\$5,000	\$5,000	\$5,000	0.00%
4130	SALARIES-TEMPORARY	\$7,280	\$6,050	\$8,000	\$8,000	\$8,000	0.00%
4131	INSURANCE	\$22,655	\$26,870	\$41,164	\$43,205	\$45,360	4.99%
4133	WORKERS COMPENSATION	\$15,654	\$15,718	\$16,750	\$17,590	\$10,000	-43.15%
4134	PERA	\$21,366	\$12,526	\$12,066	\$13,125	\$13,758	4.82%
4135	FICA	\$13,295	\$13,991	\$12,919	\$14,000	\$14,646	4.61%
4139	OPEB	\$1,234	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$238,022	\$247,180	\$251,773	\$270,925	\$275,208	1.58%
4200	RENTALS AND LEASES	\$1,442	\$1,789	\$7,000	\$7,000	\$4,000	-42.86%
4209	CITY HALL RENT	\$6,904	\$6,904	\$6,904	\$8,250	\$8,250	0.00%
4210	TELEPHONE	\$5,063	\$6,704	\$8,000	\$8,000	\$7,500	-6.25%
4211	ELECTRIC SERVICE						
	PUBLIC WORKS GARAGE	\$1,865	\$914	\$3,000	\$3,000	\$2,500	-16.67%
	LIFT STATIONS	\$10,504	\$8,566	\$15,000	\$15,000	\$12,000	-20.00%
4212	GAS SERVICE						
	PUBLIC WORKS GARAGE	\$9,558	\$4,844	\$7,500	\$10,000	\$9,000	-10.00%
	LIFT STATIONS	\$3,005	\$2,370	\$3,000	\$3,500	\$3,500	0.00%
4213	SOLAR LEASE	\$2,164	\$2,261	\$2,270	\$2,400	\$2,588	7.83%
4220	PROFESSIONAL SERVICES						
	CITY ENGINEER	\$3,486	\$2,442	\$0	\$0	\$0	0.00%
	CITY AUDIT	\$2,976	\$3,867	\$3,500	\$3,600	\$4,000	11.11%
	TRAINING	\$0	\$0	\$1,500	\$1,500	\$1,500	0.00%
	OTHER PROFESSIONAL SERVICES	\$10,303	\$1,133	\$15,000	\$15,000	\$15,000	0.00%
4240	LEGAL PUBLICATIONS	\$62	\$125	\$250	\$250	\$250	0.00%
4250	LIABILITY AND AUTO INSURANCE	\$8,770	\$8,478	\$10,000	\$10,000	\$10,500	5.00%
4280	RUBBISH REMOVAL	\$2,871	\$3,649	\$2,750	\$3,000	\$4,000	33.33%
	TOTAL CONTRACTUAL SERVICES	\$68,973	\$54,047	\$85,674	\$90,500	\$84,588	-6.53%
4300	OFFICE SUPPLIES	\$578	\$1,896	\$2,000	\$2,000	\$2,000	0.00%
4305	OPERATING SUPPLIES	\$16,787	\$18,523	\$15,000	\$15,000	\$20,000	33.33%
4318	POSTAGE	\$5,533	\$4,830	\$5,500	\$6,000	\$6,000	0.00%
4320	GAS AND OIL	\$6,757	\$5,797	\$7,500	\$7,500	\$7,500	0.00%
4330	EQUIPMENT REPAIRS AND MAINTENANCE						
	SEWER CLEANING/TELEVISIONING	\$45,537	\$26,563	\$62,000	\$62,000	\$62,000	0.00%
	SEWER LINING	\$0	\$19,615	\$200,000	\$250,000	\$250,000	0.00%
	ROOT CHEMICALS	\$10,206	\$6,557	\$10,000	\$10,000	\$10,000	0.00%
	HYDRANT MARKERS	\$0	\$0	\$750	\$750	\$750	0.00%
	SOFTWARE SUPPORT	\$840	\$840	\$2,000	\$2,000	\$1,000	-50.00%
	LIFT STATIONS MAINTENANCE	\$20,932	\$23,885	\$15,000	\$15,000	\$25,000	66.67%
	MISCELLANEOUS EQUIPMENT REPAIRS	\$25,887	\$20,255	\$35,000	\$35,000	\$35,000	0.00%
4331	FURNITURE/EQUIPMENT	\$122	\$19,058	\$1,200	\$1,200	\$1,200	0.00%
4335	PUBLIC WORKS GARAGE MAINTENANCE						
	BUILDING MAINTENANCE	\$6,411	\$14,121	\$8,500	\$10,000	\$10,000	0.00%
	CUSTODIAL SERVICES	\$1,040	\$0	\$1,500	\$1,500	\$1,500	0.00%
	TOTAL COMMODITIES	\$140,630	\$161,942	\$365,950	\$417,950	\$431,950	3.35%

UTILITY
FUND 15 DEPARTMENT 60

4400	TRAINING	\$1,158	\$1,454	\$2,500	\$2,500	\$2,500	0.00%
4404	MEMBERSHIP DUES	\$0	\$10	\$500	\$500	\$500	0.00%
4410	CLOTHING AND EQUIPMENT	\$1,258	\$1,080	\$1,250	\$1,250	\$1,250	0.00%
4415	MILEAGE AND AUTO ALLOWANCE	\$24	\$24	\$250	\$250	\$250	0.00%
4425	WATER SERVICE	\$392	\$409	\$400	\$400	\$450	12.50%
4437	CREDIT CARD FEES	\$3,265	\$3,162	\$2,000	\$3,500	\$3,000	-14.29%
4449	MWCC CHARGES	\$1,472,261	\$1,347,343	\$1,347,343	\$1,314,748	\$1,443,499	9.79%
4460	CONSTRUCTION COSTS	\$32,277	\$0	\$0	\$0	\$0	100.00%
4490	MISCELLANEOUS	\$5,373	\$5,769	\$5,000	\$5,000	\$5,000	0.00%
4491	DEPRECIATION	\$200,096	\$199,707	\$200,000	\$200,000	\$200,000	0.00%
	TOTAL OTHER CHARGES	\$1,716,104	\$1,558,959	\$1,559,243	\$1,528,148	\$1,656,449	8.40%
4600	CAPITAL OUTLAY	\$0	\$0	\$200,333	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$200,333	\$0	\$0	-100.00%
	TOTAL EXPENDITURES	\$2,163,729	\$2,022,128	\$2,462,973	\$2,307,523	\$2,448,195	6.10%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				
	Garage Door	\$26,667					
	SCADA	\$36,000					

STORM WATER UTILITY
FUND 29 DEPARTMENT

STORM WATER UTILITY					FUND 29	
	REVENUES					
					2025	
REVENUE SOURCE	2022 ACTUAL	2023 ACTUAL	2023 BUDGET	2024 BUDGET	BUDGET	% CHANGE
STORM WATER UTILITY FEES	\$586,430	\$589,829	\$580,000	\$580,000	\$615,000	6.03%
MISCELLANEOUS INCOME	\$4,684	\$17,414	\$0	\$0	\$0	0.00%
INTEREST INCOME	-\$12,481	\$37,998	\$1,500	\$1,500	\$10,000	566.67%
UNAPPROPRIATED TRANSFER	-\$194,650	-\$141,659	-\$9,650	-\$9,650	-\$9,650	0.00%
TOTAL STORM UTILITY FUND REVENUE	\$383,983	\$503,582	\$571,850	\$571,850	\$615,350	7.61%

STORM WATER UTILITY
FUND 29 DEPARTMENT 29

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	STORM WATER UTILITY						
4110	SALARIES-REGULAR	\$24,185	\$25,537	\$24,904	\$27,224	\$28,284	3.89%
4131	INSURANCE	\$4,221	\$4,397	\$6,752	\$7,087	\$7,440	4.98%
4134	PERA	\$3,895	\$1,895	\$1,868	\$2,042	\$2,121	3.87%
4135	FICA	\$1,828	\$1,920	\$1,905	\$2,083	\$2,164	3.89%
4139	OPEB	\$227	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$34,356	\$33,750	\$35,429	\$38,436	\$40,009	4.09%
4209	CITY HALL RENT	\$6,904	\$6,904	\$6,904	\$8,250	\$8,250	0.00%
4214	SOFTWARE MAINTENANCE	\$0	\$0	\$200	\$0	\$0	0.00%
4220	PROFESSIONAL SERVICES						
	CITY AUDIT	\$1,191	\$1,326	\$1,200	\$1,240	\$1,500	20.97%
	WMO MEETINGS	\$26	\$0	\$6,000	\$0	\$0	0.00%
	ENGINEERING FEES	\$12,780	\$23,389	\$35,000	\$35,000	\$30,000	-14.29%
	RAIN GARDEN DESIGN/CONSTRUCTION	\$1,164	\$113	\$35,000	\$35,000	\$50,000	42.86%
	SURFACE WATER TREATMENT	\$8,500	\$6,668	\$10,000	\$10,000	\$10,000	0.00%
	OTHER PROFESSIONAL SERVICES	\$3,540	\$30,689	\$2,500	\$30,000	\$100,000	233.33%
4240	LEGAL PUBLICATIONS	\$96	\$0	\$250	\$250	\$250	0.00%
	TOTAL CONTRACTUAL SERVICES	\$34,201	\$69,089	\$97,054	\$119,740	\$200,000	67.03%
4300	OFFICE SUPPLIES	\$0	\$0	\$250	\$250	\$250	0.00%
4318	POSTAGE	\$0	\$143	\$25	\$25	\$150	500.00%
4330	EQUIPMENT REPAIR	\$2,923	\$6,394	\$10,000	\$10,000	\$10,000	0.00%
4337	STORM SEWER MAINTENANCE	\$24,241	\$33,980	\$50,000	\$50,000	\$50,000	0.00%
4339	POND MAINTENANCE	\$15,074	\$55,000	\$0	\$100,000	\$100,000	0.00%
	TOTAL COMMODITIES	\$42,238	\$95,517	\$60,275	\$160,275	\$160,400	0.08%
4404	MEMBERSHIP DUES	\$24,551	\$26,698	\$27,500	\$28,875	\$30,000	3.90%
4460	CONSTRUCTION COSTS	\$0	\$166,515	\$200,000	\$350,000	\$350,000	0.00%
4490	MISCELLANEOUS	\$246	\$458	\$500	\$500	\$500	0.00%
4491	DEPRECIATION	\$54,444	\$55,407	\$55,000	\$55,000	\$55,000	0.00%
	TOTAL OTHER CHARGES	\$79,241	\$249,079	\$283,000	\$434,375	\$435,500	0.26%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$190,036	\$447,434	\$475,758	\$752,826	\$835,909	11.04%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

PAR THREE
REVENUE SUMMARY

PAR 3						
	REVENUES					
					2025	
REVENUE SOURCE	2022 ACTUAL	2023 ACTUAL	2023 BUDGET	2024 BUDGET	BUDGET	% CHANGE
GREEN FEES	\$176,412	\$209,668	\$150,000	\$177,000	\$220,000	24.29%
RECREATION PROGRAMS	\$53,928	\$50,923	\$45,000	\$54,000	\$50,000	-7.41%
CONCESSIONS	\$33,596	\$36,090	\$22,500	\$34,000	\$36,000	5.88%
SUNDRY REVENUE	\$425	\$146	\$0	\$0	\$0	0.00%
INTEREST	-\$1,571	\$5,278	\$450	\$450	\$1,000	122.22%
TOTAL PAR THREE FUND REVENUE	\$262,790	\$302,105	\$217,950	\$265,450	\$307,000	15.65%

PAR THREE
FUND 45 DEPARTMENT 45

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	PAR 3						
4110	SALARIES-ADMIN	\$25,159	\$31,614	\$30,722	\$34,358	\$69,821	103.22%
4115	SALARIES-OVERTIME(HOLIDAY)	\$951	\$1,969	\$300	\$1,600	\$2,200	37.50%
4110	SALARIES-CLUBHOUSE	\$45,147	\$43,659	\$42,000	\$46,000	\$46,000	0.00%
4110	SALARIES - MAINTENANCE	\$18,306	\$22,833	\$25,000	\$27,000	\$27,000	0.00%
4131	INSURANCE	\$6,851	\$7,187	\$7,187	\$7,544	\$19,440	157.69%
4133	WORKERS COMPENSATION	\$3,042	\$3,054	\$3,255	\$3,420	\$1,900	-44.44%
4134	PERA	\$4,040	\$3,752	\$5,454	\$6,027	\$9,355	55.22%
4135	FICA	\$6,720	\$6,429	\$7,498	\$8,335	\$11,094	33.10%
4138	UNEMPLOYMENT	\$0	\$2,416	\$0	\$0	\$2,000	100.00%
	TOTAL HUMAN RESOURCES	\$110,216	\$122,914	\$121,416	\$134,284	\$188,810	40.60%
4200	RENTALS AND LEASES	\$6,809	\$6,432	\$6,000	\$8,000	\$8,000	0.00%
4210	TELEPHONE	\$4,623	\$4,812	\$4,500	\$5,000	\$5,200	4.00%
4211	ELECTRIC SERVICE						
	CLUBHOUSE	\$720	\$553	\$875	\$875	\$875	0.00%
	MAINTENANCE	\$3,244	\$3,033	\$2,750	\$3,350	\$3,350	0.00%
4212	GAS SERVICE	\$883	\$714	\$1,200	\$1,200	\$1,200	0.00%
4213	SOLAR LEASE	\$1,993	\$2,082	\$2,090	\$2,183	\$2,383	9.16%
4220	PROFESSIONAL SERVICES						
	CITY AUDIT	\$2,877	\$3,304	\$2,990	\$3,080	\$3,500	13.64%
	SYSTEM INSPECTIONS	\$0	\$61	\$1,000	\$1,000	\$3,000	200.00%
	DEPT OF AG LICENSE	\$0		\$100	\$100	\$100	0.00%
4250	LIABILITY AND AUTO INSURANCE	\$4,210	\$4,070	\$4,800	\$4,800	\$5,000	4.17%
4268	CONTRACT SERVICES						
	IRRIGATION SYSTEM SERVICES	\$3,728	\$0	\$4,500	\$4,500	\$4,500	0.00%
	IRRIGATION SOFTWARE	\$0	\$0	\$2,750	\$2,750	\$2,750	0.00%
4280	RUBBISH REMOVAL	\$1,004	\$1,169	\$1,000	\$1,250	\$1,300	4.00%
	TOTAL CONTRACTUAL SERVICES	\$30,091	\$26,229	\$34,555	\$38,088	\$41,158	8.06%
4300	OFFICE SUPPLIES	\$731	\$391	\$600	\$800	\$800	0.00%
4305	GOLF SUPPLIES	\$4,239	\$859	\$3,000	\$4,500	\$4,500	0.00%
4310	CONCESSIONS	\$5,497	\$8,553	\$5,250	\$6,000	\$9,000	50.00%
4320	GAS AND OIL	\$2,701	\$2,292	\$2,600	\$3,000	\$3,000	0.00%
4330	REPAIRS AND MAINTENANCE						
	GROUNDSKEEPING EQUIPMENT REPAIR	\$2,660	\$8,685	\$12,000	\$12,000	\$12,000	0.00%
	REEL SHARPENING	\$1,818	\$1,946	\$2,250	\$2,250	\$2,250	0.00%
4331	MISC FURNITURE/EQUIPMENT	\$6,959	\$14,187	\$0	\$500	\$2,500	400.00%
4334	COURSE MAINTENANCE						
	MISCELLANEOUS	\$0	\$0	\$3,500	\$3,500	\$3,500	0.00%
	CHEMICALS AND FERTILIZER	\$18,411	\$20,826	\$20,000	\$22,500	\$24,000	6.67%
	IRRIGATION SYSTEM REPAIR	\$4,994	\$5,678	\$5,500	\$5,500	\$6,500	18.18%
	COURSE BEAUTIFICATION	\$2,627	\$3,902	\$2,000	\$3,000	\$3,500	16.67%
	SOIL/SAND	\$679	\$1,288	\$1,500	\$1,500	\$1,750	16.67%
4335	BUILDING MAINTENANCE	\$7,154	\$39,272	\$8,000	\$8,000	\$9,000	12.50%
	TOTAL COMMODITIES	\$58,470	\$107,879	\$66,200	\$73,050	\$82,300	12.66%
4400	TRAINING	\$484	\$0	\$2,000	\$2,000	\$2,000	0.00%
4404	MEMBERSHIP DUES	\$255	\$255	\$500	\$500	\$500	0.00%
4410	CLOTHING AND EQUIPMENT	\$1,944	\$6,334	\$5,000	\$5,000	\$5,500	10.00%
4435	RECREATION PROGRAM SUPPLIES	\$900	\$600	\$3,000	\$3,000	\$3,000	0.00%
4425	WATER SERVICE	\$341	\$399	\$480	\$480	\$500	4.17%
4427	SEWER SERVICE	\$1,582	\$1,582	\$1,600	\$1,675	\$1,675	0.00%
4436	ONLINE REGISTRATION FEE	\$2,537	\$3,033	\$1,475	\$3,000	\$3,100	3.33%
4437	CREDIT CARD FEES	\$6,852	\$8,158	\$6,500	\$7,000	\$8,500	21.43%
4490	MISCELLANEOUS	\$1,210	\$442	\$2,250	\$2,250	\$2,250	0.00%
4500	TREE REMOVAL	\$5,300	\$2,779	\$1,500	\$5,000	\$5,000	0.00%
	TOTAL OTHER CHARGES	\$21,405	\$23,581	\$24,305	\$29,905	\$32,025	7.09%
4620	CAPITAL OUTLAY	\$41,552	\$37,288	\$71,250	\$12,000	\$0	-100.00%
	TOTAL CAPITAL OUTLAY	\$41,552	\$37,288	\$71,250	\$12,000	\$0	-100.00%
	TOTAL EXPENDITURES	\$261,734	\$317,890	\$317,726	\$287,327	\$344,293	19.83%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

CITY HALL
FUND 8 DEPARTMENT 0

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	CITY HALL						
4110	SALARIES-REGULAR	\$71,645	\$75,599	\$73,657	\$79,664	\$82,056	3.00%
4115	SALARIES-OVERTIME	\$932	\$664	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$19,813	\$20,844	\$21,780	\$22,860	\$24,000	4.99%
4133	WORKERS COMPENSATION	\$8,018	\$8,051	\$8,580	\$9,010	\$7,500	-16.76%
4134	PERA	\$10,218	\$5,643	\$5,524	\$5,975	\$6,154	3.00%
4135	FICA	\$6,162	\$6,365	\$5,635	\$6,094	\$6,277	3.00%
4139	OPEB	\$1,114	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$117,902	\$117,166	\$115,176	\$123,603	\$125,987	1.93%
4211	ELECTRIC SERVICE	\$25,428	\$20,283	\$25,000	\$26,000	\$24,000	-7.69%
4212	GAS SERVICE	\$13,106	\$10,230	\$9,750	\$14,000	\$13,000	-7.14%
4213	SOLAR LEASE	\$4,380	\$4,576	\$4,542	\$4,800	\$5,411	12.73%
4220	PROFESSIONAL SERVICES						
	ARCHITECTURAL SERVICES	\$0	\$0	\$0	\$15,000	\$15,000	100.00%
	MISC PROFESSIONAL SERVICES	\$0	\$0	\$2,000	\$1,000	\$1,000	0.00%
4240	LEGAL PUBLICATION	\$0	\$0	\$0	\$0	\$0	0.00%
4250	LIABILITY AND AUTO INSURANCE	\$6,139	\$5,935	\$7,000	\$7,000	\$7,300	4.29%
4280	RUBBISH SERVICE	\$4,254	\$4,790	\$4,500	\$4,500	\$4,800	6.67%
	TOTAL CONTRACTUAL SERVICES	\$53,307	\$45,814	\$52,792	\$72,300	\$70,511	-2.47%
4331	FURNITURE/EQUIPMENT	\$0	\$0	\$1,800	\$5,000	\$5,000	0.00%
4335	BUILDING MAINTENANCE	\$36,056	\$32,414	\$46,500	\$40,000	\$40,000	0.00%
	TOTAL COMMODITIES	\$36,056	\$32,414	\$48,300	\$45,000	\$45,000	0.00%
4404	MEMBERSHIP DUES	\$0	\$0	\$50	\$50	\$50	0.00%
4415	MILEAGE	\$0	\$0	\$100	\$100	\$100	0.00%
4425	WATER SERVICE	\$4,813	\$7,027	\$5,000	\$5,000	\$6,000	20.00%
4480	CONTINGENCY/RESERVE	\$0	\$1,941	\$10,000	\$10,000	\$10,000	0.00%
4490	MISCELLANEOUS	\$0	\$60	\$250	\$250	\$250	0.00%
4491	DEPRECIATION	\$36,506	\$36,324	\$40,000	\$40,000	\$37,000	-7.50%
	TOTAL OTHER CHARGES	\$41,319	\$45,352	\$55,400	\$55,400	\$53,400	-3.61%
4600	CAPITAL OUTLAY	\$0	\$0	\$63,000	\$10,000	\$0	-100.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$63,000	\$10,000	\$0	-100.00%
	TOTAL EXPENDITURES	\$248,584	\$240,745	\$334,668	\$306,303	\$294,898	-3.72%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				
	CITY HALL DOOR KNOB REPLACEMENT	\$25,000					
	CITY HALL CUBICLE REPLACEMENT	\$27,500					

EMERGENCY PREPAREDNESS
FUND 7 DEPARTMENT 0

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	EMERGENCY PREPAREDNESS						
4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
4130	SALARIES-TEMPORARY	\$0	\$0	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
4133	WORKERS COMPENSATION	\$0	\$0	\$0	\$0	\$0	0.00%
4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
4138	UNEMPLOYMENT	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
4211	ELECTRIC SERVICE	\$0	\$0	\$0	\$0	\$0	0.00%
4220	PROFESSIONAL SERVICES	\$0	\$0	\$7,000	\$9,000	\$9,000	0.00%
	TOTAL CONTRACTUAL SERVICES	\$0	\$0	\$7,000	\$9,000	\$9,000	0.00%
4305	OPERATING SUPPLIES	\$0	\$154	\$1,500	\$1,500	\$1,500	0.00%
4330	REPAIRS AND MAINTENANCE						
	SIREN MAINTENANCE AGREEMENT	\$545	\$0	\$5,000	\$5,000	\$5,000	0.00%
	N95 MASK TESTING	\$0	\$0	\$0	\$0	\$0	0.00%
	PHSYICALS	\$0	\$0	\$3,000	\$3,000	\$3,000	0.00%
	DAKOTA COUNTY SPECIAL OPS	\$3,724	\$0	\$3,000	\$3,000	\$3,000	0.00%
	EOC SUPPLIES	\$0	\$0	\$1,000	\$1,000	\$1,000	0.00%
	TOTAL COMMODITIES	\$4,269	\$154	\$13,500	\$13,500	\$13,500	0.00%
4400	AMEM ANNUAL CONFERENCE	\$0	\$0	\$1,200	\$1,200	\$1,200	0.00%
4400	TRAINING	\$0	\$0	\$0	\$0	\$0	0.00%
4400	CONTINGENCY	\$0	\$0	\$0	\$0	\$0	0.00%
4400	DAKOTA COUNTY EMER. PREP. CMTE.	\$6,006	\$15,144	\$9,000	\$14,000	\$11,000	-21.43%
4400	DRILL CONSULTANT/EXPENSES	\$0	\$0	\$0	\$0	\$0	0.00%
4490	MISCELLANEOUS	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL OTHER CHARGES	\$6,006	\$15,144	\$10,200	\$15,200	\$12,200	-19.74%
4620	CAPITAL OUTLAY	\$0	\$0	\$12,000	\$12,000	\$12,000	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$12,000	\$12,000	\$12,000	0.00%
	TOTAL EXPENDITURES	\$10,275	\$15,299	\$42,700	\$49,700	\$46,700	-6.04%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				
	OUTDOOR WARNING SIREN ESCROW	\$12,000					

FIRE RELIEF ASSOCIATION
FUND 6

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	FIRE RELIEF						
4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
4130	SALARIES-TEMPORARY	\$0	\$0	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
4133	WORKERS COMPENSATION	\$0	\$0	\$0	\$0	\$0	0.00%
4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
4138	UNEMPLOYMENT	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
4200	RENTALS AND LEASES	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CONTRACTUAL SERVICES	\$0	\$0	\$0	\$0	\$0	0.00%
4300	OFFICE SUPPLIES	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL COMMODITIES	\$0	\$0	\$0	\$0	\$0	0.00%
4490	FIRE AID	\$125,625	\$138,052	\$115,000	\$125,000	\$140,000	12.00%
4490	CITY CONTRIBUTION	\$181,604	\$209,105	\$234,000	\$252,000	\$252,000	0.00%
4490	SUPPLEMENTAL BENEFIT ADMIN	\$2,000	\$0	\$1,000	\$1,000	\$0	-100.00%
	TOTAL OTHER CHARGES	\$309,229	\$347,157	\$350,000	\$378,000	\$392,000	3.70%
4600	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$309,229	\$347,157	\$350,000	\$378,000	\$392,000	3.70%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

SPECIAL PARK FUND
FUND 10 DEPARTMENT 0

CAT	OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
			ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
		SPECIAL PARK						
	4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
	4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
	4130	SALARIES-TEMPORARY	\$0	\$0	\$0	\$0	\$0	0.00%
	4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
	4133	WORKERS COMPENSATION	\$0	\$0	\$0	\$0	\$0	0.00%
	4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
	4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
	4138	UNEMPLOYMENT	\$0	\$0	\$0	\$0	\$0	0.00%
		TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
	4220	CITY AUDIT	\$1,240	\$1,425	\$1,290	\$1,330	\$1,500	12.78%
	4220	PROFESSIONAL SERVICES	-\$8,451	\$1,250	\$0	\$0	\$0	0.00%
		TOTAL CONTRACTUAL SERVICES	-\$7,211	\$2,675	\$1,290	\$1,330	\$1,500	12.78%
	4300	OFFICE SUPPLIES	\$0	\$0	\$0	\$0	\$0	0.00%
		TOTAL COMMODITIES	\$0	\$0	\$0	\$0	\$0	0.00%
	4460	ADJUSTABLE HOOPS	\$0	\$0	\$5,000	\$5,000	\$0	-100.00%
	4460	CONSTRUCTION COSTS	\$21,307	\$53,695	\$5,000	\$5,000	\$0	-100.00%
	4490	MISCELLANEOUS	\$132	\$0	\$500	\$500	\$500	0.00%
		TOTAL OTHER CHARGES	\$21,439	\$53,695	\$10,500	\$10,500	\$500	-95.24%
	4620	CAPITAL OUTLAY	\$363,360	\$520,788	\$75,000	\$235,000	\$0	-100.00%
		TOTAL CAPITAL OUTLAY	\$363,360	\$520,788	\$75,000	\$235,000	\$0	-100.00%
		TOTAL EXPENDITURES	\$377,588	\$577,159	\$86,790	\$246,830	\$2,000	-99.19%
		CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				

DEBT SERVICE

CITY OF MENDOTA HEIGHTS					
2025 BUDGET					
DEBT SUMMARY					
IMPROVEMENT BONDS	2022 LEVY	2023 LEVY	2024 LEVY	2025 LEVY	END DATE
2013	\$114,943	\$0	\$0	\$0	2/1/2034
2014 Refunding	\$63,003	\$67,512	\$66,661	\$65,148	2/1/2027
2014	\$74,551	\$79,150	\$78,389	\$76,824	2/1/2035
2015 Refunding	\$136,434	\$138,324	\$134,859	\$131,394	2/1/2028
2015	\$48,818	\$48,800	\$48,545	\$48,290	2/1/2036
2016	\$80,267	\$79,823	\$79,380	\$78,726	2/1/2037
2017	\$90,999	\$95,616	\$94,878	\$94,140	2/1/2030
2018	\$106,357	\$103,267	\$105,427	\$107,377	2/1/2030
FIRE STATION	\$624,173	\$623,543	\$622,283	\$620,393	2/1/2035
2019	\$313,134	\$269,631	\$274,466	\$227,591	2/1/2031
2020	\$196,448	\$174,538	\$171,703	\$174,119	2/1/2032
2021	\$0	\$203,146	\$202,606	\$104,951	2/1/2034
2022	\$0	\$0	\$172,033	\$171,609	2/1/2033
2023	\$0	\$0	\$0	\$138,464	2/1/2034
TOTAL	\$1,849,127	\$1,883,350	\$2,051,229	\$2,039,026	
TAX ABATEMENT BONDS	2022 LEVY	2023 LEVY	2024 LEVY	2025 LEVY	END DATE
2020 TAX ABATEMENT BONDS	\$171,145	\$173,615	\$170,731	\$173,097	2/1/2032
EQUIPMENT CERTIFICATES	2022 LEVY	2023 LEVY	2024 LEVY	2025 LEVY	END DATE
DUMP TRUCK	\$27,707	\$27,300	\$26,775	\$0	2/1/2025
FIRE TRUCK	\$0	\$132,195	\$134,295	\$136,238	2/1/2034
PAR THREE BONDS	2022 LEVY	2023 LEVY	2024 LEVY	2025 LEVY	END DATE
PAR THREE	\$178,745	\$0	\$0	\$0	2/1/2023
GRAND TOTAL	\$2,226,724	\$2,216,460	\$2,383,030	\$2,348,361	

STREETLIGHT MAINTENANCE
FUND 28 DEPARTMENT 0

OBJ	DESCRIPTION	2022	2023	2023	2024	2025	%
		ACTUAL	ACTUAL	BUDGET	BUDGET	BUDGET	CHANGE
	STREET LIGHT MAINTENANCE						
4110	SALARIES-REGULAR	\$0	\$0	\$0	\$0	\$0	0.00%
4115	SALARIES-OVERTIME	\$0	\$0	\$0	\$0	\$0	0.00%
4130	SALARIES-TEMPORARY	\$0	\$0	\$0	\$0	\$0	0.00%
4131	INSURANCE	\$0	\$0	\$0	\$0	\$0	0.00%
4133	WORKERS COMPENSATION	\$0	\$0	\$0	\$0	\$0	0.00%
4134	PERA	\$0	\$0	\$0	\$0	\$0	0.00%
4135	FICA	\$0	\$0	\$0	\$0	\$0	0.00%
4138	UNEMPLOYMENT	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL HUMAN RESOURCES	\$0	\$0	\$0	\$0	\$0	0.00%
4211	ELECTRICAL SERVICES	\$8,952	\$5,700	\$17,500	\$17,500	\$17,500	0.00%
4220	PROFESSIONAL SERVICES	\$0	\$0	\$500	\$500	\$500	0.00%
	TOTAL CONTRACTUAL SERVICES	\$8,952	\$5,700	\$18,000	\$18,000	\$18,000	0.00%
4330	REPAIRS AND MAINTENANCE	\$64,475	\$87,659	\$35,000	\$35,000	\$75,000	114.29%
	TOTAL COMMODITIES	\$64,475	\$87,659	\$35,000	\$35,000	\$75,000	114.29%
4490	MISCELLANEOUS	\$0	\$0	\$0	\$0	\$0	0.00%
	TOTAL OTHER CHARGES	\$0	\$0	\$0	\$0	\$0	0.00%
4620	CAPITAL OUTLAY	\$0	\$0	\$113,000	\$0	\$0	0.00%
	TOTAL CAPITAL OUTLAY	\$0	\$0	\$113,000	\$0	\$0	0.00%
	TOTAL EXPENDITURES	\$73,427	\$93,359	\$166,000	\$53,000	\$93,000	75.47%
	CAPITAL OUTLAY ITEMS	REQUESTED	APPROVED				
	LED upgrades	\$ 45,000					
	Pole Replacements	\$ 25,000					

City of Mendota Heights
Capital Requests Summary Fiscal Year 2025

<u>Capital Item</u>	Funding Source: Fund Balance	
Replacement of Brush 10 - Fire Department	\$ 100,000	
Hagstrom King Trail Connection	\$ 30,000	
Friendly Hills Tennis Court Resurfacing	\$ 18,000	
Replacement of Parks Turck F-550	\$ 81,000	
Garage Door Replacement - Public Works	\$ 53,333	
Engineering Pickup Truck	\$ 48,000	
Building Fund	\$ 200,000	
Fire Station Roof	\$ 100,000	
Depreciation	\$ 175,000	
TOTAL	\$ 805,333	
<u>Capital Item</u>	Funding Source: 2025 Levy	
Ivy Hills Playground Replacement	\$ 160,000	Equipment Reserve
Cold Planer Attachment for Skid Steer	\$ 20,000	Equipment Reserve
Equipment Reserve	\$ 180,000	
Oheyawahe Interpretive Plan - Phase III	\$ 10,000	Oheyawahe
Oheyawahe Bury Power Lines	\$ 10,000	Oheyawahe
Oheyawahe	\$ 20,000	
TOTAL	\$ 200,000	
<u>Capital Item</u>	Funding Source: Other Funds	
Hagstrom King Trail Connection	\$ 47,500	MSA Funds
SCADA System Upgrade - Sewer Utility	\$ 36,000	Sewer Utility Fund
Garage Door Replacement - Public Works	\$ 26,667	Sewer Utility Fund
City Hall Door Knob Replacement	\$ 25,000	City Hall Fund
City Hall Cubicle Replacement	\$ 27,500	City Hall Fund
TOTAL	\$ 162,667	

City of Mendota Heights

Net Tax Capacity

	Pay 2024 <u>Actual</u>	Pay 2025 <u>Preliminary</u>	
Tax Capacity Value	36,850,721	38,090,080	3.36%
Tax Increment	(425,740)	(486,356)	14.24%
Fiscal disparities Contribution	<u>(3,255,628)</u>	<u>(3,826,055)</u>	17.52%
Net Tax Capacity	<u>33,169,353</u>	<u>33,777,669</u>	1.83%

Tax Capacity Rate

	<u>Estimate</u>		
Tax levy	12,804,319	13,589,993	6.14%
Fiscal disparities	<u>(449,564)</u>	<u>(494,954)</u>	10.10%
Net tax levy	12,354,755	13,095,039	5.99%
Net Tax Capacity	33,169,353	33,777,669	1.83%
Tax Capacity Rate	0.37256	0.38776	4.08%

Market Value for Residential Properties Increased an Average of 1.34% from 2024 to 2025

Home Value	Total 2024 Tax	2025 City Tax	Difference	% Change
\$ 315,769	\$ 1,176.43			
\$ 320,000		\$ 1,240.83	\$ 64.40	5.47%
\$419,381	\$1,562.45			
\$425,000		\$ 1,647.98	\$ 85.53	5.47%
\$532,860	\$2,015.83			
\$540,000		\$2,132.68	\$ 116.85	5.80%
\$690,744	\$2,751.09			
\$700,000		\$2,908.20	\$ 157.11	5.71%

Tax Rates for Mendota Heights

2006	28.027
2007	26.398
2008	24.142
2009	26.165
2010	28.061
2011	29.733
2012	32.057
2013	34.479
2014	34.737
2015	34.964
2016	35.247
2017	37.487
2018	37.826
2019	39.294
2020	38.315
2021	37.849
2022	39.741
2023	36.889
2024	37.256
2025	38.776

0.0001511	2015 referendum rate
0.0001284	2016 referendum rate
0.0001297	2017 referendum rate
0.0001207	2018 referendum rate
0.0001146	2019 referendum rate
0.0001061	2020 referendum rate
0.0001011	2021 referendum rate
0.0000711	2022 referendum rates
0.0000000	Referendum complete

The percentage change increases as the valuations of the property increases over \$500,000.
Property taxes are calculated at 1% on the first \$500,000 of the valuation.
The calculation increases to 1.25% on the value over \$500,000.