

ZONING CODE
Chapter 20

20. General Building and Performance Requirements

- 20.010 Purpose. The purpose of this Chapter of the Code is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.
- 20.020 Multiple-Family Housing, Commercial and Industrial Site Reviews
- (1) Screening.
- (a) All commercial and industrial principal and accessory uses which are situated within 75 feet of a Residence One, Residence Two, or Residence Three District shall be screened from such District by a wooden wall or fence of not less than 100 percent opacity and not less than 10 feet in height above the level of the Residence One, Residence Two, or Residence Three property at the District boundary. Such wall or fence shall be set back from the property line at least five feet. In the setback area shall be planted a combination of coniferous and deciduous plants and, possibly, vines in order to soften the appearance of the fence or wall for the affected residential area.
 - (b) Walls or fences of lesser heights or planting screens may be permitted by the City Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent Residence One, Residence Two, or Residence Three, or there is a finding that a screening of the type required by this Code would interfere with the provision of adequate amounts of light and air to same said properties.
 - (c) All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.
 - (d) Exterior storage, where permitted, shall be subject to proper screening as approved by the City Planner.
 - (e) If any parking is provided in front of the building, the landscaped front yard shall be at least 25 feet deep. This landscaped area shall be bermed to a minimum height of three feet, the slope to be three feet horizontally for one foot vertically at the maximum.
- (2) Landscaping. All exposed ground areas surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios and other such uses shall be landscaped. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
- (1) Elements of landscape design may include:
- (a) existing topographical and vegetative features;
 - (b) berming;
 - (c) plantings, including the required minimum number of over-story trees, under-story trees, shrubs, flowers and ground cover materials.

- (2) The minimum number of major or over-story trees on any given site shall be as indicated below. These are the minimum substantial plantings, in addition to other under-story trees, shrubs, flowers and ground cover deemed appropriate for a complete quality landscape treatment of the site. Sites shall contain at a minimum the greater of:
 - (a) One (1) tree per 1,000 square feet of gross building floor area; or
 - (b) One (1) tree per 800 square feet of landscaped area for commercial and industrial project; or
 - (c) One (1) tree per 1,600 square feet of landscaped area for residential projects; or
 - (d) One (1) tree per 50 lineal feet of site perimeter; or
 - (e) One (1) tree per multi-residential dwelling unit.
- (3) Expansion area exception.
 - (a) When the site includes area designated for use in conjunction with future expansion of the development area, site perimeter shall be defined as that area which extends 30 feet beyond side and rear yard setback of parking area and/or 30 feet beyond side and rear yard setback of primary or accessory structure.
 - (b) The future designated area must be seeded, sodded or left with natural vegetation.
- (4) Credit for existing trees.
 - (a) The total number of required new over-story trees may be offset by the retention of existing over-story trees on the lot provided that such trees satisfy the minimum requirements as to size and species.
 - (b) The Planner shall recommend to the Planning Commission the amount of the credit for such existing trees based upon their location and distribution on the lot.
- (5) Parking lots -- planting islands.
 - (a) Planting islands within parking lots shall be required to visually break up expanses of hard surface parking areas to allow safe and efficient traffic movement, and to define rows of parking.
 - (b) Landscaping shall occupy at least four percent (4%) of the parking area.
 - (c) Minimum size of plantings: Required trees shall be of the following minimum planting size:
 - (i) Deciduous and over-story trees - 2.5 inches diameter, as measured six inches above the ground.
 - (ii) Coniferous trees - average 6 feet in height with a minimum height of 4 feet.
 - (iii) Deciduous/ornamental trees - 1-1/2 inches diameter, as measured 6 inches above the ground.
 - (d) Species.
 - (i) All trees used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.
 - (ii) The compliment of trees fulfilling the requirements of this policy shall be not less than 25% hardwood deciduous over-story and no less than 25% coniferous.
 - (e) Minimum plant culture requirements.
 - (i) All tree planting details shall meet or exceed current State of Minnesota Department of Transportation (Mn/DOT) planting detail requirements as to plant pit size and specifications.

- (ii) All trees planted within parking lot islands or other hard surface areas or in areas with compacted soils shall have a minimum of 350 cubic feet of suitable, non-compacted soil for proper root development. This volume of soil shall be computed to a depth of 3 feet and a minimum lateral dimension of 6 feet.
- (f) Sodding and seeding.
 - (i) Seeding may be used when the City determines sod is not practical or desirable such as, but not limited to, campus areas of schools, recreational playfields and open space, sites that are rough graded and areas that cannot be developed (such as those in a power line easement).
 - (ii) Seeding shall be confined to the rear yard area of a lot.
 - (iii) On any lot on which a building is located as the principal use of said property, seeding shall not be used within fifty (50) feet of the building.
 - (iv) Seeding will be considered properly installed and vigorously growing when it is viable turf.
 - (v) Seeding shall be allowed in undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.
 - (vi) Seeding shall be allowed in areas designated as open space or future expansion areas or properly planted and maintained as prairie grass.
- (g) Final slope grades steeper than the ration of 3:1 will not be permitted without special approval or treatment such as terracing or retaining walls.
- (h) Protection of existing vegetation during construction.
 - (i) All existing vegetation to be saved upon a lot or lots under development shall be protected from damage and/or destruction occurring as a result of activity which takes place during the construction process.
 - (ii) No soil or other material shall be allowed to accumulate or be placed near any such vegetation in such a manner that the deterioration or death of said vegetation may result.
 - (iii) Said vegetation shall be fenced off out to the drip line of trees or beyond to ensure against damage by vehicles, compaction of soils and/or the chemical alteration of soils, due to concrete washout and leakage of spillage of toxic materials.
- (i) Woodland preservation policy and credit.
 - (i) It is the policy of the City of Vadnais Heights to preserve the natural forest and woodland areas throughout the City, and with respect to specific site development to retain, as far as practicable, substantial tree stands which should be incorporated into the site.
 - (ii) Credit for the retention of existing trees which are of acceptable species, size and location may be given to satisfy the minimum number requirements set forth in this policy and in the City ordinances.
 - (iii) Where commercial, industrial and institutional uses clearly demonstrate affirmative design efforts toward the preservation and enhancement of desirable natural site characteristics, ordinance required paved parking spaces may be reduced and installation deferred until such time as the need for the full complement of parking. When the need has been determined, paved parking shall be installed in conformance with a "proof of parking" plan so approved by the City.

(3) **Building Design:** The design of exterior surfaces shall be consistent on all sides in terms of materials and architectural treatment.

20.022 Steep Slopes.

- (1) Slopes having an incline of at least fifteen (15) percent with a vertical elevation of at least twenty (20) feet shall not be used as building placement sites. Such slopes shall not be altered to create suitable multiple-family (duplex or greater) building sites, unless no feasible alternative exists.
- (2) The design and construction of any retaining walls for purposes of development in an area of steep slopes must receive approval from the City Council.

20.024 Proposed Increase in Density or Lot Coverage. The applicant for a density increase must show that the increase will not have an undue or adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The City Council, in determining reasonableness of the proposed increase, shall consider the following factors, among others:

- (1) Location, amount and proposed used of open space;
- (2) Location, design and type of dwelling provided;
- (3) Physical characteristics of the site;
- (4) Relationship of the proposed dwelling unit to nearby developments. When calculating the number of dwelling units per acre for residential developments or percentage of lot coverage for commercial or industrial developments, the following factors will be used:
 - (a) Size of the site shall be determined by the total land area within the perimeter of the privately owned property. This will include any area of newly-proposed public or private roads or road right-of-ways.
 - (b) Wetlands protected by §19.060(1), Wetland Conservation Area, shall not be included in the calculation of the site.
 - (c) Slopes having an incline of greater than twenty (20) percent and a vertical elevation change of greater than twenty (20) feet shall not be included in the calculation of the site.
 - (d) If at least 30 percent of the site is affected by (b) or (c) above or dedicated as public park, a density bonus of up to 10 percent may be allowed by the City Council.

20.030 Dwelling Unit Restriction. No garage, tent, recreational vehicle, temporary family health care dwelling or accessory building shall at any time be used as living quarters temporarily or permanently. Pursuant to the authority granted by Minn. Stat. § 462.3593, subd. 9, the City of Vadnais Heights opts out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

20.040 Accessory Buildings, Uses and Equipment.

- (1) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- (2) Except for farm buildings no accessory buildings shall be erected or located within any required side yard setback.
- (3) Accessory buildings and garages in Residential Districts shall not exceed the height of the principal structure and shall be 5 feet or more from all lot lines of adjoining lots, and shall not be located within a utility easement. Farm buildings shall be exempt from the height requirements.
- (4) Except for farm buildings, all accessory buildings and detached garages per single family homes shall occupy no more than 25 percent of a rear yard, nor exceed 900 square feet of total floor area for all accessory structures. Accessory buildings and garages which exceed the aforesaid maximum may be allowed with a Special Use Permit.

- (5) No permit shall be issued for the construction of more than one accessory detached private garage structure for each dwelling or individual lot.
- (6) No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by Special Use Permit.
- (7) An accessory building shall be considered as an integral part of the principal building if it is located less than 6 feet from the principal building.
- (8) No accessory building in a Residence District shall exceed the height of the principal building.
- (9) Accessory buildings in the Commercial and Industrial Districts shall be located to the rear of the principal building.
- (10) No accessory building in a Commercial or Industry District shall exceed the height of the principal building except by Special Use Permit.
- (11) No accessory building or structure shall be allowed over any public easement except by permit.
- (12) Temporary outside display of merchandise at gas stations and convenience food stores is allowed as an accessory use in the C2 and City Center Districts. Such display shall be maintained in a neat and orderly fashion appurtenant to a permanent structure and shall not exceed 150 square feet or 5% of the gross building floor area, whichever is less. Temporary outside display shall not be considered outside storage.

20.045 Telecommunication Antennas

- (1) Purpose. The provisions of this section are intended to protect the health, safety and general welfare of the community, while providing for well-designed and efficient telecommunications systems. To meet the objectives, the provisions of these sections direct the location of antennas, dish antennas, towers, and wireless facilities.
- (2) Definitions. These words mean the following in this code:
 - (a) ANTENNA: Equipment used for transmitting or receiving telecommunication, television or radio signals, which is located on the exterior of, or attached to any building or structure, but not including "satellite dish antennas" or "wireless facilities".
 - (b) ANTENNA-COMMERCIAL: Any pole, spire or structure, or any combination, to which an antenna is, or could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces erected for the commercial use of information.
 - (c) ANTENNA-PRIVATE: Any antenna erected for the non-commercial use of information.
 - (d) CITY DESIGNATED ANTENNA SITE: A location(s) in the City, designated by the City, on which is or may be located one or more telecommunication, radio or television antennas available for connection and use by any person, firm or corporation upon execution of a lease with the City.
 - (e) MICRO WIRELESS FACILITY: Has the meaning given by Minn. Stat. § 237.162, Subd. 14, as may be hereafter modified.
 - (f) SATELLITE DISH ANTENNA: A parabolic shaped antenna (including all supporting apparatus) used in receiving television signals, which is located on the ground or exterior of, or outside of, any building or structure.
 - (g) SMALL WIRELESS FACILITY: Has the meaning given by Minn. Stat. § 237.162, Subd. 11, as may be hereafter modified.
 - (h) WIRELESS FACILITY: Has the meaning given by Minn. Stat. § 237.162, Subd. 13, as may be hereafter modified.

- (i) WIRELESS SUPPORT STRUCTURE: Has the meaning given by Minn. Stat. § 237.162, Subd. 16, as may be hereafter modified.
- (3) Restrictions on use of Private Telecommunication Antennas. Private Telecommunication Antennas. Private receiving or transmitting antennas and towers not more than 20 feet in height above a man-made structure or not more than 50 feet in height above the ground if constructed on the ground, shall be a special use in all districts.
- (4) Restrictions on use of Commercial Telecommunication Antennas.
 - (a) Commercial receiving or transmitting antennas which are either new freestanding towers, new roof-mounted antennas, or new co-located antennas which will raise the height of an existing antenna tower shall conform to the following:
 - (i) City Water Site Preferred. Commercial receiving or transmitting antennas shall connect and use the City water tower sites under a negotiated lease whenever such placement is technically feasible. Such projects may proceed with City Council approval and a building permit. Certification by an independent professional radio frequency engineer is required to demonstrate that the City tower site is not technically feasible.
 - (ii) City Designated Site – Next Preferred Site. Commercial receiving or transmitting antennas or towers containing such antennas that cannot be located on the City water tower site shall be located on a City designated site. Such projects shall be reviewed according to the City Site Plan approval process and require a building permit. Certification by an independent professional radio frequency engineer is required to demonstrate that the City designated site is not technically feasible.
 - (iii) Existing Tower Site – City Site Not Technically Feasible. Commercial receiving or transmitting antennas or towers containing such antennas that cannot be located on a City Designated Site shall be located on an existing tower site, including existing non-conforming tower sites. Such projects shall be reviewed according to the City Site Plan approval process, and require a building permit.
 - (iv) Commercial Antennas on Utility Tower Where Existing Tower Site not Technically Feasible. Commercial receiving or transmitting antennas or towers containing such antennas that cannot be located on an existing tower site shall be located on the tower of a utility provider, such as NSP towers. Such projects shall be reviewed according to the City Site Plan approval process and require a building permit. Certification by an independent professional radio frequency engineer is required to demonstrate that an existing tower site is not technically feasible.
 - (v) Commercial Antennas – City Site, Existing Tower Site, or Utility Tower Not Technically Feasible. If a professional radio frequency engineer certifies that it is not technically feasible to place the antenna on the City Designated Site, Existing Tower Site, or on the tower of a utility provider, the antenna may be located as follows:
 - (a) First on existing structures in R-3 (within 100 feet of the interstate freeway), commercial, office-business, office or industrial districts as roof mounted antenna provided the antenna is no more than 25% of the structure height, by a special use permit; or
 - (b) If a professional radio frequency engineer certifies that a roof mounted antenna is not technically feasible then in industrial zoning districts by a special use permit.

- (vi) **Setback Requirements.** All antennas and towers upon which antennas are placed shall be subject to the appropriate side and rear setback requirements established for structures in the applicable zoning district.
- (vii) **Setbacks from Public Streets and Highways.** Freestanding antenna towers shall be set back four times the tower height or 200 feet, whichever is greater, from existing public right of ways and residential zoning districts.
- (b) **Co-Location on Existing Conforming Sites.** Commercial receiving or transmitting antennas which are co-located on existing conforming freestanding towers or roof-mounted antennas and which do not add to the height of the existing tower shall be reviewed according to the City Site Plan approval process and a building permit. Such co-locations do not require certification by a professional radio frequency engineer that placement on another site is not technically feasible.
- (c) **Co-Location on Existing Non-Conforming Sites.** Commercial receiving or transmitting antennas which are co-located on existing legal non-conforming freestanding towers or roof-mounted antennas and which do not add to the height of the existing tower shall be allowed by Special Use Permit and a building permit.
- (d) **The following standards shall apply to all commercial receiving or transmitting towers and antennas:**
 - (i) **License Required.** The applicant shall present documentation of the possession of any required license by state, federal or local agencies.
 - (ii) **Nonconforming Uses.** Existing transmitting and receiving facilities at the time of adoption of this section may remain in service. However, at such times any material change is made in the facilities, full compliance with this section shall be required.
 - (iii) **Building Permit.** In addition to other permits or approvals that may be required under this section, a building permit shall be required for the construction of new antennas and towers upon which antennas will be placed and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer, whenever deemed necessary by the City Engineer.
 - (iv) **Co-Location Requirement for New Antennas.** If a new antenna support structure is to be constructed, it shall be designed so as to accommodate a minimum of two other users including but not limited to other cellular communication companies, local police, fire and ambulance companies. Any proposals for the construction of a new commercial tower shall include certification from a professional radio frequency engineer that existing tower sites within the City are not technically feasible for the application proposed.
 - (v) **Height Requirement.** The height of the antenna shall be the minimum necessary to function satisfactorily, as verified by an appropriate professional.
 - (vi) **Sight Lines.** Antenna and/or towers shall be located outside the sight lines of offices, buildings or residences, to the extent possible.
 - (vii) **Climbing Discouraged.** Antennas, dish antennas or towers shall be protected by a City-approved barrier to discourage climbing by unauthorized persons.
 - (viii) **Illumination.** Antennas and/or towers shall not be artificially illuminated unless required by law or governmental agency to protect the public's health and safety.
 - (ix) **Color.** All antennas and towers shall be of a City approved color.
 - (x) **Advertising.** All antennas and towers may not contain any signage or logos, except as may be required by any state or federal regulation.
 - (xi) **Accessory Uses.** Freestanding towers are allowable only as an accessory use and are limited to one tower per parcel.

- (xii) **Bond Requirement.** If for any reason the antenna or tower is abandoned or the height of the antenna and/or tower can be reduced the antenna, tower or portions thereof must be removed or reduced in height within three months. To ensure compliance, the applicant must submit a performance bond or letter of credit in an amount sufficient to cover the removal or reduction costs. After removal or reduction, the site shall be restored to its original or an improved state.
 - (xiii) **Full Disclosure of Technical Data.** An application for a special use permit will not be considered complete until the applicant fully discloses all technical data requested by the City. Such data includes, but is not limited to the locations, actual or planned, of other antenna towers in the applicant's system.
- (5) **Restrictions on the Use of Wireless Facilities.** Small wireless facilities in compliance with Chapter 75 of the City Code shall be a permitted use in the right-of-way in all zoning districts, except residential zoning districts as follows. Small wireless facilities in compliance with Chapter 75 of the City Code shall be a conditional use in the public street right-of-way in or adjacent to any residential zoning district, provided that such facilities meet the following requirements:
- (i) Any new wireless support structure shall be no less than five (5) feet from the street curb;
 - (ii) Any new wireless support structure shall be no more than five (5) feet from the side lot line extended to the street;
 - (iii) To the extent possible the antenna shall be shrouded or camouflaged;
 - (iv) Ground-mounted equipment shall be constructed from earth-toned fiberglass;
 - (v) The small wireless facilities shall be served by underground power and communication lines. The wireless support structure shall not be served by any above-ground power and communication lines; and
 - (vi) The small wireless facilities shall comply with all requirements in Chapter 75.

20.050 Pole Barns.

- (1) Wood post-and-beam buildings (pole barns) are prohibited except as Accessory Uses. The maximum size of such buildings is 12,000 square feet.
- (2) Such buildings may not exceed 10 percent of the size of the Principal Use in the C-2 District, 25 percent in the C-3 District and 50 percent in the I District. Such buildings are not allowed in any other district.

20.060 Fences.

- (1) **Permit Required.** No persons, firm, or corporation except on a farm and related to farming, shall hereafter construct or cause to be constructed or erected within the City of Vadnais Heights, any fence without first making an application for and securing a building permit.
- (2) **Construction and Maintenance, Generally.**
 - (a) Every fence shall 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.
 - (b) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance and the Vadnais Heights Building Inspector shall commence proper proceedings for the abatement thereof.
 - (c) Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except in industrial districts.

- (d) That side of the fence considered to be the face (the side opposite the post) shall face abutting property, except for farm fences.
 - (e) No person shall construct or erect any electrical or barbed wire fence, except to contain intensively used facilities for animal raising and then only if such electrical or barbed wire fence shall be completely enclosed by a non-electrical or non-barbed wire fence.
 - (f) No fence shall be installed in a location which would prevent a fire hydrant from being immediately discernible or in any manner deter or hinder the Fire Department from gaining immediate access thereto.
 - (g) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot lines, between the side lot property line and the principal structure.
 - (h) All fences shall be constructed inside the boundary of the subject property.
- (3) Residential District Fences. In all parts of Vadnais Heights, zoned residential and not a farm, no boundary line fence shall be erected or maintained more than six (6) feet in height except that:
- (a) No fence shall be erected in any front yard to a height in excess of four (4) feet.
 - (b) All fences shall be at least twenty-five percent (25 percent) open between the ground and the top, unless it is a privacy fence as referenced under 20.060 (3)(c).
 - (c) Privacy fences or one hundred percent (100 percent) opaque fences in R-1, R-2, and R-3 Districts must conform to setbacks as required for accessory structures.
 - (d) On corner lots in all districts no fence or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, thence forty (40) feet along one property line, thence diagonally to a point forty (40) feet from the point of beginning on the other property line, thence to the point of beginning.
 - (e) Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the setback of the house on the abutting lot shall not be fenced to a height of more than four (4) feet. If the abutting lot is undeveloped, the height of the rear lot fence shall be reduced at the normal front setback line.
 - (f) Chain link fences used for the enclosure of tennis courts shall not exceed ten (10) feet in height.
- (4) Non-residential District Fences. Fences in all non-residential districts shall not exceed ten (10) feet in height except that:
- (a) Boundary Line Fences abutting Residential Districts shall conform to those conditions applying to the Residential District.
 - (b) Special Purpose Fences. Fences for special purposes and fences differing in construction, height, or length may be permitted in any non-residential district in the City of Vadnais Heights by issuance of a Special Use Permit approved by the Planning Commission and City Council. Findings shall be made that the fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

20.070 Permitted Encroachments, Limitations and Exceptions. The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

- (1) In Any Yards: Posts, flues, belt course, leaders, sills, pilasters, lintels, cornices, gutters, awnings, open terraces, flag poles, ornamental features, and other examples as allowed by the City Council.

Also steps, yard lights and nameplate signs in Residence Districts, trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

- (2) Height: Height limitations required elsewhere in this Code shall not apply to Church spires, belfries, cupolas and domes which do not contain usable space, monuments, water towers, farm silos, fire and hose towers, flag poles, electrical transmission towers, chimneys, smokestacks, parapet walls extending not more than three (3') feet above the limiting height of the building, and cooling towers.
- (3) Front Setbacks: Where adjoining structures existing at the time of adoption of this Code have a different setback from that required, the front setback of a new structure shall conform to the prevailing setback in the immediate vicinity. The City Council shall determine the necessary front yard setback in such cases. However, in no case shall a building be required to set back more than 60 feet.
- (4) Side and Rear Setbacks: Subject to regulations contained in the Building Code and other applicable regulations, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an integral unit. Such uses must have been allowed by this Code as Permitted or Special Uses.

20.072 Common Wall Dwellings. Notwithstanding any other provisions of this Code, one developer may construct two separate single family dwellings with a common wall and boundary lines, in which event the common boundary line shall have a zero lot line setback, provided:

- (1) Each lot shall meet all other set back and minimum size requirements for two family dwelling;
- (2) Separate services shall be furnished and provided to each dwelling for sanitary sewer and water;
- (3) No fence or shrubbery divider shall be installed or maintained on the common boundary line.

20.080 Off-Street Parking Requirements.

- (1) General Provisions:
 - (a) Floor Area. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus 10 percent, except as may hereinafter be provided or modified.
 - (b) Non-Conforming Structures. Should a non-conforming structure or use be damaged or destroyed (defined as 50 percent or more of the structure being damaged) by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained and expanded as necessary to comply with the standards herein.
 - (c) Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions thereto requiring more parking shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

- (d) Parking Accessory to a Residential Use. Exterior parking facilities accessory to a residential use, including on public right-of-ways shall be utilized solely for the parking of currently licensed and operable vehicles of nine passengers or less or trucks not exceeding one ton capacity, with a limit of two vehicles per dwelling unit, plus one additional vehicle per licensed driver residing in the dwelling unit, except where the Code Enforcement Officer has issued a permit to the dwelling unit, allowing for additional vehicles to be parked. Such permits shall be issued by the Code Enforcement Officer when, in the Officer's discretion, the individuals residing in the dwelling unit have a justifiable need for parking of additional vehicles. Currently licensed and operable boats, trailers, campers, and camping buses are also allowed to park from May 1 to December 1 of each year and at other times for not more than 72 hours and currently licensed snowmobiles may be parked from December 1 to the following March 15.
- (e) Parking in Rear or Side Yard. Currently licensed boats, snowmobiles, campers, camping buses, and antique cars may be stored in rear or side yards if properly screened from view from a public street or neighboring property. The screening must be approved by the City Code Enforcement Officer.

2) Stall, Aisle, and Driveway Design:

- (a) Parking Dimensions. The following shall be the minimum parking space dimensions:

<u>Angle</u>	<u>Width</u>	<u>Length</u>	<u>Aisle Width</u>
90 degrees	9'	19'	24'
60 degrees	9'	19'	20'
45 degrees	9'	19'	20'
Parallel	8'	20'	

- (b) Within Structures. The off-street parking requirements may be furnished by providing spaces so designed within the principal building or structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Ordinance.
- (c) Circulation Between Bays. Except in the case of single, two family, townhouse, triplex and quadraminium dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single, two family, townhouse, triplex and quadraminium dwellings, parking area design which requires backing into the public street is prohibited.
- (d) Preserving Off-Site Parking. When required accessory off-street parking facilities are provided elsewhere than on the lot in which the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with the City requiring the owner and their heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- (e) Driveways Required. All off-street parking spaces shall have access from driveways and not directly from the public street. Parking areas or circulation drives shall be set back at least 5 feet from any lot line.
- (f) Distance from Intersection. No curb cut access shall be located less than 40 feet from the intersection of 2 or more street rights-of-way. This distance shall be measured from the intersection of lot lines.

- (g) Curb Cut Width. No curb cut access shall exceed 24 feet in width unless approved by the City Engineer.
- (h) Distance Between Curb Cuts. Driveway access curb opening on a public street except for single, two family and townhouse dwellings shall not be located less than 40 feet from one another.
- (i) Number of Curb Cuts. Each property shall be allowed 1 curb cut access for each 100 feet of street frontage. All property shall be entitled to at least 1 curb cut. Single family uses shall be limited to 1 curb cut access per property. These conditions shall apply unless otherwise granted approval by the City Council.
- (j) Grade. The grade elevation of any parking area shall not exceed 5 percent.
- (k) Surfacing. All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous or concrete. Except in the case of farm dwellings and operations, driveways and stalls shall be surfaced. Plans for surfacing and drainage of driveways and stalls for 5 or more vehicles shall be submitted to the City Engineer for their review and the final drainage plan shall be subject to written approval by the City Engineer.
- (l) Striping. Except for single, two family, triplex, and quadraminimums, all parking stalls shall be marked with painted lines not less than 4 inches wide.
- (m) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public right-of-ways and be in compliance with this Code.
- (n) Signs. No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to the Vadnais Heights Sign Code.
- (o) Curbing and Landscaping.
 - (i) Except for single, two family, triplex, and quadraminimums, all open off-street parking shall have a perimeter concrete curb around the entire parking lot. Landscaping or surfacing material shall be provided in all areas bordering the parking area.
 - (ii) Landscaping shall comply with the standards in Section 20.020.
 - (iii) Berming designed to comply with the standards in Section 20.020 can also be used.
 - (iv) Side yard landscaping requirements for parking areas may be reduced if the developer proposes to locate their parking area next to an existing or proposed parking lot on an adjacent parcel owned by others and the owners have a written agreement to allow joint parking and a common driveway. However, only the common boundary to be used for parking will qualify. In such case, the sum of the parking areas of the two owners will determine the landscaping requirements within the total parking area. Parking areas and driveways shall have concrete curb and gutter according to standards provided by the City Engineer.
- (3) Maintenance: It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping, and required fences. Parking lots existing prior to the adoption of this Ordinance shall not be exempt from the requirement.
- (4) Use of Required Area: Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles without a Special Use Permit.
- (5) Number of Spaces Required: The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

- (a) Single-Family or Two Family Dwellings. Two off-street spaces per unit.
- (b) Townhouse, Four-Family, and Eight-Family Buildings. A minimum of two off-street spaces per dwelling unit for residents' use, plus a minimum of one-half off-street space per dwelling unit for visitors' use, in common, with the following consideration: If the housing is located on a public street, some credit may be given by the City Council for visitors' parking due to available space on the adjacent street.
- (c) Apartment Buildings. At least 2 off-street spaces per unit plus visitor parking as required by the City Council.
- (d) Motels, Motor Hotels, Hotels. One space per each rental unit plus 1 space for each 10 units and one additional space for each employee on any shift, plus additional spaces as may be required herein for related uses contained within the principal structure.
- (e) Church, Theater, Auditorium. At least 1 parking space for each 4 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.
- (f) Senior Housing:
 - (i) Independent living housing unit: 1 space per unit.
 - (ii) Assisted living or memory care housing unit: 0.4 space per unit.
 At least 35 percent of the parking spaces must be provided in a surface lot so that they can be shared among visitors and staff.
- (g) Convenience Food Restaurant. At least 2 parking spaces for each table.
- (h) Bowling Alley. At least 5 parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
- (i) Motor Fuel Station. At least 4 off-street parking spaces plus 2 off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable Chapters of this Code.
- (j) Retail Store and Service Establishment. At least 1 off-street parking space for each 200 square feet of floor area.
- (k) Manufacturing, Fabricating or Processing of a Product or Material. One space for each 350 square feet of floor area, plus 1 space for each company owned truck (if not stored inside principal building) plus visitors' parking.
- (l) Warehousing, Storage or Handling of Bulk Goods. One space for each employee on maximum shift and 1 space for each company owned truck (if not stored inside principal building), plus visitors' parking.
- (m) Research or Testing Facilities. One space per employee on the major shift, plus one space for each company-owned truck, plus visitors' parking.
- (n) Car Wash. (in addition to required stacking space)
 - (i) Automatic Drive Through, Serviced. A maximum of 10 spaces, or 1 space for each employee on the maximum shift, whichever is greater.
 - (ii) Self-Service. A minimum of 2 spaces per stall.
 - (iii) Motor Fuel Station Car Wash. None in addition to that required for the station.
- (o) Private Racquetball, Handball, and Tennis Courts. Not less than 3 spaces per each court.
- (p) Offices: (In addition to visitors' parking):

Gross Square	Spaces per 1,000
<u>Feet of Floor Area</u>	<u>Square Feet of Floor Area</u>
To 20,000	6

20,000 to 100,000 5
Over 100,000 5

- (q) Medical and Dental Offices: 6 spaces for each doctor or dentist, plus 1 per employee.
 - (r) Restaurants, Taverns: 1 space for each 3 seats plus 1 for each 2 employees.
 - (s) Nursing Home: At least 1 space for each 3 beds plus spaces for outpatient physical therapy (if any).
- (6) Joint Use of Parking Facilities
- (a) Up to 80 percent of the parking facilities required by this Chapter for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities by the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.
 - (b) Conditions required for joint use:
 - (i) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred feet of such parking facilities.
 - (ii) The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - (iii) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Register of Deeds, Ramsey County.
- (7) Off-Site Parking
- (a) Any off-site parking which is used to meet the requirements of this Code shall be a special use as regulated by this Code and shall be subject to the conditions listed below.
 - (b) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Code.
 - (c) Reasonable access from off-site parking facilities to the use being served shall be provided.
 - (d) The site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as the principal use being served or under public ownership.
 - (e) Off-site parking for multiple family dwellings shall not be located more than 100 feet from any normally used entrance of the principal use served.
 - (f) Off-site parking for non-residential uses shall not be located more than 300 feet from the main entrance of the principal use being served. No more than 1 main entrance shall be recognized for each principal building.
 - (g) Any use which depends upon off-site parking to meet the requirements of this Code shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

20.090 Off-Street Loading.

- (1) Location:
 - (a) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
 - (b) Except for loading berths required for apartments, no loading berth shall be located closer than 50 feet from a residential district unless within a structure.

- (c) Loading berths shall not occupy the front yard setbacks.
 - (d) Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:
 - (i) Loading berths shall not conflict with pedestrian movement.
 - (ii) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - (iii) Loading berths shall comply with all other requirements of this Chapter.
 - (e) Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- (2) Screening. Except in the case of multiple dwellings all loading areas shall be screened from abutting and surrounding residential uses in compliance with the standards in Section 20.020.

20.100 Farming Operations. All farms in existence upon the effective date of this Code shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained herein and other Vadnais Heights regulations in effect, shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. Set-back and other regulations shall apply to farming operations just as they do to urban developments. The City Council may require any farm operation to secure a Special Use Permit to continue said operations in the event the farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot be terminated as can a normal farming operation.

20.110 Land Reclamation, Mining and Soil Processing. Land reclamation, mining, soil processing, filling, and excavation shall only be performed by permit in accordance with Chapters 123 and 126 of the City Code.

20.120 Glare. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

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

20.140 Dust and Other Particulate Matter. The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Pollution Control Agency Regulation MPCA 1-15, as amended.

20.150 Odors. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation MPCA 1-15, as amended.

- 20.152 Noise. Noises emanating from any use shall be in compliance with existing noise regulations contained in Ordinance #301 of the City Codes and also Standards as promulgated by the Minnesota Pollution Control Agency.
- 20.160 Bulk Storage (Liquid). All uses associated with the bulk storage of all gasoline, oil, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshall and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.
- 20.170 Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- 20.180 Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
- 20.190 Building Heights. Any building proposed to exceed the maximum height restrictions contained in the underlying Zoning District may be allowed by a Special Use Permit subject to Section 6.070 and the following considerations:
- (1) Compatibility with the height of the surrounding structures;
 - (2) The presence of trees or vegetation to soften the height;
 - (3) Interruption of view sheds; and
 - (4) The ability of fire and emergency personnel and equipment to access the site and structure.
- 20.210 Chickens.
- (1) Chickens are permitted as an accessory use on single-family residential properties one-half (0.5) acre in size or greater located in the Residence One (R-1) Zoning District, in compliance with the following conditions:
 - (a) Neighbor Consent. For properties less than one-half (0.5) acre in size, the property owner shall be required to obtain written consent from seventy-five (75%) percent of the abutting property owners, excluding right-of-way and city-owned property, to be included with the permit application.
 - (b) A principal building shall be located on the lot and the owner of the chickens shall occupy the premises.
 - (c) Number of chickens:
 - (i) Properties less than two (2) acres in size shall be allowed a maximum of five (5) chickens.
 - (ii) Properties two (2) acres in size or greater shall be allowed an additional five (5) chickens per additional acre of land, up to a maximum of twenty (20) chickens.
 - (d) Roosters are prohibited.
 - (e) Raising of chickens for breeding purposes is prohibited.
 - (f) Slaughtering of chickens outdoors is prohibited.
 - (g) Chickens shall be fully-contained on the property at all times by fencing in compliance with the applicable Code standards, unless appropriately monitored by the property owner so as not to cause a public nuisance.
 - (h) A chicken coop shall be provided in compliance with applicable zoning and building codes, including the following standards:
 - (i) The subject property may contain a maximum of two (2) coops and shall not exceed the maximum number of accessory structures allowed in the R-1 District.

- (ii) The coop shall not be located within front or side yards and not within any drainage and utility easements.
- (iii) The coop shall have minimum setbacks of fifty (50) feet from an adjacent principal dwelling and twenty (20) feet from all property boundary lines.
- (iv) The interior floor area shall provide a minimum of four (4) square feet for each chicken and shall not exceed one hundred twenty (120) square feet in area, unless a Special Use Permit is obtained under the applicable code requirements.
- (v) The coop shall not exceed twelve (12) feet in height.
- (vi) The coop shall be architecturally-compatible or made with similar exterior materials as the principal building.
- (i) Food materials stored outside shall be within closed containers with lids.
- (j) All containment areas and structures shall be maintained in a clean, sanitary, and odor-free environment and shall be free from the presence of rodents or vermin at all times.
- (k) The use must not constitute a public nuisance and shall be in compliance with the applicable code requirements.
- (l) Feces, discarded feed, and dead chickens shall not be composted or buried upon the subject property.
- (m) Dead chickens shall be properly disposed of within seventy-two (72) hours in accordance with the Minnesota Board of Animal Health rules regarding disposal of carcasses.
- (n) Chickens shall not be raised or kept for fighting.
- (o) Chickens shall not be kept inside any residential dwelling or garage.
- (p) Eggs produced on the property shall be for personal use and consumption by the owners of the premises and shall not be sold or offered for sale.
- (q) Any use and/or structure permitted under this Section may be inspected at any reasonable time by the animal control officer, or other agent of the city, to verify compliance with the applicable performance standards.
- (2) Permit Required.
 - (a) Any person keeping chickens on property within the city shall obtain a permit on forms provided by the city to be issued administratively.
 - (b) A permit approved in accordance with this Section shall not be transferrable to another owner upon sale and change of ownership of the property.
 - (c) A violation of any provision of this Section shall constitute grounds for revocation of a permit.

20.220 Microbreweries and Microdistilleries. The uses shall be allowed based on the applicable zoning district, in compliance with the following conditions:

- (1) The establishment shall contain a taproom or cocktail room, in compliance with following conditions:
 - (a) A minimum of twenty-five (25%) percent of the floor area is provided for sales, tasting, or restaurant purposes.
 - (b) The use shall be open to the public at least two (2) days or eight (8) hours per week.
 - (c) The hours of operation shall be limited to the hours specified in MN State Statute section 340A.504 or those contained in the applicable zoning district, whichever is more restrictive, or as further limited by the City Council as part of the special use permit.
 - (d) The product sold for consumption shall be produced on the licensed premises.
- (2) The use shall obtain all applicable State and City licenses.

- (3) Production reports shall be provided to the City with annual licensing requests.
- (4) The use shall be compliant with all applicable regulations, performances standards, and procedures contained within the Zoning Code.
- (5) The City Council may set forth additional conditions to mitigate any undue negative impacts to the public and surrounding properties.

(Source: Ord. 286; Ord. 307; Ord. 308; Ord. 310; Ord. 322; Ord. 341; Ord. 357; Ord. 374; Ord. 380; Ord. 385; Ord. 421; Ord. 423; Ord. 437; Ord. 447; Ord. 449; Ord. 462; Ord. 470; Ord. 498; Ord. 513; Ord. 528; Ord. 539; Ord. 559; Ord. 581, Ord. 634, Ord. 654, 8-7-2013; Ord. 699, 9-7-16; Ord. 702, 2-1-17; Ord. 705, 1-4-17; Ord. 710, 3-15-17; Ord. 725, 3-6-18)