

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, JULY 5, 2022 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JUNE 21, 2022

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

- A.** Consider an Interim Use Permit to allow the crushing of concrete or asphalt on a temporary basis associated with the Argenta Trail/ CSAH 26 road construction project. (S.M. Henteges & Sons, Inc - Case No. 22-27IUP):

4. OTHER BUSINESS

- A. Consider an appeal to the interpretation of City Code Section 10-15-17 Exterior Building Materials (Keith Joyce - Case No. 22-35X)

5. ADJOURN

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@ighmn.gov.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 21, 2022 – 7:00 p.m.
City Council Chambers – 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja
Anthony Scales
Jonathan Weber
Dennis Wippermann
Robert Heidenreich
Joan Robertson
Jaime Besser
Scott Clancy

Commissioners Absent: Kate Challeen (excused)

Staff Present: Allan Hunting, City Planner
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JUNE 7, 2022:

The Planning Commission Meeting Minutes for June 7, 2022 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

A. Consider the following requests for Lot 4, Block 1, Arbor Pointe 11th Addition (Silverstar Car Wash- Case No. 22-20PUD):

- a. An amendment to the Arbor Point PUD Ordinance to allow a car wash as a permitted use within the CSC, Commercial Shopping Center district; and**
- b. An Amendment to the Arbor Pointe PUD to allow a car wash building on Lot 4, Block 1, Arbor Pointe 11th Addition; and**
- c. An amendment to the Arbor Point PUD Design Manual to allow other accent colors on buildings within commercial districts in the PUD beyond the original green accent color scheme.**

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Silverstar Car Wash – Case No. 22-20PUD. The request involves property identified as Lot 4, Block 1, Arbor Pointe 11th Addition and consists of an amendment to the Arbor PUD Ordinance to allow a car wash as a permitted use within the CSC, Commercial Shopping Center District and an amendment to the Arbor Pointe PUD to allow a car wash building on Lot 4, Block 1, Arbor Pointe 11th Addition, and an amendment to the Arbor Pointe PUD Design Manual to allow other accent colors on buildings within commercial districts in the PUD beyond the original green accent color scheme. Notices were mailed to 11 property owners on June 10, 2022.

Presentation of Request

City Planner Allan Hunting specified the location of the site being in the Arbor Pointe PUD, Concord Boulevard, Broderick Boulevard, and Highway 52; the vacant spot near the Holiday Station and Discount Tire. The applicant is proposing a self-serve car wash project. There are three parts to the request:

1. Amending the Arbor Pointe PUD to allow for a car wash as a permitted use in the commercial shopping center district.
2. Site plan amendment.
3. Amend the design manual to broaden the accent colors.

History: In 1989, Rottlund Companies proposed the area as mixed use. It had residential, commercial, hotel, parks, and a fire station. One major change took place in 1991/1992 with changes to roadway connections. There have been a few changes to the PUD over the years. The site would consist of:

- A car wash building with a single lane automatic drive thru lane.
- Cars enter the site and have three stacking lanes.
- Enter internally from the development. There is no access allowed on Broderick and Concord.
- One entrance point, drive through the building, head out.
- Several vacuum bays are located in the parking lot on the east side of the building.

A car wash is currently allowed as an accessory to a gas station. Staff feels a standalone car wash is a typical use in a commercial district. Staff believes this to be a reasonable request and use for the area and zoning. The site plan meets all performance standards of Arbor Pointe. Arbor Pointe was approved with its own zoning ordinance. This meets or exceeds all of those standards.

The design manual was approved with the original PUD that had additional standards for signage, landscaping along the boulevards on the main streets, requirements for single family developments, architectural requirements, and colors. It stated that accent colors should follow the Arbor Pointe palette (green). Being 30 years into the PUD, there has been different uses in the area, some stores still use some green, some less and less. This subject came up with the Inver Grove Brewery. The City Council had discussed this briefly but did not pursue further. Staff feels this is the time to pursue further discussion. The applicants' colors are red and gray tones. They are not proposing to use the Arbor Pointe green. Staff believes it is time, as the PUD matures, to open up the ability to allow corporate colors. Staff recommends approval of the three parts of the request with the conditions listed for the site plan review.

Commissioner Weber asked if the Discount Tire sign was red.

Mr. Hunting replied Discount Tire had to change some of theirs to green. The Holiday building had green; he was unsure if the color was there anymore. Walmart still has some green awnings, there is some green in the A&W, and Inver Grove Brewery was going to use some green in a mural but not in their color scheme. The color has slowly faded away as sites update or paint.

Opening of Public Hearing

Bart Schultz, Project Manager, Houston Engineering, 7550 Meridian Circle North, Maple Grove, 55369, has read and understands the report. He introduced some people he brought with to the meeting: Jerry New, designer from Houston Engineering, Dan from Silverstar, Bryan Slama from Silverstar, and Dan O'Keefe and Wade Behm from the company that constructs these.

He provided background stating that Silverstar Car Wash was founded in 2010. There are facilities in South Dakota, North Dakota, and Iowa. The company offers a high-quality car wash

that is quick and convenient. He described the following amenities:

- The car wash has three lanes:
 - Kiosk lane with a customer service representative present.
 - Monthly pass lane.
 - Bypass lane.
- Once cars enter the facility, they would be washed with high tech washing equipment. As they exit, there are high tech blowers to dry vehicles.
- Once exiting, there are vacuum bays that may be used for free to car wash patrons.

This would be the first facility in Minnesota.

Commissioner Robertson questioned if this would be a 24/7 facility or if it would have open and closing times each day.

Mr. Schultz replied there would be opening and closing times each day. It will not be open 24 hours a day.

Commissioner Robertson asked how many employees would be available on any given day or if it would be strictly patrons.

Mr. Schultz inquired with Dan and Brian and replied there would be four employees. When visiting, the user would go through the kiosk and speak with a customer service person. If having a monthly pass, the vehicle would go through with two people greeting at the entrance, those two people would get the car prepped to go through the tunnel. The fourth person is in the administrative building.

Chair Niemioja closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Clancy, to approve the Ordinance Amendment to Arbor Pointe Ordinance 7-8-9, to allow a car wash drive thru and self-service permitted in the CSC - Community Shopping District, approve the PUD Development Plan Amendment to allow car washes on Lot 4, Block 1, Arbor Pointe 11th Addition subject to the four conditions listed in the report, and approve the Amendment to the Arbor Pointe Design Manual to allow other accent colors on buildings beyond the Arbor Pointe palette.

Motion carried (8/0). This item goes before the City Council on July 11, 2022.

4. OTHER BUSINESS

City Planner Hunting mentioned there would be one or two items on the July 5th agenda.

5. ADJOURN

Motion to adjourn the Planning Commission Meeting at 7:17 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary



PLANNING REPORT

CASE NO.: 22-27IUP

APPLICANT: S.M. Hentges & Sons, Incl

PROPERTY OWNER: Dakota County

REQUEST: Interim Use Permit for crushing associated with a public road improvement project

LOCATION: Within right-of-way of 70th Street

HEARING DATE: July 5, 2022

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting

SPECIFIC REQUEST

The applicant is requesting the following:

1. An Interim Use Permit per Section 10-14-2.G. to allow for the temporary crushing of concrete or asphalt aggregate for the 70th Street/Argenta Trail county road construction.

BACKGROUND

The applicant is requesting an Interim Use Permit to allow for the crushing of primarily asphalt associated with the Dakota County road reconstruction project consisting of the widening of 70th Street and new intersection with Argenta Trail. S.M. Hentges & Sons, Inc. is the general contractor for the Dakota County CSAH 26/63 improvement project. As part of the project, the contractor will be recycling the asphalt from the old road surface for the road base of the new project. The crushing will take place up to two separate 10-day periods for recycling and stockpiling the material in both 2022 and 2023. The actual location of the crushing is identified on the attached site plan.

EVALUATION OF THE REQUEST

The following land uses, zoning districts and comprehensive plan designations surround the subject property:

North - Residential, single family and multiple family
East - Vacant
West - Residential

South - Residential

Interim Use Permit Review

The applicant has provided a narrative which provides an explanation of the crushing request and how it relates to the road improvement project. The road construction project is currently underway and will continue through the 2023 construction season. Contractor will be removing the existing surfaces consisting of concrete curbing, asphalt pavement and gravel road base in order to recycle to a class 5 aggregate road base which will be used underneath the new roadway surface.

The entire roadway reconstruction project is under the supervision of Dakota County and will meet all required road construction standards such as dust control, hours of operation, storm water management. City Staff will also be periodically inspecting the site to address any city requirements issues. The recycling areas are within the construction limits so there are no truck transport issues.

The interim use permit ordinance amendment was approved with a list of performance standards.

a) The crushing and any staging areas shall occur in the City of Inver Grove Heights.

All crushing will occur in the staging areas adjacent to the existing right-of-way in the city.

b) Crushing shall occur only between the hours of 7:00 a.m. and 4:30 p.m. Monday through Friday.

The contractor will be following these hours and day limitations.

c) The crushing in the material shall cease within 30 days of completion of the projects within the City of Inver Grove Heights.

The crushing will be complete before the project is complete because the material is being used for the road base.

d) The concrete or asphalt being crushed must come from a public road construction project in the City of Inver Grove Heights and at least 90% must be reused in a public road construction project in the City of Inver Grove Heights.

The asphalt from the existing roadway will be crushed and used for the base of the new road. All of the material will be used in the road construction project and its limits are all located within the City.

The City's Engineering Department has reviewed the plans and provided comments listed in the memo dated 6/22/22 which is attached to this report. These comments will be added to the conditions of approval.

ALTERNATIVES

A. Approval. If the Planning Commission finds the application to be acceptable, the following action should be taken:

- o Approval of an **Interim Use Permit** to allow for the temporary crushing of concrete or asphalt aggregate for the 70th Street and Argenta Trail construction project subject to the following conditions:
 1. The location of the crushing recycling stockpile shall be as shown on the site plan dated 6/21/22, on file with the Planning Department.
 2. Appropriate dust control measures as per standard construction practices shall be followed at all times.
 3. Crushing of concrete or asphalt aggregate shall be allowed only between the hours of 7:00 a.m. to 4:30 p.m., Monday - Friday.
 4. Crushing shall cease when the project is complete, but in no case shall crushing extend beyond August 31, 2023.
 5. This interim use permit shall expire on August 31, 2023.
 6. Plans and operation to comply with the comments listed in the memo from Engineering dated 6-22-22.

B. Denial. If the Planning Commission finds issues with the request, a recommendation of denial should be made with rational for the denial.

RECOMMENDATION

Planning staff recommends approval of the request with the conditions listed.

ATTACHMENTS: Location Map
 Narrative
 Site Plan
 Memo from Engineering
 Resident emails (2)



Location Map

Case No. 22-27IUP





June 3rd, 2022

Alan Hunting
City Planning
City of Inver Grove Heights
8150 Barbara Ave
Inver Grove Heights, MN 55077

Project: CSAH 26 & CSAH 63 IMPROVEMENTS
INVER GROVE HEIGHTS CITY PROJECT NO. 2015-08, 2016-04 AND 2016-05, EAGAN CITY
PROJECT NO. 1275, DAKOTA COUNTY PROJECT NO. 26-54 AND 63-27

Subject: Interim Use Permit for Recycling of Asphalt, Curb, and Gravel related to the Dakota County
Project CSAH 26/63

Attention: Mr. Alan Hunting,

S. M. Hentges & Sons, Inc ("SMH") is the general contractor for the Dakota County CSAH 26/63 Improvements project. As a part of this contract, we have planned to remove the existing surfaces consisting of concrete curb, asphalt pavement, and gravel road base in order to recycle it to make class 5 aggregate base which we will then use underneath the new asphalt roadway surface.

Our proposed recycling area, as shown on the attached drawing, is within the Dakota County project construction limits for our road project. This is a multiple year project. We are currently in our second year of three. SMH is requesting this permit for utilization in both the 2022 and 2023 construction season. Each season would require up to two separate ten days periods of recycling and stockpiling of material. All material produced would be used on the project referenced above.

SMH will follow the Interim Uses Ordinance by only recycling from 7:00 a.m. to 4:30 p.m. All dust will be managed and kept orderly. Recycling dates would be determined by the progress of the project.

Our recycling area is within the project construction limits thus the erosion control and all cleanup will be installed to the project standards.

If you have any questions or would like to discuss further, please contact me accordingly.

Sincerely;
SM HENTGES & SONS, INC.

Joe Miller
Project Manager



LEGEND:



PHASE 1



PHASE 2



UTILITY CORRIDOR (PHASE 2)



PHASE 3

PHASING NOTES:

PHASE 1 (2021):

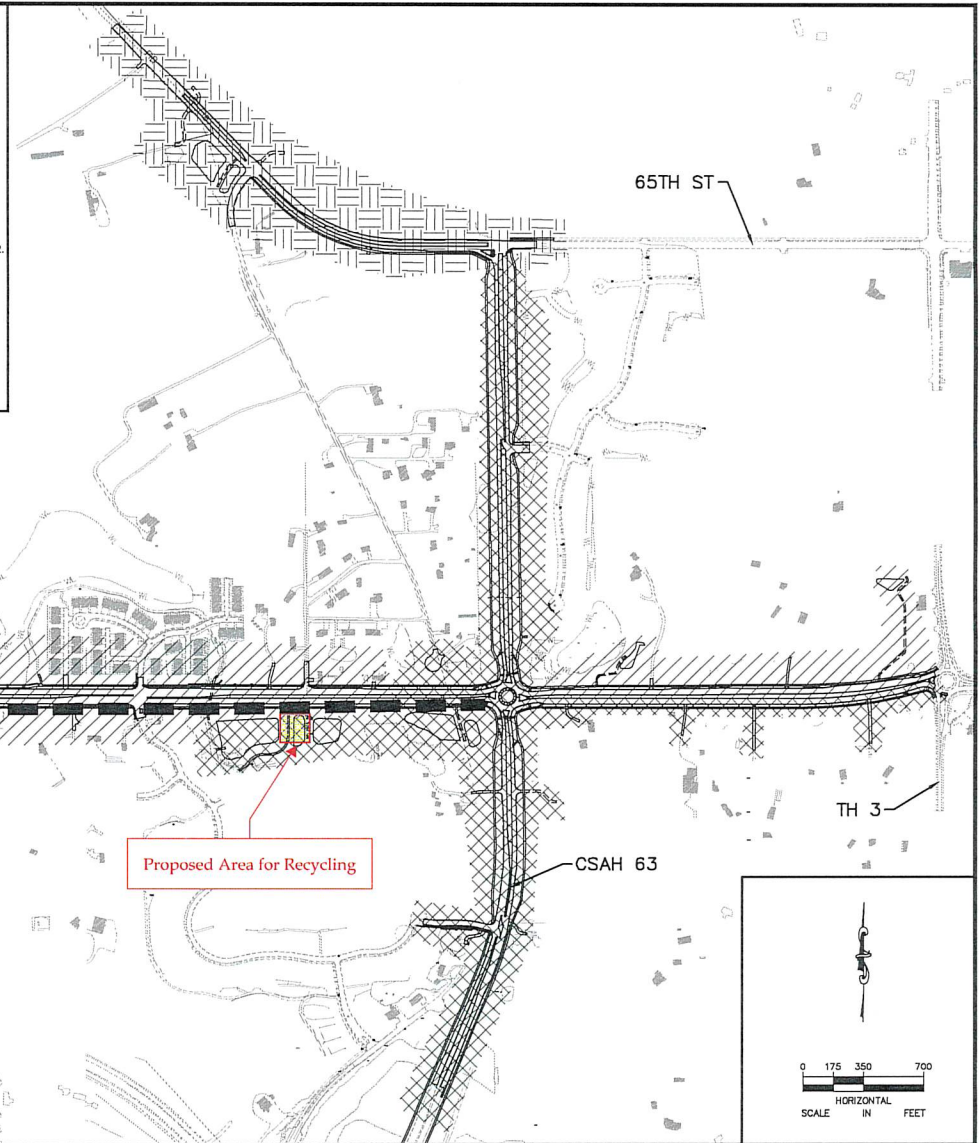
CSAH 63 (E/W)
NEW LOCAL ARGENTA TRAIL CONNECTION
TREE CLEARING

PHASE 2 (2022):

CSAH 63 (NW)
67TH STREET CONNECTION
72ND STREET CONNECTION
CSAH 26/CSAH 63 ROUNDABOUT
CSAH 26 (SOUTH HALF BETWEEN CSAH 26/63 ROUNDABOUT AND TH 3)
UTILITY CORRIDOR. SEE INTERIM STAGING PLANS (PH 2 TO PH 3) SHEET 134 TO 142.
TEMPORARY CR 26 CONNECTION WEST OF NEW ROUNDABOUT

PHASE 3 (2023):

CR 26 (NORTH HALF BETWEEN CR 26/63 ROUNDABOUT AND TH 3)
CR 26 (WEST OF NEW ROUNDABOUT)
ALL REMAINING LOCAL STREET CONNECTIONS TO CSAH 26



No.	Date	Revisions	App.

DRAWING NAME	CSAH26-TTC-DETOURS.dwg
DESIGNED BY:	BKV
DRAWN BY:	BWS
CHECKED BY:	BJB
DATE:	02/28/2021
PROJECT NO.	160547022

Kimley»Horn
767 EUSTIS STREET SUITE 100, ST. PAUL, MN 55114
PHONE: 651-645-1197
WWW.KIMLEY-HORN.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Brandon J. Bourdon
BRANDON J. BOURDON, P.E.
DATE: 02/28/2021 MN LIC. NO. 43708



DAKOTA COUNTY
CSAH 26 / CSAH 63

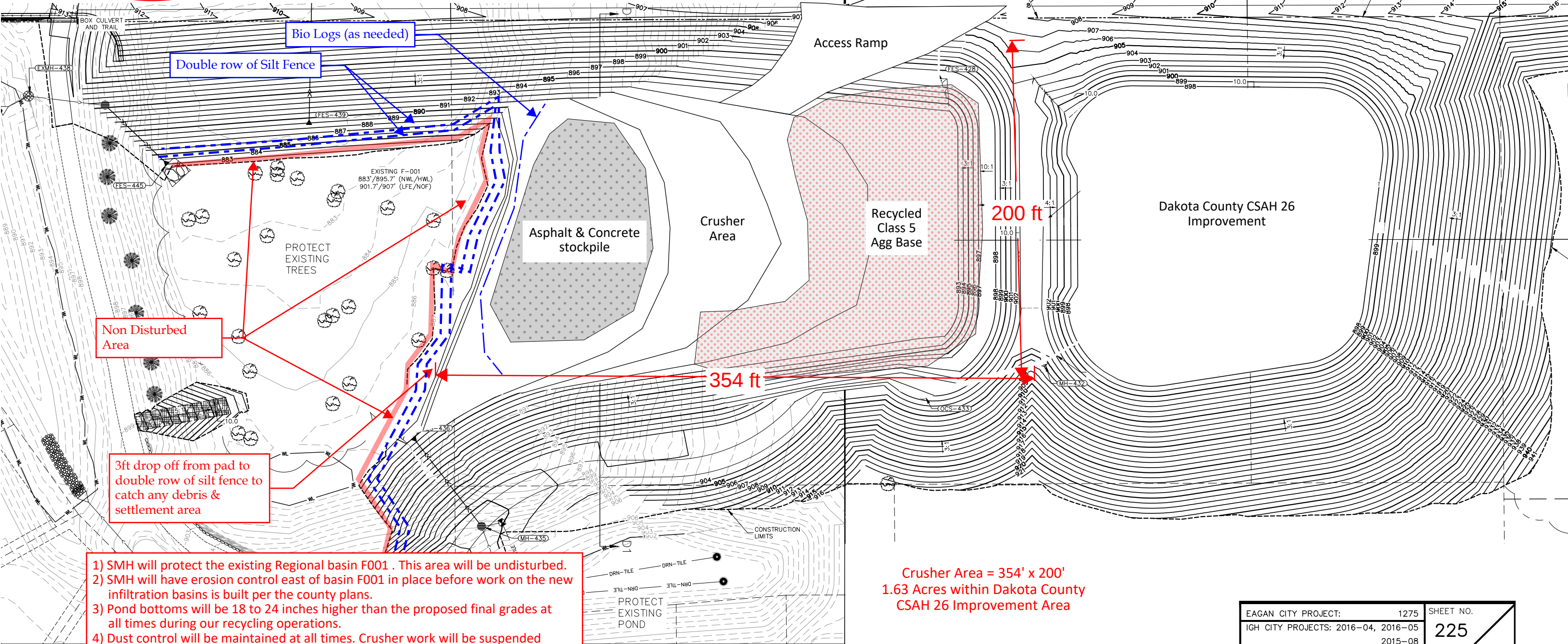
OVERALL PHASING LAYOUT

EAGAN CITY PROJECT:	1275
IGH CITY PROJECTS:	2016-04, 2016-05 2015-08
COUNTY PROJECTS:	26-54, 63-27
S.P.	019-626-026, 178-020-028 & 185-020-035
S.A.P.	019-663-007 & 178-020-029

SHEET NO.	70
664	



City of Inver Grove Heights:
Interim Use Permit for Recycling of Asphalt, Curb, and Gravel
related to the Dakota County Project CSAH 26/63



- 1) SMH will protect the existing Regional basin F001 . This area will be undisturbed.
- 2) SMH will have erosion control east of basin F001 in place before work on the new infiltration basins is built per the county plans.
- 3) Pond bottoms will be 18 to 24 inches higher than the proposed final grades at all times during our recycling operations.
- 4) Dust control will be maintained at all times. Crusher work will be suspended during times when wind speed & direction effects local residence.

Crusher Area = 354' x 200'
1.63 Acres within Dakota County
CSAH 26 Improvement Area

No.	Date	Revisions	App.

DRAWING NAME	CSAH26-GRADE-PLAN.dwg
DESIGNED BY:	MAK
DRAWN BY:	MAK
CHECKED BY:	LBM
DATE:	02/26/2021
PROJECT NO.	160547022

Kimley»Horn

767 EUSTIS STREET SUITE 100, ST. PAUL, MN 55114
PHONE: 651-645-4197
WWW.KIMLEY-HORN.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
OR REPORT WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MINNESOTA.

Ronald B. Leaf
RONALD B. LEAF, P.E.

DATE: 02/26/2021 MN LIC. NO. 24411



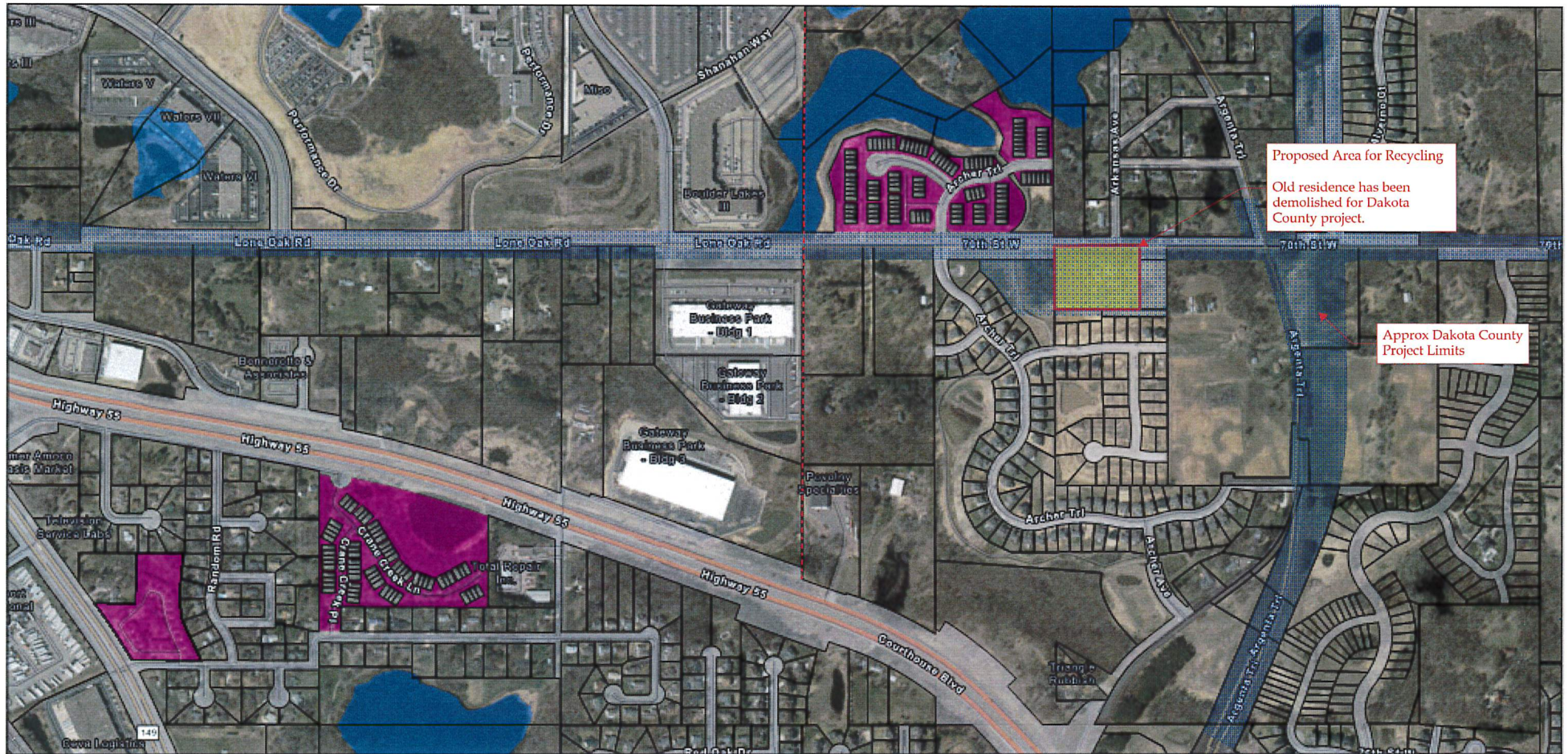
DAKOTA COUNTY
CSAH 26 / CSAH 63

GRADING PLAN
BMP D

EAGAN CITY PROJECT:	1275	SHEET NO.
IGH CITY PROJECTS: 2016-04, 2016-05 2015-08		225
COUNTY PROJECTS:	26-54, 63-27	
S.P. 019-626-026, 178-020-028 & 195-020-035		664
S.A.P. 019-663-007 & 178-020-029		

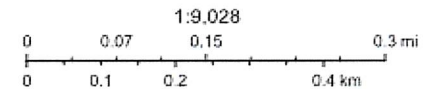
EAGAN CITY PROJECT:	1275	SHEET NO.
IGH CITY PROJECTS: 2016-04, 2016-05 2015-08		226
COUNTY PROJECTS:	26-54, 63-27	
S.P. 019-626-026, 178-020-028 & 195-020-035		664
S.A.P. 019-663-007 & 178-020-029		

Property Map



6/2/2022, 2:19:44 PM

- | | | |
|------------------------|--------------------|-----------------------|
| Tax Parcels | Multi-owner Parcel | Right of Way Easement |
| Water in Tax Parcel | Tax Parcel | |
| Dedicated Right of Way | | |



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Copyright 2018, Dakota County
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one.

TO: Allan Hunting, City Planner

FROM: Steve Dodge, Assistant City Engineer *SWD*
Anthony Elian, Engineering Intern

DATE: June 22, 2022

SUBJECT: Engineering Plan Review Comments
Interim Use Permit for Crushing Requested by SM Hentges
Dakota County Project Nos. 26-54 and 63-27, CSAH 26/63 Reconstruction
City Project Nos. 2015-08, 2016-04 and 2016-05 for
70th Street and Argenta Trail Improvements

The Engineering Division has completed a review of the Interim Use Permit submittal for crushing submitted by SM Hentges, the contractor for the 70th Street reconstruction county project. A Plan Review Committee meeting was held with SM Hentges on June 15, 2022. We received updated plans on June 21, 2022, based on the prior meeting. Engineering staff has the following comments:

1. Provide a location plan. Engineering takes no exception to the plans provided for the Interim Use Permit for Recycling of Asphalt, Curb, and Gravel related to the Dakota County Project CSAH 26/63 (70th Street and Argenta Trail).
2. The temporary grading which directs site run-off to the temporary sediment basin for storm water management is acceptable
3. A SWPPP plan for construction stormwater compliance has been submitted for the site.
4. The approved NPDES construction stormwater permit has been shared with the City.
5. Operational hours and timelines approved by Council must be followed to protect nearby property owners.
 - a. Proposed crushing operations time 7 AM to 4:30 PM Monday to Friday, during two separate ten day periods in 2022 and 2023 construction seasons
 - b. Hauling operations to move material to and from the crushing operations area shall allowed Monday through Saturday from 7 am to 7 pm.
6. Verify any private utility easements on site and show on the plan. It is the owner's responsibility to obtain private easement holders' approval.
7. Hauling operations are also subject to dust control measures at the discretion of the City Engineer.

8. Moisture content of materials before during and after crushing process must be reviewed to limit dust kickoff.
9. Material being hauled, crushed, and stockpiled must be from the project. No materials from outside the project are allowed.
10. Crushed material in the recycling area is proposed to be used as aggregate base for construction purposes.
11. Erosion and sediment control must be installed prior to disturbance.
12. Accessibility to nearby residential areas shall be maintained in accordance with Dakota County and the contract.
13. Dust from crushing operations shall remain within the interim use area approved by Council. Crushing and hauling operations may not create a "public nuisance" or cause land pollution, noise pollution or air pollution in accordance with statute guidelines.
14. Submit a management plan for addressing noise, dust, hazards that may affect adjacent properties. The proposer should submit information such as an environmental worksheet to determine if further review is necessary. Confirm if state agency permits are necessary.
15. Identify if any fuel tanks that would be on site during the 10-day operational periods. Follow local and state guidelines. Fuel tanks for the crushing operation shall be removed outside of the 10-day operational period.
16. Any materials that cannot be crushed including rebar such as manholes, pipes and others shall be disposed properly.
17. Provide a \$10,000 engineering cash escrow for staff inspection time and for covering any expenses or deficiencies requiring city enforcement action. Contractor to provide certificate of insurance listing the City of Inver Grove Heights as additionally insured.

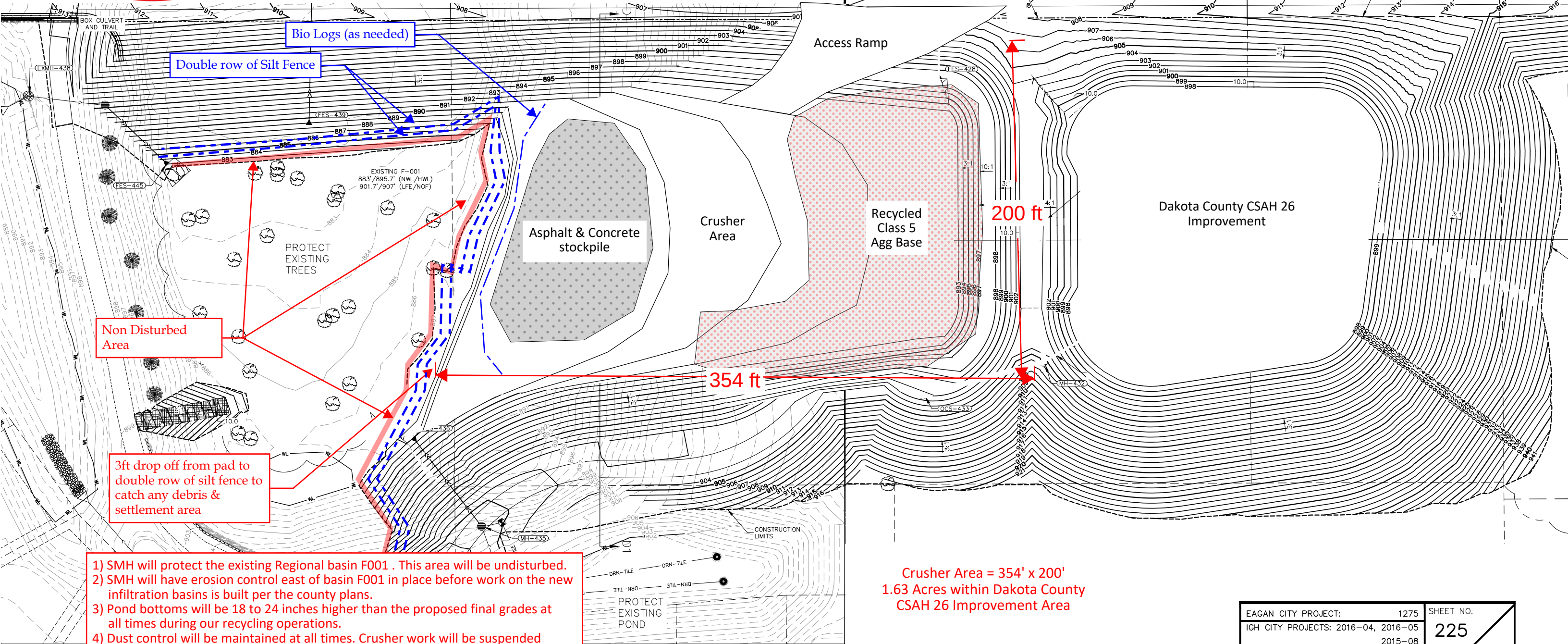
SWD/ae

Attached: Plan Sheet for Interim Use Permit for Recycling

CC: Brian Connolly, Public Works Director
Todd Howard, Assistant County Engineer
Luke Moren, Kimley-Horn & Associates
Nick Hahn, Senior Engineering Technician



City of Inver Grove Heights:
Interim Use Permit for Recycling of Asphalt, Curb, and Gravel
related to the Dakota County Project CSAH 26/63



- 1) SMH will protect the existing Regional basin F001 . This area will be undisturbed.
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Ronald B. Leaf
RONALD B. LEAF, P.E.

DATE: 02/26/2021 MN LIC. NO. 24411



DAKOTA COUNTY
CSAH 26 / CSAH 63

GRADING PLAN
BMP D

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S.A.P. 019-663-007 & 178-020-029		

From: [Abe Joseph](#)
To: [Kim Fox](#)
Subject: Concerns - Crushing concrete within 350 feet of 1700 70th Street
Date: Monday, June 27, 2022 1:19:58 PM

Hi,

I, Abe Joseph, a resident of 1651 71st Street W 55077 have major concerns over the plan of crushing concrete within the 350 ft of my house .

I would like to highlight a few major concerns in regards to this.

1. Silica dust from concrete crushing is very harmful to health and it is inappropriate to use it in a neighborhood where many are living.
2. Loud noise out of crusher will be unbearable and thus work from home will be very difficult.
3. Already suffering from dust as part of road expansion and as a result, I have to clean the deck twice a week.

Please consider these concerns and take appropriate measures. I appreciate your help in this.

Thanks,

Abe Joseph

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Joseph Miller](#)
To: [Allan Hunting](#)
Subject: RE: Public Hearing Notice for property owners within 350 feet of 1700 70th Street
Date: Tuesday, June 28, 2022 2:22:31 PM
Attachments: [image001.png](#)
[image002.png](#)

Allan – see my suggestions in red below.
I didn't know if passing along a photo of the track crusher would help.



Joe Miller
Project Manager
S.M. Hentges & Sons Inc.
p: 952.492.5700 m: 952.208.0585
a: 650 Quaker Avenue, Jordan, MN 55352
w: SMHentges.com e: joe.miller@smhentges.com

We're Growing // View Opportunities

THE INFORMATION CONTAINED IN THIS EMAIL MESSAGE AND IN ANY ACCOMPANYING ATTACHMENT, IS CONFIDENTIAL AND PRIVILEGED. IT IS ONLY INTENDED FOR THE USE OF EACH RECIPIENT. IF YOU ARE NOT AN INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER THIS MESSAGE TO AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, OR DISTRIBUTION OF THE CONTENTS OF THIS TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

From: Allan Hunting <ahunting@ighmn.gov>
Sent: Tuesday, June 28, 2022 1:31 PM
To: Joseph Miller <joe.miller@smhentges.com>
Subject: FW: Public Hearing Notice for property owners within 350 feet of 1700 70th Street

Joe,

Can you help answer any of these questions. I will need to respond to the resident.

From: Kim Fox <kfox@ighmn.gov>
Sent: Tuesday, June 28, 2022 12:42 PM
To: john neshiem <john.neshiem@yahoo.com>; theresa bennett <theresabennett@hotmail.com>; Rebecca Kiernan <rkernan@ighmn.gov>
Cc: Allan Hunting <ahunting@ighmn.gov>; Heather Botten <hbotten@ighmn.gov>
Subject: RE: Public Hearing Notice for property owners within 350 feet of 1700 70th Street

Mr. Neshiem:

I forwarded your email to city planners Heather Botten and Allan Hunting. One of them will contact you regarding your inquiries below.

Kim

From: john neshiem <john.neshiem@yahoo.com>

Sent: Tuesday, June 28, 2022 12:25 PM

To: Kim Fox <kfox@ighmn.gov>; theresa bennett <theresabennett@hotmail.com>; Rebecca Kiernan <rkiernan@ighmn.gov>

Subject: Public Hearing Notice for property owners within 350 feet of 1700 70th Street

Hi,

I own the house 6980 Arkansas Avenue and was sent a letter about the crushing of concrete that is proposed at 1700 70th Street, Inver Grove Heights, MN 55077.

Contractor will be recycling 95% asphalt from the old road surface and 5% concrete from old curb and gutter.

We will be out of town and are unable to attend the meeting scheduled for 7/5/22. Can we get a answer to each of the following questions before the meeting?

1. Can the company spray water and sweep the road to keep the dust down?

Crusher will be located in the excavation south of 70th street which is roughly 20ft lower than your house. The County's existing asphalt roadway surface of 70th street at your property has been removed for future widening. The County is working with the Contractor to keep dust down as construction progresses. Please contact the County for any requests concerning the road construction.

2. What are the hours they will operating, especially when will they be crushing?

Crushing will only be allowed between the hours of 7am to 4:30pm M-F.

3. What are the dates when it will begin and what is the end date?

Crushing will be performed up to two times per year with only a two week duration for each time.

4. Myself and our two kids have asthma, can there be air quality testing?

This Interim Use Permit only covers the use of the crusher setup in the pit. Please contact the County for any requests concerning the road construction.

5. Can it be moved further away from our house?

According to the Contractor, this is the only available site on the project that they can utilize.

6. Can we request noise level testing?

The noise from the Crusher is more of a constant noise/vibration. The material that is being crushed is 95% asphalt from the roadway which doesn't produce heavy banging as you would hear from solid rock.

7. What will be done to prevent run off into ours and neighboring properties?

Contractor has made provisions in their pit to prevent run-off.

8. Will it affect our grass, plants or trees?

No, all work with the crusher is located in the pit south of your property roughly 20ft lower than your property.

9. Can we get an estimate on how many cubic yards are being crushed and where it's coming from?

Contractor is recycling the asphalt pavement from the old 70th Street so they can reuse it on the new improvements.

10. Can the city, company or county check and test our well before and after?

The Crusher in the pit should have not effects on your well.

Sorry we won't be able to make the meeting, but if there is any other information available, can it be added to the list of questions above?

An email reply is preferred since I'm on the phone a lot but we can also be contacted at either 651-283-7202 or 612-310-8399

Thanks!

John.Neshiem@yahoo.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kim Fox | Community Development Support Specialist

Tel: (651) 450-2545

City of Inver Grove Heights | 8150 Barbara Avenue | Inver Grove Heights | Minnesota | 55077

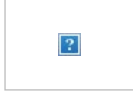
kfox@ighmn.gov | www.ighmn.gov

Allan Hunting | City Planner

Tel: (651) 450-2554

City of Inver Grove Heights | 8150 Barbara Avenue | Inver Grove Heights | Minnesota | 55077

ahunting@ighmn.gov | www.ighmn.gov





PLANNING REPORT

CASE NO.: 22-35X

APPLICANT: Keith Joyce

PROPERTY OWNER: Keith Joyce

REQUEST: Appeal of zoning interpretation

LOCATION: 5873 Concord Boulevard

PLANNING COMMISSION DATE: July 5, 2022

REVIEWING DIVISIONS: Planning
City Attorney

PREPARED BY: Allan Hunting
City Planner
Bridget Nason,
City Attorney

BACKGROUND

The City received a complaint about an illegal accessory structure on the property. The City code compliance specialist responded and sent a letter to the owner indicating the structure in question did not meet zoning code requirements and must be corrected or removed. The owner disagreed with the determination of the order and requested an appeal of the determination to the Board of Adjustment and Appeals.

The property at 5873 Concord Blvd. is located in the R-1C single family zoning district. In 2021, the City's code compliance specialist observed an accessory structure (the "Accessory Structure") on the property that appeared to be a "hoop" frame covered by cloth/fabric/canvas exterior building materials; the structure appeared to be a type of "tent garage" or similar hoop apparatus.

EVALUATION OF THE REQUEST

The City's zoning ordinance regulates exterior building materials for accessory structures and prohibits certain types of accessory structures and materials as the final cover for exterior walls and roofs in all residential zoning districts, and likewise prohibits tent garages as follows:

10-15-17: EXTERIOR BUILDING MATERIALS:

C. Residential Accessory Structures:

2. Allowed Materials: Exterior walls of all accessory structures in all residential zoning districts (R, A and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner.

3. Prohibited Materials: Cloth, fabric, canvas, plastic sheets, tarps, tarpaper and insulation shall be prohibited as final covers for exterior walls and roofs for all accessory structures in all residential zoning districts (R, A and E districts). In all residential zoning districts (R, A and E districts), the placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in subsection C5 of this section.

4. Apparatus: All limitations, restrictions, regulations, prohibitions and standards set forth in this subsection C relating to accessory structures shall also apply to the following:

Nonpermanent or movable apparatus or units, not permanently affixed to the ground, consisting of a frame that is to be used for or intended to be used for storage or other use. These include apparatus commonly known as hoop houses or other hoop designed apparatus, tent garages and other similar apparatus.

The framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in this subsection C5.

5. Exceptions: The following are excluded from the requirements of this subsection

C:

e. Accessory structures used as carports and nonpermanent or movable apparatus or units used as carports.

Because the Accessory Structure was covered with an impermissible exterior material and because the structure appeared to be a type of "hoop designed apparatus, tent garage [or] other similar apparatus," a notice was sent to the property owner (the "Owner") to remove the structure. A second notice was subsequently sent to the property owner advising the Owner that the accessory structure was not in compliance with the city code requirements for such structures and needed to be removed.

The property owner responded to this letter, raising a variety of concerns and disagreeing with the code compliance specialist's determination that the structure was in violation of the code.

In April of 2022, the code compliance specialist again advised the property owner that after speaking with the city planner and city attorney, it was determined that the Accessory Structure

was not compliant with the applicable zoning ordinance provisions based on 1) structure type and 2) exterior building materials used. Subsequently on May 14th of 2022, the Owner asserted that he disagreed with the code compliance specialist, and stated that the Accessory Structure was exempt from the exterior building materials requirements because the accessory structure was a "carport." The Owner further demanded an appeal of the code compliance specialist's interpretation that the Accessory Structure violated City Code Section 10-15-17(C3) to the City's Board of Adjustments and Appeals.

Appeal Process

The City's zoning ordinance provides a process for appealing any order, decision, or determination made by the Zoning Administrator to the Board of Adjustments and Appeals as follows:

10-3-7: BOARD OF ADJUSTMENTS AND APPEALS; APPEALS PROCEDURE:

A. Board Of Adjustments And Appeals:

1. Established; Composition; Records: A board of adjustments and appeals is hereby established for the city. The board of adjustments and appeals shall consist of the city council. The board shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.
2. Duties: The board shall act upon all questions as they may arise in the administration of this title, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.

B. Appeals:

1. Authority: An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City.
2. Hearings; Planning Commission Review: Prior to acting upon an appeal, the Board shall hold a public hearing. The notice provisions shall be the same as set forth in section [10-3-5](#) of this chapter. The Board shall not make any decision on the appeal until the Planning Commission has had a reasonable opportunity to review the appeal and forward a recommendation to the Board.
3. Decision: The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of the Board shall be final.

PLANNING COMMISSION ACTION

The Zoning Administrator has reviewed the materials related to this matter which are attached to this memo and include the various letters from the Owner, the notices sent from the code compliance specialist, the photo of the Accessory Structure, as well as the applicable provisions of the Zoning Ordinance (10-15-17(C3), and determined that: 1) the Accessory Structure is in violation of Section 10-15-17(C3) because the exterior building materials on the Accessory Structure are cloth, fabric, or canvas, which are not allowable exterior building materials for the Accessory Structure; 2) the Accessory Structure is a hoop structure/tent garage which is not allowed in the R1-C zoning district; and 3) the Accessory Structure is not a carport, which is exempt from the exterior building materials regulations found in Zoning Ordinance Section 10-15-17. Based on the Owner's recent request to appeal this determination by City Staff that the Accessory Structures is not a carport but an accessory structure with impermissible exterior building materials and a tent garage/hoop structure, the Planning Commission is required to review this matter and forward a recommendation to the City Council sitting as the Board of Adjustments and Appeals. Attached to this report are definitions of "car port" from other cities to show a typical and common definition.

The Planning Commission is asked to review this matter and provide a recommendation to the City Council regarding the following questions (the "Appeal Matters"):

1. Is the Code Compliance Specialist and Zoning Administrator's determination that the Accessory Structure is not a carport erroneous?
2. Is the Code Compliance Specialist and Zoning Administrator's determination that the Accessory Structures is an impermissible tent garage, hoop apparatus, or other similar apparatus erroneous?
3. Is the Code Compliance Specialist and Zoning Administrator's determination that the accessory structure is constructed of cloth, fabric, or canvas, which are impermissible exterior building materials, erroneous?

The Planning Commission is asked to review this matter and make a recommendation to the Board of Adjustments and Appeals regarding the three issues identified above. The Planning Commission's recommendation to the Board of Adjustments and Appeals shall be provided to the Board before the Board holds a public hearing and takes action on the Appeal Matters.

ATTACHMENTS:

1. Resolutions supporting determination and not supporting determination
2. Letters from code compliance specialist with photo and response from Mr. Joyce
3. City memo illustrating examples of car port and prohibited hoop structures and exterior materials
4. Ordinance section from city code with highlighted sections
5. Code definitions of car ports from other cities

**PLANNING COMMISSION OF THE
CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION ADOPTING RECOMMENDATION TO THE CITY COUNCIL SITTING AS THE
BOARD OF ADJUSTMENTS AND APPEALS REGARDING DETERMINATION OF ZONING
ADMINISTRATOR REGARDING ACCESSORY STRUCTURE LOCATED AT 5873 CONCORD
BLVD.**

WHEREAS, Section 10-3-7 of the City of Inver Grove Heights Zoning Ordinance establishes a Board of Adjustments and Appeals for the City of Inver Grove Heights, which is comprised of the City Council; and

WHEREAS, the Board of Adjustments and Appeals shall act upon all questions as they may arise in the administration of the City's zoning ordinance, and decide appeals from and review any decision or determination made by the Zoning Administrator; and

WHEREAS, the owner of the real property located at 5873 Concord Blvd. in the City of Inver Grove Heights (Property) has submitted a written request for an appeal of the determination of the City's Code Compliance Specialist and Zoning Administrator that the accessory structure (Accessory Structures) located on the Property:

1. That the Accessory Structure is not a carport.
2. That the Accessory Structure is an impermissible tent garage, hoop apparatus, or other similar apparatus.
3. That the accessory structure is constructed of cloth, fabric, or canvas, which are impermissible exterior building materials for the Accessory Structure.

WHEREAS, following a review of the Planning Commission packet materials related to this matter, including correspondence from the Owner and Code Compliance Specialist, as well as Section 10-15-17 of the City's zoning ordinance and May 6, 2009 Memo to the Planning Division Policy Handbook regarding Carports, the Planning Commission reviewed and discussed the above determinations (Appeal Questions).

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF INVER GROVE HEIGHTS, that the Planning Commission hereby makes the following recommendation to the Board of Appeals and Adjustments regarding the determinations of the City's Code Compliance Specialist and Zoning Administrator:

1. That the Accessory Structure is not a carport;

2. That the Accessory Structure is an impermissible tent garage, hoop apparatus, or other similar apparatus; and
3. That the accessory structure is constructed of cloth, fabric, or canvas, which are impermissible exterior building materials for the Accessory Structure.

Adopted by the City Council of Inver Grove Heights on this 5th day of July, 2022.

Ayes:

Nays:

Chair of the Planning Commission

**PLANNING COMMISSION OF THE
CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION ADOPTING RECOMMENDATION TO THE CITY COUNCIL SITTING AS THE
BOARD OF ADJUSTMENTS AND APPEALS REGARDING DETERMINATION OF ZONING
ADMINISTRATOR REGARDING ACCESSORY STRUCTURE LOCATED AT 5873 CONCORD
BLVD.**

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WHEREAS, the Board of Adjustments and Appeals shall act upon all questions as they may arise in the administration of the City's zoning ordinance, and decide appeals from and review any decision or determination made by the Zoning Administrator; and

WHEREAS, the owner of the real property located at 5873 Concord Blvd. in the City of Inver Grove Heights (Property) has submitted a written request for an appeal of the determination of the City's Code Compliance Specialist and Zoning Administrator that the accessory structure (Accessory Structures) located on the Property:

1. That the Accessory Structure is not a carport.
2. That the Accessory Structure is an impermissible tent garage, hoop apparatus, or other similar apparatus.
3. That the accessory structure is constructed of cloth, fabric, or canvas, which are impermissible exterior building materials for the Accessory Structure.

WHEREAS, following a review of the Planning Commission packet materials related to this matter, including correspondence from the Owner and Code Compliance Specialist, as well as Section 10-15-17 of the City's zoning ordinance and May 6, 2009 Memo to the Planning Division Policy Handbook regarding Carports, the Planning Commission reviewed and discussed the above determinations (Appeal Questions).

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF INVER GROVE HEIGHTS, that the Planning Commission hereby makes the following recommendation to the Board of Appeals and Adjustments regarding the determinations of the City's Code Compliance Specialist and Zoning Administrator:

1. That the Accessory Structure is a carport.

2. That because the Accessory Structure is a carport, the requirements found in Section 10-15-17(C)(3) that the exterior walls of the accessory structure must be covered only with siding, stucco, brick, glass, composite plastic, or other comparable material does not apply to the Accessory Structure.

Adopted by the City Council of Inver Grove Heights on this 5th day of July, 2022.

Ayes:

Nays:

Chair of the Planning Commission



06.23.2022

Property Card	Parcel ID Number 20-43251-01-030
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Owner Information
Fee Owner KEITH ANDREW JOYCE
Mailing Address 5873 CONCORD BLVD E INVER GROVE HEIGHTS MN 55076



Property Address
Address 5873 CONCORD BLVD Municipality INVER GROVE HEIGHTS

Parcel Information	
Sale Date	04/05/2006
Sale Value	\$150,000.00
Uses	RESIDENTIAL
Total Acres	0.11
R/W Acres	0.00
Water Acres	
Plat	KRECHS W F 2ND ADDITION
Lot and Block	3 1
Tax Description	LOT 3 BLK 1 SUBJ TO PARCEL 41 DAKOTA CO R/W MAP 244

2021 Building Characteristics (payable 2022)*					
Building Type	S.FAM.RES	Year Built	1950	Bedrooms	4
Building Style	TWO STORY	Foundation Sq Ft	918	Bathrooms	2.50
Frame	WOOD	Above Grade Sq Ft	1,788	Garage Sq Ft	
Multiple Buildings		Finished Sq Ft	1,788	Other Garage	

Miscellaneous Information					
School District	Watershed District	Homestead	Green Acres	Ag Preserve	Open Space
199	LOWER MISSISSIPPI RIVER	DISABLED VET HOMESTEAD			

Assessor Valuation		
	Taxable	Estimated
2021 Land Values (payable 2022)	\$0.00	\$46,700.00
2021 Building Values (payable 2022)*	\$0.00	\$189,200.00
2021 Total Values (payable 2022)*	\$0.00	\$235,900.00
2020 Total Values (payable 2021)*	\$0.00	\$215,400.00

Property Tax Information		
Net Tax (payable 2021)	Special Assessments (2021)	Total Tax & Assessments (2021)
\$0.00	\$396.44	\$396.44

* Manufactured Homes Payable the Same Year as Assessment.

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



CITY OF
INVER GROVE
HEIGHTS

**COMMUNITY
DEVELOPMENT
DEPARTMENT**

8150 Barbara Avenue
Inver Grove Heights
Minnesota 55077

651-450-2500

www.ighmn.gov

May 26, 2021

KEITH JOYCE
5873 CONCORD BLVD
INVER GROVE HEIGHTS, MN 55076

RE: 5873 CONCORD BLVD

Dear Property Owner:

We are committed to working with our residents to maintain the health, safety, integrity, and aesthetic standards set forth by our city code.

10-15-17 (C3): PROHIBITED STRUCTURES

Cloth, fabric, canvas, plastic sheets, tarps, tarpaper, and insulation are not allowable exterior building materials. Hoop structures and tent garages are prohibited. Please complete renovations within 30 days after which time a re-inspection will be done. Thank you.

Please contact me at 651-450-2491 if you have any questions or need assistance.

Respectfully,

Nicole Cook
651-450-2491
ncook@ighmn.gov



**COMMUNITY
DEVELOPMENT
DEPARTMENT**

8150 Barbara Avenue
Inver Grove Heights
Minnesota 55077

651-450-2500

www.ighmn.gov

July 1, 2021

KEITH JOYCE
5873 CONCORD BLVD
INVER GROVE HEIGHTS, MN 55076

SECOND NOTICE: 5873 CONCORD BLVD

Dear Property Owner:

We are committed to working with our residents to maintain the health, safety, integrity, and aesthetic standards set forth by our city code.

10-15-17 (C3) PROHIBITED STRUCTURES

Cloth, fabric, canvas, plastic sheets, tarps, tarpaper, and insulation cannot be used as exterior building materials. Tent garages are prohibited. Please remove your tent garage within 7 days after which time a reinspection will be done. Thank you for your cooperation.

Please take corrective action to bring your property into compliance. A property that is not in compliance with City Code after a second notice subjects the owner to a misdemeanor citation requiring an appearance in court. A misdemeanor is punishable by up to 90 days in jail and/or \$1,000 in fine.

We appreciate your cooperation in complying with this request. Please contact me at 651-450-2491 if you have any questions or need assistance.

Respectfully

Nicole Cook
ncook@ighmn.gov

COPY

July 8th, 2021

Nicole Cook
City of Inver Grove Heights
8150 Barbara Ave.
Inver Grove Heights, MN 55077

Nicole,

In response to your letter Dated July 1st, 2021 that I received today, July 8th, 2021, titled 2nd Notice. First, this is the first notice I am aware of. Second, as you should be aware my property located at 5873 Concord Blvd, Inver Grove Heights, MN 55076, PID 20-43251-01-030 also known as "Krechs W F 2nd addition, Lot 3, Block 1. Subject to Parcel 41, Dakota County Right of Way map 244." With an original construction year of 1950, is a Non-Conforming legal use property with-in the City of Inver Grove Heights.

Additionally, as you show also know this designation allows me some leeway with a limited number of City Codes with respect to building and property use, as I am allowed "Reasonable Use" of my property even though that use may violate current city codes.

When City Code 10-15-17 (c3) was first adopted and with each revision since, the assumption, like most city ordinances involving property use is that all properties with-in the jurisdiction are conforming to current standards and ordinances and no options are given for non-conforming properties. This normal practice, creates hardship for owners of non-conforming use properties like mine, especially when an owner in practicing reasonable use of their property, ends up in violation of city code, as it has done in this case. With respect to the current alleged violation of city code, this property obviously does not have a garage does that exists on the property. Nor has it ever. This creates legal non-conforming use. Specifically, in this case, in general, with- in Inver Grove Heights, most new structures are required to have a 2 Car garage. As my property does not have a garage, 2 temporary or "Tent" garages as you call them would be a reasonable use. At this time, I have deployed only one. Where I believe reasonable use would include the use of two temporary/portable garage units.

Also, your correction letters are to include reasonable correction/mitigation remedies. The only remedy you offered was removal. I believe there are other additional reasonable remedies for this issue that you have failed to advise me of. You additionally failed to advise me of my right to appeal your

decision and how to request or demand that appeal. I this time, based on my right to reasonable use of my property I am demanding an appeal of your decision.

I am sending this letter certified with the expectation, being City Code seems to be devoid or well-hidden of the appropriate appeal process, that you will forward my formal demand with-in this correspondence to the appropriate staff for processing.

I respectfully await the Cities Response.

Sincerely,

A handwritten signature in black ink, appearing to be 'Keith A. Joyce', written over the word 'Sincerely,'.

Keith A. Joyce

5873 Concord Blvd.

Inver Gove Heights, MN 55076-1801

651-246-7522



**COMMUNITY
DEVELOPMENT
DEPARTMENT**

8150 Barbara Avenue
Inver Grove Heights
Minnesota 55077

651-450-2500

www.ighmn.gov

April 28, 2022

KEITH JOYCE
5873 CONCORD BLVD
INVER GROVE HEIGHTS, MN 55076

FINAL NOTICE: 5873 CONCORD BLVD

Dear Property Owner:

We are committed to working with our residents to maintain the health, safety, integrity, and aesthetic standards set forth by our city code.

Staff previously sent you notice about your tent garage on May 26th and July 1, 2021. After receiving your notices, you sent a letter stating you had a 'non-conforming legal use property' and believed it would permit you to keep your tent garage. After speaking with the City Planner and City Attorney, it was recommended I proceed with enforcement.

10-15-17 (C3) PROHIBITED STRUCTURES

Cloth, fabric, canvas, plastic sheets, tarps, tarpaper, and insulation cannot be used as exterior building materials. Tent garages are prohibited. Please remove your tent garage within 14 days after which time a reinspection will be done. Thank you for your cooperation.

Please take corrective action to bring your property into compliance. A property that is not in compliance with City Code after a second notice subjects the owner to a misdemeanor citation requiring an appearance in court. A misdemeanor is punishable by up to 90 days in jail and/or \$1,000 in fine.

We appreciate your cooperation in complying with this request. Please contact me at 651-450-2491 if you have any questions or need assistance.

Respectfully,

Nicole Cook

Nicole Cook
ncook@ighmn.gov
651-450-2491

Nicole Cook
City of Inver Grove Heights
8150 Inver Grove Heights, MN 50777

May 14th, 2022

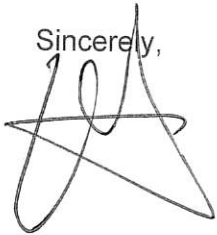
In response to your letter dated April 28th, 2022 and received via USPS at my address May 9th, 2022. I still disagree with your assessment that I am in violation of city code 10-15-17 (c3) as my primary use for the cover structure erected on my property is used as a car port. City code 10-15-17 (c5) Exceptions allows for carports.

10-15-17 (c5) Exceptions

e. Accessory structures used as carports and nonpermanent or movable apparatus or units used as carports.

As such I reiterate the previously ignored demand for appeal, indicated in my response letter dated July 8th, 2021. As such is allowed for with-in city code. Given this you as the city's representative and enforcement official must cease and desist of any enforcement action until such time as the previously demanded appeal process has been completed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Keith A. Joyce', written over a horizontal line.

Keith A. Joyce
5873 Concord Blvd.
Inver Grove Heights, MN 55076
keith.joyce565@gmail.com
651-246-7522

Board of Adjustment and Appeals
City of Inver Grove Heights
8150 Barbara Ave.
Inver Grove Heights, MN 55077

May 14th 2022

Dear Board,

In a letter dated April 28th, 2022, received at my address May 9th, 2022, titled "FINAL NOTICE", your code enforcement official provided me 14 days to remove my tent garage before the city will cite me for violation of city code 10-15-17 (c3). In a letter of disagreement sent in response to the 2nd notice dated July 1st, 2021 (I never receive a 1st notice) I demanded an appeal of this decision.

As such I am again demanding an appeal of the code enforcement officer's opinion that I am in violation of city code 10-15-17 (C3). As noted in my previous letter, my home is a legal none conforming use, creating certain hardships differences and from residences that meet current codes. Namely that my residence and property was originally developed in 1950 without a garage. As a legal nonconforming use, I am still allowed reasonable use of my property, as such I believe that the accessory structure, previously identified as a tent garage is reasonable use.

What the legal definition of the difference between a tent garage and a carport is I do not know. I could not find such definitions within city code. However, with respect to the primary use of this structure, it is as a carport. A carport is an allowable exception according to city code 10-15-17 (c5) Exceptions.

It is therefore based on the fact that my property is a legal nonconforming use with out a garage and that the nonpermanent, movable accessory structure, previously referred to as a tent garage, is used primarily as a carport under city code 10-15-17 (c5)e that I am requestion this appeal. I cannot foresee any valid reason why this appeal should not be granted.

As I have responded in a timely manner, previously in my letter dated July 8th, 2021, and this letter dated May 14th, 2022, I have informed the code enforcement official that they must cease and desist of any enforcement action until such time as the previously demanded appeal process has been completed.

I look forward to the boards response in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Joyce', written over the printed name.

Keith A. Joyce

5873 Concord Blvd.

Inver Grove Heights, MN 55076

keith.joyce66@gmail.com

651-246-7522

Enclosures (1)

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Planning Division Policy Handbook

FROM: Allan Hunting, City Planner

DATE: September 13, 2010

SUBJECT: CARPORTS

Based on Council's action to exclude carports from the accessory structure building materials standards, the following regulations shall apply to car ports:

- Roof only. No sides allowed.
- Any roof material acceptable.
- May be attached to an existing garage. Must still be open on three sides.
- Roof surface counts towards impervious surface total.
- Must comply with maximum accessory structure size limitations.
- Carport must meet all accessory structure setbacks.
- Structure must comply with building code standards
- Carport not included towards total number of accessory structures.



Allowed



Not allowed



Not allowed

10-15-17: EXTERIOR BUILDING MATERIALS:

A. Commercial, Industrial And Institutional Buildings: All exterior vertical surfaces of any principal or accessory structure in a B, I or P zoning district shall have an equally attractive or the same fascia as the front. At least fifty percent (50%) of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. A maximum of one-third ($\frac{1}{3}$) of a building wall is permitted to have sheet or corrugated steel or aluminum finish.

B. Residential Principal Structures:

1. All exterior surfaces of a residential principal structure must be completed within one year of the issuance of a building permit. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.

2. Exterior walls of all principal structures in all residential zoning districts (R, A, and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner.

3. Cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal shall be prohibited as final covers for exterior walls and roofs for all principal structures in all residential zoning districts (R, A and E districts).

C. Residential Accessory Structures:

1. Completion Period: All exterior surfaces of a residential accessory structure must be completed within one year of beginning construction. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.

2. Allowed Materials: Exterior walls of all accessory structures in all residential zoning districts (R, A and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner. Sheet metal, corrugated metal or shaped metal material may also be used to cover exterior walls of accessory structures provided:

a. The structure is less than one hundred twenty (120) square feet and is located in a residential zoning district (R, A and E districts).

b. In the A and E-1 zoning districts only, the exterior walls of the structures over one hundred twenty (120) square feet may be covered with sheet metal, corrugated metal or shaped metal provided the material has a thickness of at least 29-gauge, and comes with a manufacturer's warranty of at least twenty (20) years.

3. Prohibited Materials: Cloth, fabric, canvas, plastic sheets, tarps, tarpaper and insulation shall be prohibited as final covers for exterior walls and roofs for all accessory structures in all residential zoning districts (R, A and E districts). In all residential zoning districts (R, A and E districts), the placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in subsection C5 of this section.

4. Apparatus: All limitations, restrictions, regulations, prohibitions and standards set forth in this subsection C relating to accessory structures shall also apply to the following:

Nonpermanent or movable apparatus or units, not permanently affixed to the ground, consisting of a frame that is to be used for or intended to be used for storage or other use. These include apparatus commonly known as hoop houses or other hoop designed apparatus, tent garages and other similar apparatus.

The framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in this subsection C5.

5. Exceptions: The following are excluded from the requirements of this subsection C:

- a. Playground equipment.
- b. Camping tents and special event tents which are in place for less than five (5) days.
- c. Commercial greenhouses.
- d. Accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts.

e. Accessory structures used as carports and nonpermanent or movable apparatus or units used as carports.

f. Hoop houses and other hoop designed apparatus, whether as accessory structures and nonpermanent or movable apparatus may be placed and used and may be covered with plastic sheets if they meet the following:

- (1) Located on lots greater than or equal to 2.5 acres in the A and E zoning districts;
- (2) Maximum size of five hundred (500) square feet; and
- (3) Minimum setback of fifty feet (50') from all property lines. (Ord. 1196, 10-12-2009; amd. Ord. 1387, 8-10-2020)

§ 21.301.19 ACCESSORY BUILDINGS.

(a) *Purpose and intent.* To regulate the number, size, location and appearance of all structures accessory to the principal buildings on lots. These regulations apply to attached garages and detached structures, including but not limited to garages, carports, storage buildings, gazebos, growing season extenders, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.

(b) *Number.*

Zoning District	Number Allowed
Single-Family Districts R-1, R-1A, RS-1	2 detached structures on any lot. In addition, 1 structure not exceeding 50 square feet in area nor five feet in height is permitted solely for pool equipment and up to two temporary growing season extenders not exceeding 50 square feet in area and not exceeding four feet in height are permitted subject to the setback requirements of § 21.302.07(b)(1).
All other districts	1 detached structure per principal building, plus one guard, dispatch, security or gate house per site or development. Additionally, up to two temporary growing season extenders per acre not exceeding 50 square feet in area and not exceeding four feet in height are permitted subject to the setback requirements of § 21.302.07(b)(1). Accessory buildings used to meet minimum parking requirements for multifamily uses are not counted toward the number limit.

(c) *Location.*

Zoning District	Minimum Setback in Front and Side Yards Along Streets	Minimum Setback in Rear Yards Along Streets	Minimum Rear Setback Not Along Streets	Minimum Rear Setback Along Alleys	Minimum Side Setback Not Along Streets
Single-Family Districts R-1, R-1A, RS-1	Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a street than the principal structure.	Same as principal structures in the zoning district.	5 feet 10 feet if connected to water or sanitary sewer service	5 feet	5 feet 10 feet if connected to water or sanitary sewer service
All other districts	Same as principal structures in the zoning district; however, detached structures are not permitted to be located closer to the property line along a public street than the principal structure.	Same as principal structures in the zoning district.	Same as principal structures in the zoning district, except that accessory buildings used to meet minimum parking requirements for multifamily uses may be set back no closer than 10 feet from the rear property line not along streets.	Same as principal structures in the zoning district, except that accessory buildings used to meet minimum parking requirements for multifamily uses may be set back no closer than 10 feet from the rear property line along alleys.	10 feet
Guard, dispatch, security or gate houses in all but R-1, R-1A, RS-1 and R-3 Districts	Same as principal structures in the zoning district.	Same as principal structures in the zoning district.	10 feet	Same as principal structures in the zoning district.	10 feet

(d) *Maximum height.*

Zoning District	Structure Type	Maximum Height	Special Regulations
Single-Family Districts R-1, R-1A, RS-1	Accessory buildings , excluding garages	15 feet measured from the lowest exterior point to the highest point of the roof and in no event may the overall height exceed the height of the dwelling.	

	Garages	See § 21.301.10 for applicable standards and in no event may the overall height exceed the height of the dwelling.	(1) The overall height of any garage door opening, measured from the floor to the trim covering the door header, may not exceed 8 feet. (2) Where the height of a side wall exceeds 10 feet from the floor of the garage to the top of the side wall, the side and rear setbacks of the garage must be increased 1 inch for each inch of side wall height over ten feet.
All other districts	Accessory buildings	16 feet measured from the lowest exterior point to the highest point of the roof.	

(e) *Maximum size.*

<i>Zoning District</i>	<i>Parcel Size</i>	<i>Maximum Size</i>	<i>Special Regulations</i>
Single-Family Districts R-1, R-1A, RS-1	15,000 square feet or less	1,120 sq. ft. for garages and accessory buildings combined; however, the combined area may not exceed the ground floor area of the permanent four season living area plus 120 sq. ft.	(1) Notwithstanding the maximum size provisions, each single-family dwelling may have a garage structure with a total floor area of up to 600 feet. (2) Exception for tuck under garages. In those instances where all garage space and accessory storage space on a site is attached to and located below floor area used for permanent 4 season living area, there is no limit on the amount of garage floor area. In these instances, the total floor area of all detached accessory buildings is limited to 120 square feet.
	Greater than 15,000 square feet	1,120 sq. ft. plus an amount of floor area equal to 5% of lot area above 15,000 sq. ft., up to a maximum of 2,000 sq. ft. for garages and accessory buildings combined; however, the combined area may not exceed the ground floor area of the permanent 4 season living area plus 120 sq. ft.	
Multi-Family Districts R-3, R-4, RM-12, RM-24, RM-50, RM-100	Any	25 square feet per dwelling unit, up to a maximum of 600 square feet except for guard, dispatch, security or gate houses, which are limited to a maximum of 250 square feet.	(1) Accessory buildings used to meet minimum parking requirements for multifamily uses have no maximum size
All other districts	Any	5% of the ground floor area of the principal building, up to a maximum of 600 square feet except for guard, dispatch, security or gate houses, which are limited to a maximum of 250 square feet.	(1) Accessory buildings used to meet minimum parking requirements for multifamily uses have no maximum size

(1) Second level storage area within garages and accessory buildings, with six-foot or greater clearance, is counted toward the maximum garage and accessory building floor area.

(f) *Construction and finish.*

(1) Accessory buildings, including guard, dispatch, security or gate houses, may be constructed of any material accepted by the Minnesota State Building Code, which is appropriate to the application and the location. Accessory buildings must be erected on crushed rock or concrete or be constructed with a treated wood floor.

(2) Exterior materials and finish must match or complement the exterior finish of the principal structure in material, color, and texture. Exterior surfaces of all accessory buildings must be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

(g) *Approvals and permits.*

(1) Except in single-family zoning districts, no accessory building may be constructed, erected or installed without approval of final site plans and building plans by the Issuing Authority as set forth in § 21.501.01(c) of the city code.

(2) No accessory building occupying an area greater than 200 square feet may be constructed, erected, or installed without a building permit issued by the Issuing Authority.

(3) All garages must be located to accommodate a code complying driveway (setbacks, impervious surface coverage, etc.) even if a driveway is not proposed at the time of permit.

(h) *Other structures.*

(1) Tents, canopies and similar temporary structures for the purpose of housing motor or recreational vehicles or storage are prohibited.

(2) Fish houses must be stored in the rear yard of a residential property no closer than five feet from property lines.

(3) Temporary storage units or containers may be stored on any property and must meet the following requirements:

(i) The use of such containers is limited to no more than 30 days per year, per site. For major construction projects or hardship situations, the Environmental Health Division Manager or designee is permitted to grant an extension to the time period.

(ii) Units or containers must be stored on a hard surfaced driveway or parking lot. The temporary units or containers may not block traffic circulation.

(iii) Units or containers must maintain a minimum five-foot setback from abutting properties and may not be stored within the clear view triangle area.

(iv) Semi-truck trailers and cargo containers for temporary storage are limited to commercial or industrial used land and must meet the requirements above.

(4) The storage of temporary buildings or structures, including but not limited to, manufactured homes, accessory buildings, tiny houses, and temporary family health care dwellings is prohibited.

(Ord. 2015-5, passed 1-26-2015; Ord. 2015-15, passed 5-18-2015; Ord. [2016-6](#), passed 4-18-2016; Ord. [2017-9](#), passed 5-1-2017; Ord. [2019-2](#), passed 1-7-2019; Ord. [2019-3](#), passed 1-7-2019; Ord. [2019-64](#), passed 12-16-2019; Ord. [2020-47](#), passed 12-21-2020; Ord. [2022-19](#), passed 5-9-2022)

DIVISION B: DEFINITIONS

§ 19.03 DEFINITIONS.

The following words and terms when used in Chapters 19 and 21 shall have the following meanings unless the context clearly indicates otherwise.

ACCESSIBILITY HOUSING. Housing designed for occupancy by physically disabled or handicapped persons or physically disabled or handicapped families, in accordance with any of the following:

- (A) Disabled by any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine;
- (B) Handicapped or disabled within the meaning of Title 12 U.S.C. § 1701q(d)(4) as one who has a physical impairment which:
 - (i) Is expected to be of long, continued, and indefinite duration;
 - (ii) Substantially impedes his or her ability to live independently; and
 - (iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- (C) Disabled within the meaning of Title 42 U.S.C. § 423(d)(1)(A), which provides that a disabled person is one who has an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which can be expected to last for a continuous period of not less than 12 months.

ACCESSORY BUILDING. A subordinate building the use of which is incidental and customary to that of the principal building, and which may include, but is not limited to, detached garages, detached carports, storage buildings, gazebos, screen houses, playhouses, guard houses, dispatch houses, security houses, gate houses and similar structures.

ACCESSORY DWELLING UNIT. A secondary dwelling unit that is:

- (A) Physically attached to or within a single-family dwelling unit;
- (B) Subordinate in size to the single-family dwelling unit;
- (C) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door;
- (D) Has a separate entrance than the primary dwelling unit; and
- (E) Meets the definitional requirements for a dwelling unit (cooking, living, sanitary and sleeping facilities) as defined in this section.

ACCESSORY USE. A subordinate use that is clearly and customarily incidental to the principal use of a building or premises; is operated for the benefit and convenience of the owner, customers, employees or visitors; that does not constitute more than 10% of the principal use floor area; that does not attract customers independently of the principal use; and that is located on the same lot as the principal building or use.

ACRYLIC FINISH. A texturable product with high yield acrylic solids and aggregate that provides a protective and decorative final top coat over portland cement plaster applied by spray or trowel.

ACRYLIC LATEX PAINT. A decorative product with low yield acrylic solids and no aggregate applied by spray, brush, or roller that results in minimal protective qualities.

AGRICULTURE, INDOOR. The growing of plants in a soil, nutrient, or water based solution, including hydroponics and accessory aquaculture, within an enclosed facility. This use type includes the incidental and accessory sale of goods produced on site.

AGRICULTURE, LIMITED. Raising chickens, farm poultry or farm animals subject to the limits of city code Chapter 12, Article IV. **LIMITED AGRICULTURE** does not include more intensive agricultural activities such as commercial farming, feedlots, fur farms, slaughtering or manure storage. Growing and harvesting plants for food or enjoyment within individual or community gardens is considered to be customarily incidental to other land uses and is permitted in all zoning districts.

ANTENNA. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.

APIARY. The assembly of one or more colonies of bees at a single location.

ARBOR. An open shelter typically constructed of latticework or exposed boards and often meant to provide partial shade or support climbing plants.

ARCADE. A roofed passageway supported by columns and attached to a building. **ARCADES** are typically open on at least one side and intended to provide weather protection to pedestrians and ground level tenant space entrances.

ARCHITECTURAL CONCRETE. Any cast-in-place concrete or pre-cast concrete where the exposed exterior concrete

BUILDING DIVISION DIRECTOR. Includes the head of the Building Division and his or her duly authorized agents and representatives in the Building Division of the city.

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.

BUSINESS DEVELOPMENT. A tract of land which is developed as a unit under single or unified ownership or control, which generally includes two or more principal buildings or uses but may consist of one building, and which contains a minimum of 5,000 square feet and has a combination of principal and supportive uses:

- (A) Which contains a number of retail and service businesses serving the general public; and
- (B) Which is open to occupancy by competitive uses.

CALIPER. The diameter of a tree measured six inches above the ground for trees four inches in diameter or less and measured 12 inches above the ground for trees greater than four inches in diameter.

CANOPY. A roof-like cover, often of fabric, plastic, metal or glass on a support, which provides shelter over a doorway. For purposes of §§ 19.63.06 and 21.502.01, the definition of **CANOPY** shall be an open tent, without sidewalls or drops on 75% or more of its perimeter.

CAR CARE CENTER. A grouping of automotive service-related uses which have a common architectural theme and shared access and circulation. The center shall consist of three or more of the following: gasoline sales, lubricant sales and installation, car wash, sale of auto parts, installation of parts sold on the premises, minor automotive services such as tune-ups and repair and auto body estimating and repair (including painting) provided there be no exterior storage of damaged or inoperable vehicles or parts, or vehicles in the process of repair or painting and there be no discernible odors at the property line. However, machining of parts is not included.

CAR WASH. An establishment primarily engaged in cleaning or detailing of motor vehicles, whether self-service, automatic or by hand.

CARGO TRUCK. A truck whose design characteristics include a storage area in the form of an open, walled, or fenced bed, or of an enclosed box-like storage compartment, designed for the carrying of equipment or materials. The term is intended to include vehicles commonly referred to as flatbed trucks, stake trucks, box trucks, and straight trucks, but is not intended to include pickup trucks or vans.

CARPORT. A permanent covered structure, open on at least two sides, that provides shelter for one or more motor vehicles, trailers, recreational vehicles, storage or other personal property. **CARPORTS** are considered to be garages for the purpose of zoning regulations except that they do not satisfy single family and two family home enclosed parking space requirements. Lightweight, temporary, impermanent structures covered with metal, fabric, canvas, fiberglass or plastic and with metal, wood or plastic frames and poles, not designed to withstand significant wind or snow load, sometimes without footing or other approved anchoring systems, are considered to be tents or canopies rather than **CARPORTS**.

CATERING BUSINESS, MAJOR. A business that prepares food and/or beverages to be delivered off site for consumption with no on site retail sales other than operation of an affiliated mobile food unit. Incidental delivery of prepared individual meals in conjunction with on site food service is not considered a catering function.

CATERING BUSINESS, MINOR. A business that prepares food and/or beverages to be delivered off site for consumption in a manner that is secondary to and directly related to a permitted principal use, that does not exceed 25% of the total floor area of the related principal use, and that has no on site retail sales other than operation of an affiliated.

CEMETERY. An area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums and columbaria.

CLEAR VIEW TRIANGLE AREA. The triangular area to provide an unobstructed clear view to a height greater than three feet above the level of the center of the adjacent intersection or driveway within the triangle of land formed on the corner of the lot by measuring a distance of 15 feet along each lot line from the street - property line intersection or lot line and driveway.

[IMAGE]

COATING. Sealing, painting or staining with any liquid or viscous material in any manner of application that includes, but is not limited to, brushing, spraying or trowling, but does not include a fired glaze on a clay product or concrete masonry unit.

COCKTAIL ROOM. An area for the on-sale consumption of distilled spirits on the premises of or adjacent to the distillery where distilled liquor is produced. A **COCKTAIL ROOM** may also include sale for off-premises consumption of distilled spirits produced at the distillery, subject to M.S. § 340A.22, subd. 4 or its successor.

COIN SALES. Sales of stamped metal issued by a governmental authority as money, whether or not currently serving as legal tender. Coins may have a numismatic value or intrinsic value greater than their denominational value and may be made of precious metals, gold, silver or platinum. **COIN SALES** is considered a retail sales use unless the sales are taking place through the mail, telephone or similar method that does not involve over the counter sales, in which case it is considered an office use.

COLLEGE or UNIVERSITY. A college, community college or other post secondary educational facility primarily engaged in the education of students, which may include one or more of the following components: teaching and research facilities; educational classroom space; public assembly; child care facilities, student center; food service facilities; laundry services; library; administrative offices; and recreation facilities.

COLONY. An aggregate of bees consisting principally of workers, but typically having one queen and at times drones, brood, combs, and honey.

COLUMBARIUM (PLURAL COLUMBARIA OR COLUMBARIUMS). A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. **COLUMBARIA** are accessory to places of assembly for worship, cemeteries or mausoleums.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

COMMUNITY EDUCATION OR ARTS CENTER. An establishment operated by a non-profit organization or government agency primarily devoted to educational, recreational and cultural facilities, displays, meeting rooms, social service facilities and public health facilities, or any combination thereof.

COMMUNITY GARDEN. A garden intended to be used and maintained by neighborhood residents for the purpose of growing produce, plants and flowers and for the general aesthetic benefit to a community.

COMPREHENSIVE PLAN. The adopted citywide plan to guide development and infrastructure, set city policy and meet the requirements of the State Metropolitan Land Planning Act.

CONGREGATE LIVING FACILITY. A type of housing in which occupants share a common dining room, recreational room, food service or other facilities, including but not limited to boarding houses, lodging houses, assisted living facilities, shelters and convents. A **CONGREGATE LIVING FACILITY** does not include bed and breakfasts, resorts, vacation homes, crash pads, hostels, multiple-family dwellings, temporary pandemic response housing or other uses separately defined.

CONSERVATORY. A green house or other glazed structure or building containing an array of native and/or exotic species of plants, flowers and vegetation.

CONVENIENCE FACILITY WITH FUEL SALES. An establishment where the principal uses are: a) the sale of automobile engine fuel including gasoline, hydrogen, propane, natural gas, biodiesel, ethanol, electric charging, or any other automobile engine fuel stored only in underground tanks directly to the public on the premises; and b) the sale of household and convenience items, food or other miscellaneous retail goods. Accessory uses may include but are not limited to a car wash, air dispensing, minor vehicle repair, and similar services.

CONVENTION CENTER. A structure used or intended to be used primarily for entertainment events, expositions, meetings, conferences, seminars, and other gatherings. Typical components include convention and exhibit halls.

CONVENTION CENTER may include accessory uses, including but not limited to meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and support services designed to accommodate planned entertainment events, expositions, meetings, conferences, and seminars.

COTTAGE FOOD OPERATION. An individual person who prepares, at the person's residence, non-potentially hazardous food subject to requirements in M.S. § 28A.152, as it may be amended from time to time.

CULTURAL CAMPUS. An interrelated collection of at least three of the following uses on one site that assist in cultural development with no one use occupying more than 50 percent of the floor area within the cultural campus use: community center, arts center, office, place of assembly, event center, indoor recreation and entertainment, university, makerspace, business incubator with shops and production space, restaurant, library, museum, and social service distribution facility. A cultural campus use may cross property lines and include multiple buildings provided the properties are contiguous.

CURRENCY EXCHANGE BUSINESS. Any entity, except a bank, trust company, savings bank, savings and loan association, credit union or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. A person who provides these services incidental to the person's primary business is not included in the definition if the charge for cashing a check or draft does not exceed \$1 or 1% of the value of the check or draft, whichever is greater.

CUSTOMARILY INCIDENTAL FEATURE. A subordinate feature that clearly and customarily accompanies the principal building and is located on the same lot as the principal building including, but not limited to accessory buildings, swimming pools, off-street parking, gardens, clothes lines, tree houses and similar features.

DAY CARE FACILITY. A facility primarily engaged in the temporary care of children or adults, usually while their primary caregivers are at work, including but not limited to day care centers, preschools, early childhood learning centers and related uses.

DEALER IN MOTOR VEHICLES. Any person engaged in the business of buying, selling, wholesaling, leasing, brokering, auctioning or displaying motor vehicles, new or used, as a principal business or occupation, or as an adjunct to any other business, occupation, profession, enterprise or employment.

DENSITY. The number of dwelling units on a site divided by the gross site area, including, at the option of the landowner, land donated for public right-of-way purposes.

12-1D-3: ACCESSORY STRUCTURES:

A. Definitions:

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.

GARAGE, PRIVATE: A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of one and one-half ($1\frac{1}{2}$) tons.

GARAGE, PUBLIC: A building or portion of a building used for the storage of vehicles for remuneration or gratis.

B. Accessory Structures In All Zoning Districts:

1. Setbacks:

a. Front Yard Setbacks:

(1) No detached garage, or other accessory building, shall be located nearer the front lot line than the principal building on that lot.

(2) No accessory structure shall be located within any front yard.

b. Side And Rear Yard Setbacks:

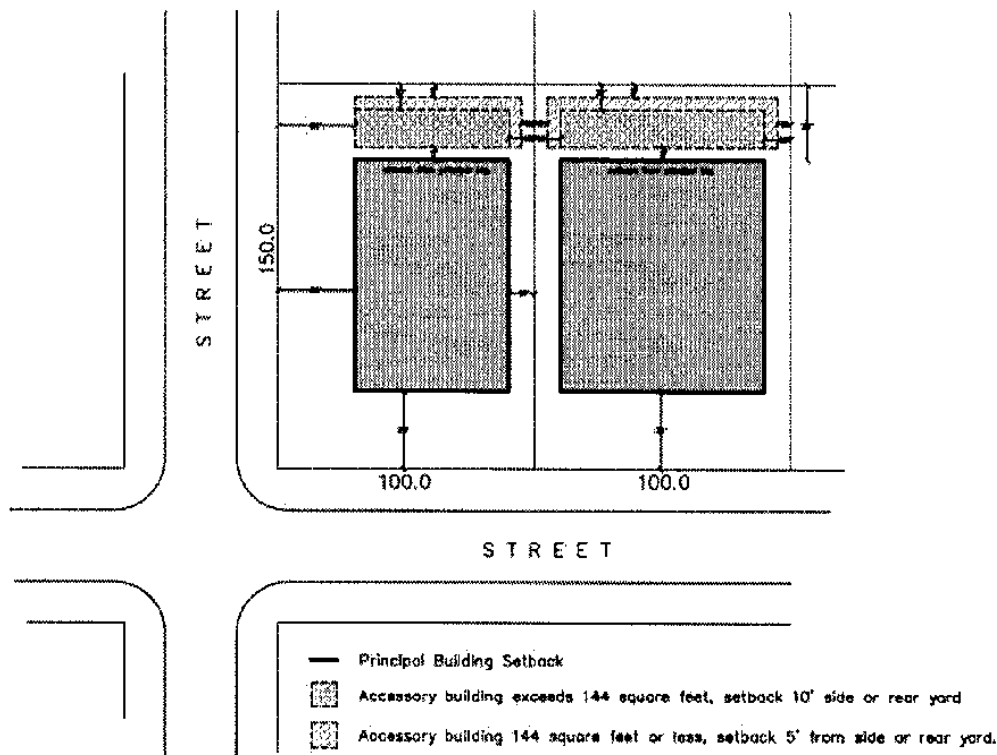
(1) Accessory structure one hundred forty four (144) square feet or less: Five feet (5').

(2) Accessory structure exceeding one hundred forty four (144) square feet but less than two thousand square feet (2,000 sq. ft.): Ten feet (10').

(3) Accessory structures exceeding two thousand square feet (2,000 sq. ft.) in area: Fifteen feet (15').

c. Setback From Principal Building: No accessory structure shall be erected, altered, or moved within five feet (5') of the principal building. See figure 1D-3.1 of this section.

FIGURE 1D-3.1: ACCESSORY BUILDING SETBACK REQUIREMENTS



2. Height:

a. All districts: No accessory building shall exceed the height of the principal building.

b. Residential districts:

(1) Accessory structures one hundred forty four (144) square feet or less in area shall be limited to a single-level only, and must not exceed ten feet (10') in height.

(2) Accessory structures exceeding one hundred forty four (144) square feet, but less than two thousand (2,000)

square feet in area shall be limited to one and one-half (1-1/2) stories, and must not exceed fifteen feet (15') in height.

(3) Accessory structures exceeding two thousand (2,000) square feet in area, as allowed under 12-1D-3.C.(3) below, shall be limited to one and one-half (1-1/2) stories, and must not exceed eighteen feet (18') in height.

3. Time For Construction: No accessory building or 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.

4. Use Restrictions: No cellar, basement, tent, tent trailer or accessory building shall at any time be used as an occupied dwelling primarily for human habitation.

5. Subdivision: In the event that any property upon which an accessory structure or structures have been erected shall later be subdivided, then the number and size of accessory structures on the subdivided property shall conform to the requirements of this chapter, and those which do not conform shall be relocated, removed or reconstructed so that they do conform.

C. Accessory Structures In All Residential Districts:

1. Private garages in all residential districts:

a. Number: One detached private garage, as an accessory building, and one attached private garage shall be allowed on residential property, subject to the size allowances identified in this section.

b. Size: Size, as measured by the building footprint:

(1) Attached Private Garage:

(A) Up to one thousand two hundred (1,200) square feet is permitted.

(B) More than one thousand two hundred (1,200) up to one thousand five hundred (1,500) square feet is allowed via a conditional use permit.

(2) Single-Family Residential Parcels: Single-family residential parcels that do not have an attached garage may be allowed one detached garage up to seven hundred fifty (750) square feet as a permitted structure, or up to one thousand (1,000) square feet upon approval of a conditional use permit.

(3) Detached Private Garage: One detached private garage may be allowed on residential property as a second garage by permitted use, or by conditional use permit, according to the following table:

Lot Size	Permitted	Conditional Use Permit
0.75 acre or less	Not allowed	Not allowed
>0.75 acre - 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.

(4) Garage Building Footprint Area: Notwithstanding the size allowances in subsection C1b(3) of this section, no single-family parcel shall have total attached and detached garage building footprint area that exceeds the finished square footage of the principal structure.

c. Standards For Private Garages In All Residential Districts:

(1) Floor Of A Garage: In all R districts, the floor of a garage shall be at least one and one-half feet (1 1/2') 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.

(2) Garage Doors: No more than thirty six (36) linear feet of garage door per structure, measured horizontally, may be installed to provide access to any private garage or other accessory building space on a single- or two-family residential property. More than thirty six (36) linear feet of garage door may be provided by conditional use permit when such additional garage door exposure is not visible from a public street or from surrounding residential property.

(3) Height: No garage doors over nine feet (9') in height shall be permitted.

(4) Use: No use of the garage shall be permitted other than private storage of personal motorized and non-motorized vehicles, household goods and equipment, and must be strictly for noncommercial use.

(5) Detached Private Garages: Detached private garages must be architecturally compatible with the principal structure, including exterior design, materials and colors.

(6) Any detached garage, including those with an allowed upper story or loft area shall not be used as habitable space, an accessory dwelling unit or residential living space.

2. Chicken coops and runs in all residential districts:

a. Number, Size And Building Requirements:

(1) One chicken coop and run may be constructed with the issuance of a permit as stipulated in this title.

(2) The dimensions of such coop and run are limited to:

(A) The interior floor space of the chicken coop shall be a minimum size of two (2) square feet for each chicken authorized under the permit. The floor area of the run must have a minimum of five (5) square feet per chicken. The coop and run must not exceed a maximum area of one hundred forty four (144) square feet.

(B) The coop and run are limited to a maximum height of ten feet (10') tall, whether the accessory structure is for sole use as a chicken coop or if it is part of an accessory structure also used for other purposes. The chicken coop portion of such a structure may be no more than ten feet (10') tall.

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

(3) Construction requirements for the chicken coop and run include:

(A) The exterior finish materials of the chicken coop shall be: 1) weather resistant, protective covering material, decay resistant wood, or if exterior finish wood is not decay resistant, then the wood finish shall be protected from the elements and decay by paint or protective covering (e.g., siding, fascia wrap); and 2) in accordance with the accessory structure regulations set forth in the zoning regulations in this code.

(B) The construction of and materials used for the chicken coop and run must be adequate to prevent access by rodents or other pests.

(C) The chicken run shall be attached to the chicken coop. The chicken coop and run shall be deemed as a single structure and subject to the accessory structure regulations set forth in the zoning regulations of this code.

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

b. Regulations: The keeping, harboring, maintaining, or possessing of any chicken shall be in accordance with the following:

(1) Limit: No more than six (6) chickens shall be kept or harbored on the premises to which the permit applies.

(2) Roosters: Roosters are prohibited.

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

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

(5) Fighting: Chickens shall not be raised or kept for fighting.

(6) Food: Food materials stored outside shall be within closed containers with lids.

(7) Sanitation: 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 other pests at all times.

(8) Disposal Of Waste: Fecal waste or coop related litter shall 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 in city garbage. 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.

(9) Nuisance: Chickens shall 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.

(10) Inspection: Any chicken coop and run authorized under this section may be inspected at any reasonable time by the city zoning administrator, animal warden or their designee.

(11) Permit Required: An application for a permit hereunder shall be filed with the city clerk upon an application form furnished by the city. The permit fee, which shall be paid and filed with the permit application, shall be in an amount established by city council resolution. A permit issued hereunder shall be for duration of one year from its date of issuance. An application for permit renewal shall be filed sixty (60) days prior to the expiration of the current permit. The permit application shall include, but not be limited to, the following:

(A) The full name and address of the following persons:

(i) The applicant signed thereto; and

(ii) The owner(s) of the premises on which chickens are sought to be kept and for which the permit would apply;

(B) The street address of the premises on which chickens are sought to be kept;

(C) The number of chickens to be kept on the premises;

(D) A detailed sketch plan of the premises on which chickens are sought to be kept, including the location, the dimensions and design of the coop and run, establishing compliance with the chicken coop and run specifications provided in this section;

(E) A statement certifying whether the property's homeowners' association rules, if any, prohibit the keeping of chickens on the property for which the application is sought;

(F) If the applicant is not the fee owner of the premises on which the chickens are sought to be kept and for which the permit would apply, the application shall be signed by all fee owners of the premises.

(G) Any other and further information as the city deems necessary.

(12) Revocation: A 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.

3. Accessory structures (other than detached, private garages) in all residential districts:

a. Number And Size:

(1) Accessory buildings (other than detached, private garages) shall not exceed one thousand (1,000) square feet.

(2) Property is four (4) acres or less*: One accessory structure with the area not to exceed one hundred forty four (144) square feet, or one accessory structure plus a chicken coop and run provided the total area of both structures shall not exceed two hundred twenty-five (225) square feet.

(3) Property is more than four (4) acres*: Total area cannot exceed four hundred twenty five (425) square feet, provided:

(A) No single structure shall exceed two hundred twenty five (225) square feet; the exception being a single structure with an attached chicken coop and run shall not exceed three hundred (300) square feet in total area.

(B) No more than three (3) accessory structures may be erected.

*In computing the area of the property on which an accessory structure is to be located, any part which is a lake or a wetland, as defined in any city ordinance or by state or federal law, any part which is subject to an easement for a street, alley or private roadway, and any part which is in the critical area and below the "bluff line", as defined in chapter 3, "Critical Area Overlay District", of this title shall be excluded.

b. Through Lots: All accessory buildings greater than one hundred forty four (144) square feet on through lots located in R districts shall require a conditional use permit.

D. Accessory Structures In Single-Family Residential Districts (R-1, R-1A, R-1B, And R-1C): One private, single-level garage with a minimum floor area of four hundred forty (440) square feet and a maximum area of one thousand two hundred (1,200) square feet shall be required to be built concurrent with the principal structure.

E. 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. (Ord. 429, 8-3-2010; amd. Ord. 454, 1-7-2014; Ord. 499, 8-2-2016; Ord. 508, 3-7-2017; Ord. 553, 2-4-2020; Ord. 565, 6-1-2021)

ARTICLE B. RULES AND DEFINITIONS

SECTION:

12-1B-1: Rules Of Word Construction

12-1B-2: Definitions

12-1B-1: RULES OF WORD CONSTRUCTION:

The language set forth in the text of this chapter 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" is mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in such chapter.
- F. All measured distances expressed in feet shall be to the nearest tenth of a foot. (Ord. 429, 8-3-2010)

12-1B-2: DEFINITIONS:

ACCESSORY MOTOR FUEL STATION 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.

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 upholstery service when said service above stated is applied to passenger automobiles and trucks not in excess of a three-fourths ($\frac{3}{4}$) ton rating.

BASEMENT: That portion of the building having more than one-half ($\frac{1}{2}$) 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.

BUILDING: Any structure having a roof 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.

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 twenty four (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.

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.

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

FIGURE 8. Carport



Attached



Detached

§ 154.003 DEFINITIONS.

The following terms, as used in this chapter, shall have the meanings stated. All measured distances expressed in feet shall be to the nearest tenth of a foot. In the event of conflicting provisions in this chapter, the more restrictive shall apply. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUT/ABUTTING. Contiguous; having a common boundary, wall, or property line.

ACCESS. The place, means or way by which pedestrians or vehicles have ingress or egress to a property or parking area.

ACCESSORY, STRUCTURE. See 'Building or Structure, Accessory'.

ACCESSORY USE. See 'Use, Accessory'.

ADAPTIVE REUSE. Rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).

ADDITION. A part added to a building either by constructing so as to form one architectural whole, or by joining, as by a passage, so that each is a necessary adjunct of the other or so that they constitute the same building.

ADULT DAY CARE. A program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care.

ADULT USES. Any of the activities and businesses described below constitute **ADULT USES** which are subject to the regulations of this chapter.

(1) **ADULT BOOK AND MEDIA STORE.** An establishment having a substantial portion of its stock in trade or stock on display (15% or more) consisting of books, magazines, films, videotape or other media of which are characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(2) **ADULT THEATER.** An enclosed building with a capacity for seating 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(3) **ADULT MINI THEATER.**

(a) An enclosed building with a capacity for seating less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(b) Any business or building which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for viewing on the premises, including but not limited to private booths, peep booths, viewing by means of coin operated or other mechanical devices and the viewing of excerpts of motion pictures offered for sale or rent.

(4) **ADULT STORES.** An enclosed building where more than 30% of the floor area devoted to display and sales of merchandise consist of materials, paraphernalia and games which are intended to be used in conjunction with or that describe "specified sexual activities" or "specified anatomical areas."

(a) **SPECIFIED SEXUAL ACTIVITIES** means any of the following:

1. Human genitals in the state of sexual stimulation or arousal;
2. Acts or explicit representations of acts or actual or simulated human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breast;
4. Excretory functions as part of or in connection with any activities set forth above.

(b) **SPECIFIED ANATOMICAL AREAS** are any of the following:

1. Human genitals, pubic region or pubic hair; buttock and female breast below a point immediately above the top of the areola, which are less than completely and opaquely covered; and
2. Human male genitals in a discernible turgid state, even if opaquely covered.

(5) **NUDE MODEL STUDIO.** Any place where a person who appears in a state of nudity or displays "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(6) **SEXUAL ENCOUNTER CENTER.** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

BUILDABLE AREA. The space remaining on a parcel after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements and building restriction lines of this chapter have been met.

BUILDING OR STRUCTURE. Any structure for the shelter, housing support or enclosure for persons, animals, or property of any kind which is permanently affixed to the ground. When a building is separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING OR STRUCTURE, ACCESSORY. A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including, but not limited to garages and storage sheds. (see FIGURE 5)

BUILDING OR STRUCTURE, CONFORMING. Designates a structure which satisfies all applicable requirements of this chapter as amended.

BUILDING OR STRUCTURE, DETACHED. A building that is not connected to another building.

BUILDING OR STRUCTURE, NON-CONFORMING. See 'Non-Conforming- Building or Structure'.

BUILDING OR STRUCTURE, PRINCIPAL. A building in which a principal use is located.

BUILDING CODE. Minnesota Rules, Chapter 1305, Minnesota Building Code.

BUILDING COVERAGE. The amount of land covered by building area, usually measured in terms of lot percentage.

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

BUILDING FACE. That portion of the exterior wall of a structure which shall lie in a vertical plane. One face shall be terminated by an exterior angle of at least 210 degrees formed by two exterior walls, each being at least 18 feet in length or a curved portion of such exterior wall which shall have a central angle of 30 degrees or more.

BUILDING FRONTAGE. The facade of a building most nearly parallel to an abutting public right-of-way which affords principal access.

BUILDING HEIGHT. The vertical distance from the average grade of a building line to: the cornice of a flat roof, the deck of a mansard roof, the uppermost point on a round or other arch-type roof or the mean distance of the highest gable on a pitched or hip roof.

BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law. (see FIGURE 6)

BUILDING LINE, SHORELAND. A line measured across the width of a lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

BUILDING OFFICIAL. The municipal building code administrative authority certified under M.S. § 16B.65, Subd. 2 and 3.

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

BUILDING PLAN. A dimensioned plan drawn to scale which includes the general use and layout of each floor of a building including projections such as canopies, stacks, chimneys, and exterior equipment, if any.

BUILDING SERVICE EQUIPMENT. Refers to the plumbing, mechanical, electrical, and elevator equipment, including piping, wiring, fixtures, and other accessories, that provides sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use and occupancy.

BUILT ENVIRONMENT. The sum of the parts of a community's physical surroundings formed and shaped by human activity, including: buildings, structures, landscaping, earth mounds, roads, signs, trails, and utilities.

BULK STORAGE (LIQUID). Bulk storage of flammable or combustible liquids or gases for use in industrial processes.

BUSINESS SALES OR SERVICES. Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photo finishing; copying and printing; travel; office supply; and similar services.

CALIPER. A tree trunk diameter measured four and one-half feet from the ground on trees more than 12 inches in diameter. On trees more than four inches and up to 12 inches in diameter, caliper is measured 12 inches from the ground. On trees four inches or less in diameter, caliper is measured six inches from the ground.

CANOPY. Any structure, movable or stationary, which is attached to, supported by and projected from the entrance of a building, designed and intended for protection from the elements or as a decorative embellishment. (see FIGURE 7)

CAR WASH. An establishment where the principal use includes washing, drying, polishing, or vacuuming of an automobile or other motor vehicle done by service personnel, the driver, or by automated machinery.

CARPORT. An automobile shelter enclosed on not more than two sides. A carport is not a garage. (see FIGURE 8)

EXCAVATION. The mechanical removal of earth material.

EXTERIOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY. One or more persons related by blood, adoption, or marriage, including foster children and household servants, living and cooking together as a single housekeeping unit; a number of persons, but not exceeding three, living together as a single housekeeping unit though not related by blood, adoption or marriage; or a number of persons, including no more than two adults, living together as a single housekeeping unit where the minor household members are the natural, adoptive or foster children of one of the household members.

FAMILY DAY CARE. See 'Day Nursery'.

FARM FENCE. A fence as defined by M.S. § 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this chapter. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this chapter.

FARMERS' MARKET. As defined by M.S. § 28A.151, Subd. 1.

FEEDER LINE. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

FENCE. Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.

FENESTRATION. Skylights, roof windows, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination opaque/glazed doors.

FILL. A deposit of earth material placed by artificial means.

FINISHED LIVABLE FLOOR AREA. The floor area of all rooms which can be used for living, eating, sleeping, and recreation including bathrooms, closets and stairways serving such rooms. Measurements can be made from the exterior wall line and interior walls of qualifying rooms may be included. Finished means the area has electrical, lighting, ventilation, heating and surfacing composed of finished materials.

FLOOD. A general or temporary conditions of partial or complete inundation of normally dry land areas.

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

FLOOD FRINGE. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Ramsey County, Minnesota (all jurisdictions).

FLOOD PLAIN. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source (see "Flood").

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

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

FLOOR AREA. The total square footage of each floor of a building measured from the exterior faces of the exterior walls.

FLOOR AREA RATIO (FAR). The numerical value obtained by dividing the total square footage of a building or buildings by the total lot or parcel area of the site. (see FIGURE 14)

FLOOR PLAN. A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

FOOD AND BEVERAGE ESTABLISHMENT. A building, structure, enclosure, or any part of a building, structure or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

FUNERAL HOME. A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. For purposes of this code, a **FUNERAL HOME** may not include a crematory but may include a columbarium.

GABLE. The triangular upper portion of an end wall under a peaked roof.

GARAGE, PRIVATE. A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of one and one-half tons under

the control of and used by the occupants of the principal building on the site.

GARDEN MATERIALS SALES. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, plant nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

GOLF COURSE. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A **GOLF COURSE** includes a clubhouse and shelters as accessory uses.

GRADE, FINISHED. The finished ground level adjoining the building at all exterior walls.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished ground, paving, or sidewalk surface between the building and the property line or between the building and a line five feet from the building when the property line is more than five feet from the building.

GRADE, NATURAL. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the Zoning Administrator.

GRADE, PLANE. A reference plane representing the average of a finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GREENHOUSE. A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of food or ornamental crops.

GROSS FLOOR AREA (GFA). Total gross floor area including exterior building walls of all floors of a building or structure. Also referred to as 'gross square feet,' or GSF.

GROCERY. Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

GROSS LEASABLE AREA (GLA). The portion of GFA that is available for leasing to a tenant.

GROUND FLOOR/FIRST FLOOR. The lowest floor of a building having its floor to ceiling height at or above the grade.

GROUND FLOOR AREA. The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed 12 feet in height.

GROUND FLOOR-AREA RATIO. The numerical value obtained through dividing the gross ground floor area of a building by the net area of the lot or parcel of land on which such building is located.

GROUND COVER. Grass or other spreading plant material used to define and cover the ground surface, less than 12 inches tall.

GROUP FAMILY DAY CARE. Day care for no more than 14 children at any one time.

GROUP HOME. See 'State Licensed Residential Facility'.

HEIGHT. The vertical distance of a structure measured from the average elevation of the finished grade lying 15 feet from the structure to: the highest point of the roof or parapet, for flat roofs; or, the mid-point between the eaves and the ridge, for sloped roofs.

HISTORIC STRUCTURE (as defined in the Code of Federal Regulations 59.1) are:

- 1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district;
- 3) Individually listed on a State Historic Preservation Offices state inventory of historic places;
- 4) Individually listed on a local inventory of historic places of the City of North St. Paul under a program overseen by the City Heritage Preservation Commission.

HOLDING POND. An area designed or accepted by the City Engineer and approved by the city to retain water to control the flow of storm water.

HOME OCCUPATION. An occupation, profession, activity, or use conducted for financial gain or profits on a residential property that is clearly secondary to the residential use of the dwelling, not including a yard sale.

HOSPICE. A facility providing a caring environment for supplying the physical and emotional needs of the terminally ill.

HOSPITAL. An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient

§ 153.206 CONDITIONAL USES.

Within the B-5, Gateway North Mixed Use District, no structure or land shall be used for the following uses, except by conditional use permit:

- (A) Accessory structures;
- (B) Private garages, provided:
 - (1) Principal use of the property is mixed-use;
 - (2) Property includes owner occupied residential unit;
 - (3) Structure meets the provisions of § 153.380. In addition metal framing and metal roofing is not allowed; and
 - (4) Carport structures must be secured to a cement slab or footing.
- (C) Funeral homes and mortuaries;
- (D) Dental or medical office or clinic;
- (E) Mixed-use residential/commercial;
- (F) Museums, art galleries, theaters;
- (G) On-sale liquor establishments;
- (H) Outdoor seating, provided it complies with the requirements of §153.156(G);
- (I) R-3 and R-4 residential dwelling units;
- (J) Veterinary establishments limited to domestic animals and conducted entirely within a building;
- (K) Offices of a general nature, other than medical or dental, where the employment within the building does not exceed 50 persons and the operations do not include retail sales or warehousing on the site;
- (L) Elderly community education center, provided that it is located in a building that contains a civic or community center or a multifamily elderly residential housing facility;
- (M) Retirement homes, provided that the site shall contain not less than 3,500 square feet of lot area per dwelling unit.
 - (1) Parking facilities shall be equal to one space for each dwelling unit and proof of the availability of one additional space per unit.
 - (2) All parking facilities in this section shall comply with §§153.345 et seq.
- (N) Off-street parking;
- (O) Drive-through lanes, provided they meet the conditions in §153.156(D); or
- (P) Discount stores.

(Ord. 99-03, passed - -; Ord. 09-04, passed - -; Ord. 00-10, passed - -; Ord. passed 10-11-1963; Ord. 15-, passed - -2015; Ord. 15-14, passed 12-15-2015; Ord. 16-12, passed 11-14-2016)

§ 153.003 RULES OF CONSTRUCTION; LANGUAGE.

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

(A) Unless the context clearly requires otherwise, the use of either singular or plural shall include the other.

(B) Unless the context clearly requires otherwise, the use of past, present or future tense shall include the other tenses.

(C) Unless the context clearly requires otherwise, the use of a gender-specific pronoun shall include the other genders.

(D) Unless otherwise defined in this chapter, meanings of words and phrases shall be used in their plain, ordinary meaning.

(E) Unless otherwise clearly stated, where this chapter refers to a section number, it is deemed to be a section within this chapter.

(F) As they appear in this chapter, the words "shall" and "must" are mandatory and the word "may" is permissive.

(G) All measured distances expressed in feet shall be to the nearest tenth of a foot.

(Ord. passed 10-11-1963)

§ 153.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING, STRUCTURE OR USE. A building, structure or use subordinate to and serving the principal building, structure or use on the same lot and customarily incidental thereto.

ADULT. A person 18 years of age or older.

ADULT DAY CARE FACILITY. A program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care.

AIRPORT. Any land or structure which is used or intended for use, for the landing or take-off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-way.

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

ALTERNATIVE FINANCIAL ESTABLISHMENT. A person, business or organization engaged in the service of check-cashing, money transmitting, making loans to be repaid in one lump sum or in installments over a set period of time, either collateralized or not, for which there is a fee or service charge, or interest received, including, but not limited to, loans, collateralized with the promise to relinquish possession of any personal property upon default. **ALTERNATIVE FINANCIAL ESTABLISHMENT** includes, but is not limited to consumer small loan lenders, currency exchanges, industrial loan and thrifts, money transmitting businesses or services, electronic fund transfer services and regulated loan companies, as defined by the State Department of Commerce.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds and similar animals commonly kept in a residence.

ANTENNA. Any equipment or device used for the purpose of collection or transmitting electromagnetic waves which is external to or attached to the exterior of any structure, including, but not limited to, directional antennas such as panels, microwave dishes, satellite dish antennas, short wave radio antennas, television antennas and personal communication antennas. See §§ 153.395 through 153.397.

APARTMENT. A room or suite of rooms with cooking facilities designed to be occupied as a dwelling unit.

APARTMENT BUILDING. See **DWELLING, MULTIPLE-FAMILY.**

ARTERIAL STREET. See **STREET, ARTERIAL.**

ATTACHED DWELLING. See **DWELLING, ATTACHED.**

AUTO ACCESSORY STORE. A retail place of business engaged primarily in the sale of auto parts and accessories which does not include diagnostic, repair, replacement or other activities directly involved with motor vehicles.

AUTOMOTIVE DETAILING. The performance of thorough cleaning, restoration, and finishing of an automobile, both inside and out, to produce a show-quality level of detail. **AUTO DETAILING** does not include paintwork or body repair.

BANQUET HALL. A room for the purpose of hosting a party, banquet, wedding or other reception or other business/social event.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a **BASEMENT** unless the floor level qualifies as a first story as defined herein.

BED AND BREAKFAST RESIDENCE. A dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the

sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premises.

BLOCK. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the city.

BODY ART or **BODY ART PROCEDURES.** Physical body adornment using, but not limited to, tattooing and body piercing. **BODY ART** does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

BODY ART ESTABLISHMENT. Any structure or venue, whether permanent, temporary or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without dissembling and where body art procedures are regularly performed in more than one geographic location.

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

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

BUILDING HEIGHT. The vertical distance to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between the highest roof ridge and its associated eaves for gable, hip and gambrel roofs, as measured from the finished grade level of the front elevation of the structure.

BUILDING OFFICIAL. The officer or other authority designated by the City Manager and certified by the state, charged with the administration and enforcement of the Uniform Building Code and State Building Code.

BUILDING, PRINCIPAL. A non-accessory building in which the primary use of the lot on which it is located is conducted.

CARPORT. An open-sided roofed automobile shelter usually formed by extension of the roof from the side of a building.

CAR WASH. An establishment engaged primarily in the commercial washing of automobiles. It shall not include occasional private fund-raising car washes conducted by fraternal, charitable or non-profit organizations. See § 153.382(D).

CERTIFICATE OF OCCUPANCY. A certificate issued by the Building Official or duly authorized representative permitting a building or structure to be used or occupied.

CHILD DAY CARE FACILITY. The care of a child in a residence or facility licensed for such care, outside the child's own home for gain or otherwise, for less than 24 hours per day.

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

CITY. The City of West St. Paul, County of Dakota, State of Minnesota.

CITY COUNCIL. The governing body of the City of West St. Paul.

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

CLUB or **LODGE.** An association of persons who are members paying dues and whose use of the premises are restricted to such members and their guests.

COLLECTOR STREETS. See **STREET, COLLECTOR.**

COLUMBARIA. A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. **COLUMBARIA** are accessory to places of assembly for worship.

COMPREHENSIVE MUNICIPAL PLAN. The policies, statements and goals for private and public land and water use, transportation and city facilities, which is documented in texts, maps and this chapter. Together, these documents constitute the guides for the future development of the city. This shall include the West St. Paul Comprehensive Plan, as adopted by the city, and all subsequent amendments and additions.

CONDITIONAL USE. See **USE, CONDITIONAL.**

CONDOMINIUM. A form of individual ownership within a building which entails joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.

COOPERATIVE. A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

CORNER LOT. See **LOT, CORNER.**

CURRENCY EXCHANGE. Any person, except a bank, trust company, savings bank, savings association, credit union or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or travelers' checks for a fee. **CURRENCY EXCHANGE** does not include a person who provides these services incidental to the person's primary business if the charge of cashing a check or draft does not exceed \$1 or 1% of the value of the check or draft, whichever is greater.