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1303. ZONING DISTRICTS§1303.010 GENERAL DISTRICT PROVISIONS

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

a) Residential Districts.

- 1) "O" Open Space Conservation District
- 2) "R-1I" Low Density Single Family Residential-Island District
- 3) "R-1S" Low Density Single Family Residential-Shoreland District
- 4) "R-2" Single Family Residential District
- 5) "R-3" Single Family Residential District
- 6) "R-4" Single Family, Two Family Residential District
- 7) "R-5" Single Family, Two Family, Medium Density Residential District
- 8) "R-6" Medium Density Residential District
- 9) "R-7" High Density Residential District
- 10) "R-B" Residential-Business Transition District
- 11) "R-MH" Mobile Home Park District

b) Commercial Districts.

- 1) "B-1" Neighborhood Business District
- 2) "B-2" Limited Business District
- 3) "B-3" Auto-Oriented Business District
- 4) "B-4" General Business District
- 5) "B-5" Central Business District
- 6) "B-6" Commercial Recreational District
- 7) "B-W" Business/Warehousing District

- c) Industrial Districts.
 - 1) "I-1" Limited Industry District
 - 2) "I-2" General Industry District
- d) Special Districts.
 - 1) "P-Z" Performance Zone District
 - 2) "PZ-R" Performance Zone-Residential District
 - 3) "PUD", Planned Unit Development Overlay District
 - 4) "DBD", Diversified Business Development District
 - 5) "DCB", Diversified Central Business District
 - 6) "LVMU", Lake Village Mixed Use District
 - 7) "S" Shoreland Overlay District
 - 8) "FP" Flood Plain Overlay District
 - 9) "W" Wetlands Overlay District
 - 10) "P", Public Facilities District

Subd. 2. Map. The location and boundaries of districts established by this text are hereby set forth on the Zoning Map, entitled "Zoning Map of White Bear Lake". Said map shall be on file with the Zoning Administrator, and hereafter referred to as the "Zoning Map". Which map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made part of this Code by reference.

Subd. 3. Annexed Territory. Annexed territory shall be placed in the zoning classification appropriate for that territory as reviewed by the Planning Commission and rezoned by the City Council.

Subd. 4. Zoning District Boundaries. Zoning district boundary lines of this Code generally follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Code.

- a) Appeals concerning the exact location of a zoning district boundary line shall be heard by the City Council serving as the Board of Adjustment and Appeals.
- b) When any street, alley or public right-of-way is vacated by official action of the City, the zoning district abutting the centerline of said alley or other public right-of-way shall not be affected by such proceeding.

§1303.020 "O" OPEN SPACE CONSERVATION DISTRICT

Subd. 1. Purpose. The "O", Open Space Conservation District is intended to provide a district which will allow suitable areas of the City to be retained and utilized for low density residential, non-local jurisdiction public uses, open space, agricultural uses and provide a "holding" zone for new annexed lands to ensure that development will be staged to maintain reasonable economy in public expenditures for public utilities and services.

Subd. 2. Permitted Uses. The following are permitted uses in an "O" District:

- a) Farming and agricultural related buildings and structures, subject to the Minnesota Pollution Control Standards, but not including commercial feed lots or other commercial operations.
- b) City parks and recreation.
- c) Nurseries, tree farms and greenhouses, all for growing of plants.
- d) Single family dwellings, including manufactured homes.
- e) Essential services.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "O" District:

- a) Operation and storage of such vehicles, equipment, and machinery which are incidental to the permitted or conditional uses allowed in this district.
- b) The renting of rooms by a resident family for lodging purposes only and for the accommodation of not more than two (2) persons in a single family dwelling.
- c) Living quarters for persons employed on the premises.
- d) Home occupations.
- e) Recreational vehicles and equipment.
- f) Swimming pool, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests, when in full compliance with all state standards.

- g) Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.
- h) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks.

Subd. 4. Conditional Uses. The following are conditional uses in an "O" District, which require a conditional use permit based on the procedures and provisions set forth in and regulated by Section 1301.050 of this Code. (Ref. Ord. 10-1-1063, 1/12/10)

- a) Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:
 - 1) Side yards shall be double that required for the district, but no greater than forty (40) feet.
 - 2) Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with Section 1302.050 of this Code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 4) Adequate off-street loading and service entrances are provided and regulated where applicable by Section 1302.060 of this Code.
- b) Non-city governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that:
 - 1) When abutting a residential use in a residential use district, the property is screened and landscaped in compliance with Section 1302.030, Subd. 7.a) of this Code.

- c) Commercial outdoor recreational areas including golf courses and club house country clubs, and similar facilities provided that:
- 1) The principal use, function or activity is open, outdoor in character.
 - 2) When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 1302.030 Subd.7.a) of this Code.
 - 3) The land area of the property containing such use or activity meets the minimum established for the district.
- d) Private stables, animal hospitals with overnight care and similar uses, provided that:
- 1) Any building in which animals are kept, whether roofed shelter or enclosed structure, shall be located at a distance of two hundred (200) feet from any lot line.
 - 2) Any animals shall at a minimum be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than two hundred (200) feet from a lot line.
 - 3) The provisions of Minnesota Pollution Control Agency Regulations SW 53 (2) are complied with.
 - 4) All other applicable state and local regulations pertaining to nuisance, health, and safety conditions, etc. are complied with.
- e) Cemeteries, provided that:
- 1) The site accesses on a minor or intermediate arterial only.
 - 2) The site is totally screened from view in accordance with Section 1302.030, Subd. 7.a) of this Code.
- f) Home Accessory Apartments for Seniors/Handicapped. As specified in §1302.125. (Ref. Ord. No. 770, 9/14/88)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "O" District, subject to additional requirements, exceptions and modifications as set forth in this Code:

- a) Lot Area - 5 acres
- b) Lot Width - 200 feet
- c) Setbacks:
 - 1) Front yards: Not less than (varies by district) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards: Not less than thirty-five (35) feet from the adjacent lot, nor less than forty (40) feet on the side yard abutting a public right-of-way.

3) Rear yards: Not less than fifty (50) feet.

Subd. 6. Building Requirements.

- d) Height. No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- e) Width. Dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.

§1303.030 "R-1I", LOW DENSITY SINGLE FAMILY RESIDENTIAL-ISLAND DISTRICT

Subd. 1. Purpose. The purpose of the "R-1I", Single Family District is to provide for large lot, low density single family detached residential dwelling units directly related, complementary uses in areas of the City containing highly unique natural features and amenities.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-1I" District:

- a) Single family detached dwellings, including manufactured homes.
- b) Public parks and playgrounds.
- c) Essential services.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-1I" District:

- a) Private garages, parking spaces and carports for licensed and operable passenger cars and trucks, as regulated by Section 1302.055 (Vehicle Parking in Residential Zones) of this Code. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. Such space can be rented to nonresidents of the property for private passenger vehicles and/or noncommercial vehicles, trailers, or equipment if sufficient off-street parking in full compliance with this Code is provided elsewhere on the property. Such garage shall not be used for the storage of more than one (1) Type I commercial usage vehicle owned or operated by a resident per dwelling unit. (Ref. Ord. No. 842, 6/11/91; 989, 1/8/02)
- b) Recreational vehicles and equipment.
- c) Home occupations as provided for in Section 1302.120.
- d) Noncommercial greenhouses and conservatories.
- e) Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- f) Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.
- g) Boarding or renting of rooms by a resident family for lodging purposes only and for the accommodation of not more than two (2) persons. "Resident family" shall mean the owner-occupant of the premises. (Ref. Ord. 922, 5/9/95)
- h) Solar energy systems per Code Section 1302.030, Subd. 22 (Ref. Ord. 10-1-1063, 1/12/10; 16-03-2010, 3/8/16)

Subd. 4. Conditional Uses. The following are conditional uses in an "R-1I" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by §1301.050 of this Code.

- a) Public or semipublic recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:
 - 1) Side yards shall be double that required for the district, but no greater than forty (40) feet.
 - 2) Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with Section 1302.050 of this Code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with §1302.030, Subd. 7.a) of this Code.
 - 4) Adequate off-street loading and service entrances are provided and regulated where applicable by §1302.060 of this Code.
- b) Non-city governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that:
 - 1) Compatibility with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
 - 2) Equipment is completely enclosed in a permanent structure with no outside storage.
 - 3) Adequate screening from neighboring uses and landscaping is provided in compliance with §1302.030, Subd. 7.a) of this Code.
- c) Home Accessory Apartments for Seniors/Handicapped. As specified in §1302.125. (Ref. Ord. 770, 9/14/88)
- d) Residential planned unit development as regulated by §1301.070 of this Code.
- e) Elderly (senior citizen) housing and nursing homes, provided that:
 - 1) Compatibility with the surrounding neighborhood is maintained.
 - 2) The dwelling structure is in compliance with the lot width and setback requirements of §1303.080 of this Code. (Ref. Ord. 01-05-986, 5/8/01)

- 3) a. Density calculations for senior multi-family rental and owner occupied condominium buildings with more than eight (8) units are as follows: the area of the tract shall not be less than the sum of the required lot area for each dwelling unit thereon adjusted by the allowances permitted by this subsection. For purposes of determining the base density prior to allowances, 2,000 square feet of gross lot area per unit shall be required; a density bonus of 750 square feet per unit for each underground parking space; an additional 250 square feet density bonus shall be allowed for each dwelling unit if the building to lot coverage does not exceed forty (40) percent. In no case shall the density bonus exceed 600 square feet per unit. (Ref. Ord. 882, 12/8/92, 01-05-986, 5/8/01)
- b. Density calculation for senior two family, threplex, fourplex, townhouses, and quadrominiums shall be based on the standards outlined in §1303.080, subd. 7. (Ref. Ord. 01-05-986, 5/8/01)
- 4) The permanent residents shall be limited to persons who are 55 years of age or over except that one other person may reside in any senior or elderly housing unit including his or her spouse, parent, foster parent, or legal guardian. An exception is allowed for all owner-occupied senior housing approved under the provisions of §1303.030, subd. 4(e), whereby up to 20 percent of the total project's units may be occupied by person(s) who are less than 55 years of age. When determining the number of non-senior units allowed calculations resulting in a fraction shall not be rounded to allow for an additional unit. (Ref. Ord. 01-05-986, 5/8/01)
- 5) The structure is in compliance with the Minnesota State Uniform Building Code.
- 6) The provisions of §1301.050 of this Code are considered and satisfactorily met.
- 7) To continue to qualify for the elderly (senior citizen) housing classification, the owner or agency shall annually file with the City Clerk and the zoning Administrator a certified copy of a monthly census of the residents of the dwelling structure, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants under 55 years of age to the other residents of the dwelling structure. (Ref. Ord. 689, 3/19/85)
- 8) All senior housing developments processed under the provisions of 1303.030, subd. 4(e) shall also be subject to the requirements of the Planned Unit Development ordinance as outlined in § 1301.070. (Ref. Ord. No. 986, 5/8/01)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-11" District subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - Interior 1 acre
- Corner 1 acre

- b) Lot Width - Interior 150 feet
- Corner 150 feet
- c) Setbacks:
- 1) Front yards: Not less than forty (40) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards: Not less than thirty-five (35) feet from the adjacent lot, nor less than forty (40) feet on the side yard abutting a public right-of-way.
 - 3) Rear yards: Not less than fifty (50) feet.
- Subd. 6. Building Requirements.
- a) Height. No structure shall exceed thirty-five (35) feet, except as provided in §1302.040, Subd. 3 of this Code.
- b) Width. Dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.

§1303.035 "R-1S", LOW DENSITY SINGLE FAMILY RESIDENTIAL-SHORELAND DISTRICT

Subd. 1. Purpose. The purpose of the "R-1S", Single Family Residential-Shoreland District, is to provide for large lot, low density single family detached residential dwelling units and directly related complimentary accessory uses within a portion of the White Bear Lake Shoreland District. The district ensures low density housing by retaining large lot areas with generous lot widths and performance based setback requirements for the dwelling units and accessory structures. The district further recognizes and protects the area's unique natural features and amenities.

In addition, because of the inability to ascertain whether structures constructed in this district complied with code requirements in effect at the time of the construction, this ordinance grants legal status to all structures, except non-conforming detached accessory structures, in the district for the purpose of razing and reconstruction.

Subd. 2. Permitted Uses. The following are permitted uses in the "R-1S" District:

- a) All permitted uses as provided for in the "R-1I" District.

Subd. 3. Accessory Uses. The following are permitted accessory uses in the "R-1S" District:

- a) All permitted accessory uses as provided for in the "R-1I" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-1S" District, which require a Conditional Use Permit based upon procedures and provisions set forth in and regulated by §1301.050 of this Code:

- a) All conditional uses allowed in an "R-1I" District, subject to the same conditions as in an "R-1I" District.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-1S" District, subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area: One (1) acre.
- b) Lot Width: One hundred twenty (120) feet.
- c) Setbacks:
 - 1. Front Yards: Not less than fifty (50) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2. Side Yards: Not less than fifteen (15) feet from the side lot line, nor less than fifty (50) feet on the side yard abutting a public right-of-way, except:

- a. Where the high point of the roof of a principal structure exceeds fifteen (15) feet in height, then the principal structure shall be setback from the side lot boundary line an additional one (1) foot for every foot of principal structure height exceeding fifteen (15) feet. (Ref. Ord. 894, 7/13/93)
- b. Where the high point of the roof of an accessory structure (either attached or detached) exceeds fifteen (15) feet in height, then the accessory structure shall be setback from the side lot boundary line an additional one (1) foot for every foot of accessory structure height exceeding fifteen (15) feet. An attached garage not exceeding fifteen (15) feet may set as close as fifteen (15) feet from the side lot line irrespective of the principal structure's height, provided that the setback of the principal structure satisfies the aforementioned side yard setback requirements.
- c. In no case shall a side lot setback requirement exceed thirty-five (35) feet for a principal structure and an attached accessory structure.
- d. For purposes of this section, the height of a structure shall be the distance as measured from the mean ground to the top of a flat roof, to the high point of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.
- e. Accessory structures located on lake frontage lots may be located between the public right-of-way and the principal structure provided that in no case shall such a structure be located less than fifty (50) feet from the public right-of-way.

3) Rear Yards: Not less than fifty (50) feet.

Subd. 6. Building Requirements.

- a) Height: No structure shall exceed thirty-five (35) feet, except as provided in §1302.040, Subd. 3 of this Code.
- b) Width: Dwelling units shall have a minimum width of twenty-two (22) feet at their narrowest point on the first story, except bays, bump outs and similar architectural features as determined by the Zoning Administrator are exempt.

Subd. 7. Special Provisions. The following provisions apply to development, redevelopment and expansion of structures within the "R-1S" District.

- a) Notwithstanding the provisions of §1302.075, Subd. 2, exempting development of single family residential associated with subdivisions up to three lots from the Tree Preservation Ordinance, properties in this zoning classification undergoing development, redevelopment or expansion shall be subject to all provisions of the Tree Preservation Ordinance as outlined in §1302.075.

- b) Notwithstanding the provisions of §1302.010, prohibiting reconstruction of non-conforming structures where fifty percent (50%) or more of the structure is destroyed or otherwise damaged by an act of God or other accidental occurrence, all structures, except non-conforming detached accessory structures, in this zoning classification may be reconstructed regardless of the percentage of destruction or damage, even though such structures would not meet the setback requirements of this zoning classification.

- c) Notwithstanding the provisions of §1302.030, Subd. 4j prohibiting air conditioner cooling structures or condensers in the front yard, air conditioning cooling structures or condensers on lake frontage lots in this zoning district, must be placed in the front yard within five (5) feet of the structure provided the unit is screened from the public right-of-way. (Ref. Ord. 894, 7/13/93)

§1303.040 "R-2", SINGLE FAMILY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The purpose of the "R-2", Single Family District is to provide for urban density single family detached residential dwelling units and directly related, complementary uses.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-2" District.

- a) All permitted uses as provided for in the "R-11" District.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-2" District:

- a) All permitted accessory uses as allowed in an "R-11" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-2" District, which require a conditional use permit based on the procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in an "R-11" District, subject to the same conditions as in an "R-11" District.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-2" District, subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area - 15,000 square feet
- b) Lot Width - 100 feet
- c) Setbacks:
 - 1) Front yards: No less than thirty-five (35) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards: Not less than fifteen (15) feet from the adjacent lot, nor less than thirty-five (35) feet on the side yard abutting a public right-of-way.
 - 3) Rear yards: Not less than forty (40) feet.

Subd. 6. Building Requirements.

- a) Height. No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Width. Dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.

§1303.050 "R-3", SINGLE FAMILY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The purpose of the "R-3", Single Family District is to provide for single family detached residential dwelling units at a density higher than that permitted in the "R-2", Single Family District along with directly related and complementary uses.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-3" District:

- a) All permitted uses as provided for in an "R-2" District.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-3" District.

- a) All permitted accessory uses as allowed in an "R-2" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-3" District, which require a conditional use permit based on the procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in an "R-2" District, subject to the same conditions as in an "R-2" District.
- b) Office structures located in pre-existing institutional housing, offices, or schools provided that:
- 1) Side yards for all new expansions/additions shall be double that required for the district, but no greater than forty (40) feet.
 - 2) Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1302.030, Subd. 7. a) of this Code.
 - 3) Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with Section 1302.050 of this Code and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 1302.030, Subd. 7. a) of this Code.
 - 4) Adequate off-street loading and service entrances are provided; screened from residences, and regulated where applicable by Section 1302.060 of this Code.
 - 5) The structure shall contain fifteen (15) or fewer total offices (leased or owner occupied) with a maximum employment within the structure of thirty (30) full time employees.
 - 6) The structure shall be in compliance with the Minnesota State Uniform Building and Life/Safety Codes.
 - 7) Office hours when the building is open to the public (exclusion of employees) shall be limited to Monday through Friday from 7:00 A.M. to 6:00 P.M. except as approved by the City Council.

- 8) The office structure shall not involve any of the following: Repair, service, or manufacturing which requires equipment other than customarily found in an office; teaching which customarily consists of more than one (1) pupil at a time; over-the-counter sale of merchandise produced off the premises; medical or dental clinics with more than two (2) practitioners per clinic, restaurants, cafes, bar, etc.
 - 9) There shall be no exterior display or exterior signs; or interior display or signs which are visible from outside the office with the exception of identification/business signs totaling a maximum of sixty-four (64) square feet of sign area for the entire building.
 - 10) All permitted office occupations shall be conducted entirely within the principal structure and may not be conducted in accessory buildings.
 - 11) No office shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect on the adjacent or nearby property.
 - 12) No equipment shall be used in the office structure which will create electrical interference to surrounding properties.
 - 13) There shall be no exterior storage of refuse, equipment, materials, used in the office structure.
- c) Lapse of Office Conditional Use Permit by Nonuse. Whenever within one (1) year after granting a permit the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- d) Reconsideration. Whenever an application for a permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial unless a decision to reconsider such matter is made by a majority vote of the City Council.
- e) Renewal of Permits. Whenever the use on the site changes, the applicant shall apply for renewal of said permit. Each application for renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit. Changes in ownership which do not change the originally permitted land use shall not require a permit review. (Ref. Ord. 723, 8/12/86)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-3" District, subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - 10,500 square feet
- b) Lot Width - 80 feet
- c) Setbacks:
 - 1) Front yards: No less than thirty (30) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards: Not less than ten (10) feet from the adjacent lot, nor less than thirty (30) feet on the side yard abutting a public right-of-way.
 - 3) Rear yards: Not less than thirty (30) feet.
 - 4) Residential garage from adjacent lot: (see Section 1302.030, Subd. 4). (Ref. Ord No. 727, 8/12/86)

Subd. 6. Building Requirements.

- a) Height. No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Width. Dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story. (Ord. No. 723, 8/12/86)

§1303.060 "R-4" SINGLE FAMILY, TWO-FAMILY RESIDENTIAL DISTRICT.

Subd. 1. Purpose. The purpose of the "R-4", Single and Two-Family District is to provide for low and moderate density one and two unit dwellings and directly related, complementary uses.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-4" District:

- a) All permitted uses allowed in an "R-3" District.
- b) Two-family dwellings.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-4" District:

- a) All permitted accessory uses as allowed in an "R-3" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-4" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in an "R-3" District, subject to the same conditions as in an "R-3" District.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in the "R-4" District, subject to additional requirements, exceptions, and modifications as set forth in this Code.

a) Lot Area:

- 1) Single Family - 7,200 square feet
- 2) Two Family Dwelling - 5,000 square feet per unit (Ref. Ord. 798, 12/12/89)

b) Lot Width:

- 1) Single Family - 60 feet
- 2) Two Family Dwelling - 80 feet (Ref. Ord. 798, 12/12/89)

c) Setbacks:

- 1) Front yards: Not less than twenty-five (25) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
- 2) Side yards: Not less than ten (10) feet from the adjacent lot, nor less than twenty-five (25) feet on the side yard abutting a public right-of-way.

- 3) Rear yards: Not less than thirty (30) feet.
- 4) Residential garage from adjacent lot: (see Section 1302.030, Subd. 4). (Ref. Ord. No. 727, 8/12/86)
- d) Impervious Area: No R-4 property which is located east of Highway 61, but not within the Shoreland Overlay District, shall exceed a maximum impervious surface to lot area ratio of 30%. (Ref. Ord. No. 09-02-1056, 2/10/09)
- e) Tree Preservation: All new construction of residences located east of Highway 61 shall be subject to the tree preservation requirements of Section 1302.075. (Ref. Ord. No. 09-02-1056, 2/10/09)

Subd. 6. Building Requirements.

- a) Height: No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code. On lots which are located east of Highway 61 and are 51 feet wide or less, no structure shall exceed thirty (30) feet in height and on lots which are greater than 51 feet wide, no structure shall exceed thirty-five (35) feet in height, except as provided in Section 1302.040, Subd. 3 of this Code. On lots which are located east of Highway 61, height shall be measured from the ground grade to the peak of the roof. (Ref. Ord. No. 09-02-1056, 2/10/09 10-1-1063, 1/12/10)
- b) Width: Dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.

§1303.070 "R-5", SINGLE FAMILY, TWO-FAMILY, MEDIUM DENSITY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The purpose of the "R-5", Single Family, Two-Family and Medium Density Residential District is to provide for moderate density through the mixture of one and two unit and medium density dwellings and directly related, complementary uses.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-5" District:

- a) All permitted uses allowed in an "R-4" District.
- b) Two-family dwelling units.
- c) Threeplex and fourplex multiple family units.
- d) Townhouses and quadraminiums.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-5" District:

- a) All accessory uses as allowed in an "R-4" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-5" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses, subject to the same conditions as allowed in an "R-4" District.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-5" District subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area:
 - 1) Single Family dwelling - 7,200 square feet
 - 2) Two-Family dwelling - 5,000 square feet per unit
 - 3) Threeplex and Fourplex Multiple Family dwellings - 5,000 square feet per unit.
 - 4) Townhouse and Quadraminium - 5,000 square feet per unit
- b) Lot Width:
 - 1) Single Family dwelling - 60 feet
 - 2) Two-Family dwelling - 80 feet

- 3) Threplex and Fourplex Multiple Family dwellings - 100 feet
 - 4) Townhouse and Quadraminium - 100 feet
- c) Setbacks:
- 1) Front yards: Not less than twenty-five (25) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards:
 - a. Single and Two-Family Dwellings: Not less than ten (10) feet nor less than twenty-five (25) feet on the side yard abutting a public right-of-way, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - b. All other uses: Not less than fifteen (15) feet nor less than thirty (30) feet on the side yard abutting a public right-of-way.
 - c. Residential garage: (see Section 1302.030, Subd. 4). (Ref. Ord. No. 727, 8/12/86)
 - 3) Rear yards: Not less than thirty (30) feet.

Subd. 6. Building Requirements.

- a) Height: No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Width: Buildings used for dwelling units shall have a minimum width of at least twenty-two (22) feet at its narrowest point on the first story.

Subd. 7. Maximum Building Density. Building Density per acre of net developable land shall be calculated by including all land within the proposed project, except all lakes and wetlands protected by the Wetland Conservation Act, and public dedications for County or State road right-of-ways, divided by the number of dwelling units on the project site. (Ref. Ord. 01-05-985, 5/8/01, 09-01-1055, 1/13/09)

- a) Single family attached dwelling units -- 6 units per acre of net developable land.
- b) Two family dwelling -- 9 Units per acre of net developable land.
- c) Threplex and fourplex multi-family dwellings -- 9 units per acre of net developable land. (Ref. Ord. 01-05-985, 5/8/01)
- d) Townhouse and quadrominium dwellings -- 9 units per acre of net developable land. (Ref. Ord. 01-05-985, 5/8/01)
- e) Up to two additional dwelling units per acre of wetland are allowed provided that the development of the upland portion of the site does not exceed 30% impervious surface coverage. (Ref. Ord. 730, 8/12/86; 01-05-985, 5/8/01)

§1303.080 "R-6", MEDIUM DENSITY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The purpose of the "R-6", Medium Density Residential District is to provide for medium density housing through the mixture of two unit and medium density dwellings and directly related complimentary uses. (Ref. Ord. 730, 8/12/86, and Ord. 09-01-1055, 1/13/09)

Subd. 2. Permitted Uses. The following are permitted uses in an "R-6" District:

- a) Two family dwellings.
- b) Threeplex and fourplex multiple family units.
- c) Townhouses and quadraminiums.
- d) Multiple family dwelling structures.
- e) Single family detached dwellings including manufactured homes.(Am 12/11/84)

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-6" District:

- a) All permitted accessory uses as allowed in an "R-5" District.
- b) Off-street loading.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-6" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in an "R-5" District, subject to the same conditions as in an "R-5" District.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-6" District subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area:
 - 1) Two-Family dwelling - 5,000 square feet per unit
 - 2) Threeplex and Fourplex Multiple Family dwellings - 5,000 square feet per unit
 - 3) Townhouse and Quadraminium - 5,000 square feet per unit
 - 4) Multiple Family - 3,600 square feet per unit (Ref. Ord. 730, 8/12/86)
 - 5) Single Family dwelling - 7,200 square feet per unit (Am 12/11/84)

- b) Lot Width:
- 1) Two-Family dwelling - 80 feet
 - 2) Threplex and Fourplex Multiple Family dwellings - 100 feet
 - 3) Townhouse and quadraminium - 100 feet
 - 4) Multiple Family - 100 feet
 - 5) Single Family dwelling - 60 feet (Am 12/11/84)
- c) Setbacks:
- 1) Front yards: Not less than thirty (30) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards:
 - a. Two-family dwellings: Not less than ten (10) feet nor less than thirty (30) feet on the side yard abutting a public right-of-way.
 - b. All other uses: Not less than fifteen (15) feet nor less than thirty (30) feet on the side yard abutting a public right-of-way.
 - c. Residential garage: (see Section 1302.030, Subd. 4). (Ref. Ord. 727, 8/12/86)
 - d. Single family dwellings: Not less than ten (10) feet nor less than thirty (30) feet on the side abutting a public right-of-way.
 - 3) Rear yards: Not less than thirty (30) feet.
- Subd. 6. Building Requirements.
- a) Height. No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
 - b) Width. Buildings used for dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.

Subd. 7. Maximum Building Density. Building Density per acre of net developable land shall be calculated by including all land within the proposed project, except all lakes and wetlands protected by the Wetland Conservation Act and public dedications for County or State road right-of-ways, divided by the number of dwelling units on the project site. (Ref. Ord. 730, 8/12/86, Ord. 01-05-985, 5/8/01, and Ord. 09-01-1055, 1/13/09)

- a) Single family detached dwelling units -- 6 per acre of net developable land.
- b) Two family dwelling -- 9 units per acre of net developable land.
- c) Threeplex and fourplex multi-family rental dwellings -- 9 units per acre of net developable land.
- d) Townhouses and quadrominium owner-occupied dwellings -- 9 units per acre of net developable land.
- e) Multi-family rental or owner-occupied condominiums with more than eight (8) units per structure -- 12 units per acre of net developable land. (Ref. Ord. 01-05-985, 5/8/01)
- f) Up to two additional dwelling units per acre of wetland are allowed provided that the development of the upland portion of the site does not exceed 30% impervious surface coverage. (Ref. Ord. 730, 8/12/86; 985, 5/8/01)
- g) A density bonus for affordable or transit-oriented units may be granted according to the following chart:

R-6		Base Max. Density:	12 du/ac
Affordable²	<u>Bonus ratio^a</u>	3:1	
	<u>Max. density allowed^c</u>	16 du/ac ^b	
Affordable with underground parking^d	<u>Bonus ratio^a</u>	4:1	
	<u>Max. density allowed^c</u>	20 du/ac ^b	
Transit-Oriented³	<u>Bonus ratio^a</u>	4:1	
	<u>Max. density allowed^c</u>	15 du/ac ^b	
Transit-Oriented Affordable^d	<u>Bonus ratio^a</u>	3:1	
	<u>Max. density allowed^c</u>	20 du/ac ^b	

- a. Number of affordable or transit oriented units required respectively for every bonus unit granted. Bonus units may be either affordable or market rate.
- b. du/ac = dwelling units per acre
- c. If the maximum density number is not a whole number, the number should be rounded to the nearest whole number.
- d. The density bonus for affordable with underground parking builds upon the base density bonus for affordable. Likewise, the bonus for transit-oriented affordable is in addition to the bonus for transit-oriented.

- 1) In no case shall the density bonus for townhome developments result in a density of more than 12 units/acre.
- 2) Affordable defined as 60% of Area Median Income (AMI), as defined by The U.S. Department of Housing and Urban Development.
- 3) Transit-Oriented is defined as located within a quarter-mile of an existing transit stop or a future transit corridor and having at least one underground parking space for each unit, for which a bonus is requested.
- 4) An affordable and/or transit-oriented housing development agreement acceptable to the City is required to receive any of the above outlined density bonuses. (Ref. Ord. 09-01-1054, 1/13/09)

§1303.090 "R-7", HIGH DENSITY RESIDENTIAL DISTRICT

Subd. 1. Purpose. The purpose of the "R-7", High Density Residential District is to provide for high density residential uses and directly related uses. (Ref. Ord. 730, 8/12/86, and Ord. 09-01-1055, 1/13/09)

Subd. 2. Permitted Uses. The following are permitted uses in an "R-7" District:

- a) Two family dwellings.
- b) Threeplex and fourplex multiple family units.
- c) Townhouses and quadraminiums.
- d) Multiple family dwelling structures.
- e) Public park and playgrounds.
- f) Essential services.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-7" District:

- a) All permitted accessory uses as allowed in an "R-6" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-7" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in an "R-6" District, subject to the same conditions as in an "R-6" District.
- b) Elderly (senior citizen) housing, provided that:
 - 1) Not more than ten (10) percent of the occupants may be persons sixty (60) years of age or under.
 - 2) To continue to qualify for the elderly housing classification, the owner or agency shall annually file with the City Clerk and the Zoning administrator a certified copy of a monthly resume' of occupants of such a multiple dwelling, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants sixty (60) years of age or under to qualified tenants, or to the building.

- 3) There is adequate off-street parking in compliance with Section 1302.050 of this Code.
 - 4) One (1) off-street loading space in compliance with Section 1302.060 of this code.
 - 5) Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 6) The principal use structure is in compliance with the Minnesota State Uniform Building Code.
 - 7) Elevator service is provided to each floor level above ground floor.
 - 8) Usable open space as defined in Section 1301.020 of this Code at a minimum is equal to twenty (20) percent of the gross lot area.
- c) Student housing provided that: (Ref. Ord. No. 787, 7/11/89)
- 1) All occupants of an approved student housing project must be one of the following:
 - a. Currently enrolled at a vocational technical and/or community college at least 3/4 time of a full time basis as defined by the institute for financial purposes.
 - b. Have been enrolled for six of the last nine months at a vocational technical institute and/or community college at least 3/4 time of a full time basis as defined by the institute for financial purposes.
 - c. Have been accepted for enrollment for the next regular term at a vocational technical institute and/or community college at least 3/4 time of a full time basis as defined by the institute for financial purposes.
 - 2) Lease agreements shall specify the student status requirements outlined in 1)a. through 1)c. above.
 - 3) The owner shall annually file with the City Clerk and the Zoning Administrator a certified copy of a quarterly resume of occupants. All of the occupants' student status shall be clearly identified.
 - 4) Off-street parking shall be provided on site at not less than .5 stalls per occupant based on maximum allowable occupancy. If the number of parking spaces required proves to be inadequate, additional on-site parking shall be provided as determined by the Zoning Administrator.

- 5) At least one off-street loading space shall be provided in compliance with §1302.060 of this Code.
 - 6) Parking areas shall be screened from view of residential districts and from public right-of-ways in compliance with §1302.030, Subd. 7)a. of this Code.
 - 7) Any reuse or modification which results in a change of student occupancy qualifications and/or changes to any other of the above outline provisions shall be contingent upon City Council review and approval.
 - 8) The petitioner shall submit a security management plan to be approved by the City Police Department. (Ref. Ord. No. 787, 7/11/89)
- d) Single Room Occupancies (SRO), provided that: (Ref. Ord. 833, 4/9/91)
- 1) Each SRO unit shall contain the following:
 - a. Common Living Space: Each SRO unit shall contain a common living area, exclusive of the kitchen, bathroom and hallways. The floor area of the common living area shall be at least one hundred and twenty (120) square feet; the floor space shall be calculated on the basis of total habitable room area.
 - b. Kitchen Facilities: Each SRO unit shall contain a kitchen which must have the following:
 1. A kitchen sink in good working condition.
 2. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping; and a counter or table for food preparation.
 3. A stove, conventional oven and a refrigerator for the safe storage of food which are properly installed with all necessary connections for safe, sanitary and efficient operation.
 - c. Sleeping Room: Every SRO unit shall contain a sleeping room which is separated from the common living area, bathroom, kitchen, hallways by a wall and a door which affords privacy. Every room occupied for sleeping purposes by one person shall contain at least one hundred (100) square feet of floor area with at least fifty (50) additional square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area.

- d. Bathroom Facilities: For every two (2) sleeping rooms, at least one (1) bathroom shall be provided or fraction thereof. Said bathroom shall contain at least one (1) flush water closet, lavatory basin and a bathtub or shower. If a half-bath is required said bathroom shall contain at least one (1) flush water closet, and a lavatory basin. Access to bathroom facilities for all persons sharing such facilities shall not be gained through private sleeping rooms.
 - e. Maximum Occupancy: The maximum occupancy per SRO unit shall not exceed five (5) tenants with no more than two (2) tenants per sleeping room.
- 2) At least one (1) off-street parking stall shall be provided per sleeping room. If the number of parking spaces proves to be inadequate, additional on-site parking shall be provided as determined by the Zoning Administrator.
 - 3) At least one (1) off-street loading space shall be provided in compliance with §1302.060 of this code.
 - 4) All parking areas shall be screened from view of other residential districts, uses and public rights-of-way in compliance with §1302.030, Subd. 7a of this Code.
 - 5) The petitioner shall submit a security plan and an on-site management plan to the City staff. The security management plan must be approved by the City Police Department while the on-site management plan must be approved by the Zoning Administrator. (Ref. Ord. No. 833, 4/9/91)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-7" District subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area:
 - 1) Two-Family dwelling - 5,000 square feet per unit
 - 2) Threeplex and fourplex Multiple family dwellings - 5,000 square feet per unit.
 - 3) Townhouse and Quadraminium - 5,000 square feet per unit
 - 4) Multiple family - 2,500 square feet per unit
- b) Lot Width:
 - 1) Two-Family dwelling - 80 feet
 - 2) All other uses - 100 feet

- c) Setbacks:
- 1) Front yards: Not less than thirty (30) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
 - 2) Side yards:
 - a. Two-family dwellings: Not less than ten (10) feet nor less than twenty (20) feet on the side yard abutting a public right-of-way.
 - b. All other uses: Not less than fifteen (15) feet nor less than thirty (30) feet on the side yard abutting a public right-of-way.
 - 3) Rear yards: Not less than thirty (30) feet.
 - 4) Residential garages: See Section 1302.030, Subd. 4. (Ref. Ord. 727, 8/12/86)
- Subd. 6. Building Requirements.
- a) Height. No structure shall exceed thirty-five (35) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
 - b) Width. Buildings used for dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.
- Subd. 7. Maximum Building Density. Building Density per acre of net developable land shall be calculated by including all land within the proposed project, except all lakes and wetlands protected by the Wetland Conservation Act and public dedications for County or State road right-of-ways, divided by the number of dwelling units on the project site. (Ref. Ord. 01-05-985, 5/8/01, Ord. 09-01-1055, 1/13/09, 10-1-1063, 1/12/10)
- a) Two-family dwelling -- 9 units per acre of net developable land.
 - b) Threeplex and fourplex multi-family rental dwellings -- 9 units per acre of net developable land.
 - c) Townhouses and quadraminium owner occupied dwellings -- 9 units per acre of net developable land.
 - d) Multi-family rental or owner occupied condominiums with more than eight (8) units per structure - up to 17 units per acre of net developable land. (Ref. Ord. 01-05-985, 5/8/01)
 - e) Up to two additional dwelling units per acre of wetland are allowed provided that the development of the upland portion of the site does not exceed 30% impervious surface coverage. (Ref. Ord. 730, 8/12/86; 985, 5/8/01)

f) A density bonus for affordable or transit-oriented units may be granted according to the following chart:

R-7 Base Max. Density: 17 du/ac		
Affordable²	<u>Bonus ratio^a</u>	3:1
	<u>Max. density allowed^c</u>	22 du/ac ^b
Affordable with underground parking^d	<u>Bonus ratio^a</u>	5:1
	<u>Max. density allowed^c</u>	26 du/ac
Transit-Oriented³	<u>Bonus ratio^a</u>	4:1
	<u>Max. density allowed^c</u>	21 du/ac
Transit-Oriented Affordable^d	<u>Bonus ratio^a</u>	3:1
	<u>Max. density allowed^c</u>	28 du/ac

- a. Number of affordable or transit-oriented units required respectively for every bonus unit granted. Bonus units may be either affordable or market rate.
- b. du/ac = dwelling units per acre.
- c. If the maximum density number is not a whole number, the number should be rounded to the nearest whole number.
- d. The density bonus for affordable with underground parking builds upon the base density bonus for affordable. Likewise, the bonus for transit-oriented affordable is in addition to the bonus for transit-oriented.

- 1) In no case shall the density bonus for townhome developments result in a density of more than 12 units/acre.
- 2) Affordable defined as 60% of Area Median Income (AMI), as defined by the U.S. Department of Housing and Urban Development.
- 3) Transit-Oriented is defined as located within a quarter-mile of an existing transit stop or a future transit corridor and having at least one underground parking space for each unit, for which a bonus is requested.
- 4) An affordable and/or transit-oriented housing development agreement acceptable to the City is required respectively to receive any of the above outlined density bonuses. (Ref. Ord. 09-01-1054, 1/13/09)

§1303.100 "R-B" RESIDENTIAL-BUSINESS TRANSITION DISTRICT

Subd. 1. Purpose. The purpose of the "R-B", Residential-Business Transition District is to provide for high density residential uses and for the transition in land use from residential to low intensity business allowing for the intermixing of such uses.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-B" District:

- a) All permitted uses allowed in an "R-7" District.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-B" District:

- a) All permitted accessory uses as allowed in an "R-7" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-B" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in an "R-7" District, subject to the same conditions as in an "R-7" District.
- b) Hospitals, medical offices and clinics, dental offices and clinics, professional offices and commercial offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:
 - 1) The site and related parking and service entrances are served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.
 - 2) Adequate off-street parking is provided in compliance with Section 1302.050 of this Code.
 - 3) Adequate off-street loading is provided in compliance with Section 1302.060 of this Code.
 - 4) Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement.
 - 5) When abutting any other Residential District, a buffer area with screening and landscaping in compliance with Section 1302.030, Subd. 7.a) of this Code shall be provided.

- c) Retail commercial activities provided that:
- 1) Merchandise is sold at retail.
 - 2) The retail activity is located within a structure whose principal use is not commercial sales.
 - 3) The retail activity shall not occupy more than fifteen (15) percent of the gross floor area of the building.
 - 4) No directly or indirectly illuminated sign or sign in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
 - 5) No signs or posters of any type advertising products for sale shall be located on the outside of the building.
- d) Buildings combining residential and nonresidential uses allowed in this District, provided that:
- 1) Residential and nonresidential uses shall not be contained on the same floor.
 - 2) The residential and nonresidential uses shall not conflict in any manner.
 - 3) The residential building standards as outlined in this Section are met.
- e) Nursing homes and similar group housing, but not including hospitals, sanitariums or similar institutions, provided that:
- 1) Side yards are double the minimum requirements established for this District and are screened in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 2) Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

- 4) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
- 5) Adequate off-street parking is provided in compliance with Section 1302.050 of this Code.
- 6) One (1) off-street loading space in compliance with Section 1302.060 of this Code is provided.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "R-B" District subject to additional requirements, exceptions and modifications set forth in this Code:

a) Lot Area:

- 1) Two-Family dwelling - 5,000 square feet per unit
- 2) Threplex and Fourplex Multiple Family dwellings - 5,000 square feet per unit
- 3) Townhouse and Quadraminium - 5,000 square feet per unit
- 4) Multiple Family - 2,500 square feet per unit
- 5) Nonresidential uses - 15,000 square feet

b) Lot Width:

- 1) Two-Family dwelling - 75 feet
- 2) All other uses - 100 feet

c) Setbacks:

- 1) Front yards: Not less than thirty (30) feet, except as required by averaging as provided in Section 1302.040, Subd. 4.c. (Ref. Ord. 10-1-1063, 1/12/10)
- 2) Side yards:
 - a. Two-family dwellings: Not less than ten (10) feet nor less than twenty (20) feet on the side yard abutting a public right-of-way.
 - b. All other uses: Not less than fifteen (15) feet nor less than thirty (30) feet on the side yard abutting a public right-of-way.
- 3) Rear yards: Not less than thirty (30) feet.
- 4) Residential garages: (see Section 1302.040, Subd. 4). (Ref. Ord. 727, 8/12/86)

Subd. 6. Building Requirements.

- a) Heights. No structure shall exceed forty-five (45) feet, except as provided in Section 1302.040, Subd. 3 of this Code. (Ref. Ord. 730, 8/12/86)
- b) Width. Buildings used for dwelling units shall have a minimum width of twenty-two (22) feet at its narrowest point on the first story.

Subd. 7. Maximum Building Density. Building Density per acre of net developable land shall be calculated by including all land within the proposed project, except all lakes and wetlands protected by the Wetland Conservation Act and public dedications for County or State road right-of-ways divided by the number of dwelling units on the project site. (Ref. Ord. 730, 8/12/86, 10-1-1063, 1/12/10)

- a) Two-family dwelling -- 9 units per acre of net developable land.
- b) Threplex and fourplex multi-family rental dwellings -- 9 units per acre of net developable land.
- c) Townhouses and quadrominium owner occupied dwelling units -- 9 units per acre of net developable land.
- d) Multi-family rental or owner occupied condominiums with more than four (4) units per structure -- up to 17 units per acre of net developable land. (Ref. Ord. 730, 8/12/86)

§1303.110 "R-MH" MOBILE HOME PARK DISTRICT

Subd. 1. Purpose. The purpose of the "R-MH", Mobile Home Park District is to provide a specialized district for mobile home development which insures and use compatibility and quality.

Subd. 2. Permitted Uses. The following are permitted uses in an "R-MH" District:

- a) Mobile homes.
- b) All permitted uses in an "R-1" District.

Subd. 3. Accessory Uses. The following are permitted accessory uses in an "R-MH" District:

- a) Any accessory use permitted in an "R-1" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "R-MH" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses, subject to the same conditions, as allowed in an "R-1" District.

Subd. 5. Design/Operational Standards for Mobile Home Parks.

- a) General Provisions.
 - 1) All land area shall be:
 - a. Adequately drained
 - b. Landscaped to control dust
 - c. Clean and free from refuse, garbage, rubbish or debris.
 - 2) No tents shall be used for other than recreational purposes in a mobile home park.
 - 3) There shall not be outdoor camping or use of recreational vehicles as a dwelling unit anywhere in a mobile home park.
 - 4) Access to mobile home parks shall be as approved by the City.

- 5) All structures (fences, storage, cabana, etc.) shall require a building permit from the White Bear Lake Building Official.
- 6) The area beneath a mobile home coach shall be enclosed except that such enclosure must have access for inspection.
- 7) Laundry and clothing shall be hung out to dry only on lines located in City approved areas established and maintained exclusively for that purpose, as identified on the mobile home park site plan.
- 8) A mobile home park shall have an adequate central community building with the following features:
 - a. Laundry drying areas and machines
 - b. Laundry washing machines
 - c. Public toilets and lavatories
 - d. Storm/emergency shelter

Such buildings shall have adequate heating in all areas and be maintained in a safe, clean and sanitary condition.

b) Site Plan Requirements.

- 1) Legal description and size in acres of the proposed mobile home park.
- 2) Location and size of all mobile home sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking spaces, exact mobile home sites, etc.).
- 3) Detailed landscaping plans and specifications.
- 4) Location and width of sidewalks.
- 5) Plans for sanitary sewer disposal, surface drainage, water systems, electrical service, and gas service.
- 6) Location and size of all streets abutting the mobile home park and all driveways from such streets to the mobile home park.
- 7) Road construction plans and specifications.
- 8) Plans for any and all structures.
- 9) Such other information as required or implied by these mobile home park standards or requested by public officials.
- 10) Name and address of developer or developers.

- 11) Description of the method of disposing of garbage and refuse.
 - 12) Detailed description of maintenance procedures and grounds supervision.
 - 13) Details as to whether all of the area will be developed or a portion at a time.
- c) Design Standards.
- 1) Park Size:
 - a. The minimum area required for a mobile home park designation shall be five (5) acres.
 - 2) Individual Mobile Home Sites: (homes fourteen [14] feet wide or less):
 - a. Each mobile home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant:

Width: No less than fifty (50) feet
Depth: No less than one hundred (100) feet
 - b. Each mobile home site shall have frontage on an approved roadway and the corner of each mobile home shall be marked and each site shall be numbered.
 - 3) Individual Mobile Home Sites: (homes over fourteen (14) feet in width):
 - a. Each mobile home site shall contain at least six thousand five hundred (6,500) square feet of land area for the exclusive use of the occupant:

Width: No less than sixty-five (65) feet
Depth: No less than one hundred (100) feet
 - b. Each mobile home site shall have frontage on an approved roadway and the corner of each mobile home site shall be marked and each site shall be numbered.
 - 4) Individual Mobile Home Unit Site Setbacks:
 - a. No unit shall be parked closer than ten (10) feet to its side lot lines nor closer than thirty (30) feet to its front lot line, or within ten (10) feet of its rear lot line.
 - 5) Building Requirements:
 - a. No structure shall exceed one (1) story or twenty-five (25) feet, whichever is least.
 - 6) Parking:
 - a. Each mobile home site shall have off-street parking space for two (2) automobiles.

- b. Each mobile home park shall maintain a hard surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each five (5) coach sites.
 - c. Access drives off roads to all parking spaces and coach sites shall be hard surfaced according to specifications established by the City.
- 7) Utilities:
- a. All mobile homes shall be connected to a public water and sanitary sewer system.
 - b. All installations for disposal of surface storm water must be approved by the City.
 - c. All utility connections shall be as approved by the City.
 - d. The source of fuel for cooking, heating, or other purposes at each mobile home site shall be as approved by the City.
 - e. All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
 - f. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
 - g. The method of garbage, waste, and trash disposal must be approved by the City.
 - h. The owner shall pay any required sewer connection fees to the City.
 - i. The owner shall pay inspection and testing fees for utility service to the City.
- 8) Internal Roads and Street:
- a. Roads shall be surfaced as approved by the City.
 - b. All roads shall have a hard (mountable, roll type) curb and gutter.
 - c. All streets shall be developed with a roadbed of not less than twenty-four (24) feet in width. If parking is permitted on the street then the roadbed shall be at least thirty-six (36) feet in width
 - d. The park shall have a street lighting plan approved by the City.
- 9) Recreation:
- a. All mobile home parks shall have at least ten (10) percent of the land area developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.). These facilities are to be developed and maintained at the owner/operator's expense.

- b. In lieu of land dedication for public park purposes, a cash contribution as established by the City Subdivision Code shall be paid to the City.

10) Landscaping:

- a. Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks, and the like.
- b. A compact hedge, redwood fence, or landscaped area shall be installed around each mobile home park and be maintained in proper condition at all times as approved.
- c. All areas shall be landscaped in accordance with landscaping plan approved by the City Council.

11) Lighting:

- a. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, storm shelters, and the like.
- b. The mobile home park grounds shall be lighted as approved by the City from sunset to sunrise.

12) Storage:

- a. Enclosed storage lockers (when provided) shall be located either adjacent to the mobile home in a mobile home park or at such other place in the park as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, etc., shall be accommodated in a separate secured and screened area of the park.

- 13) General: For those items not specifically referenced, the design standards as established by the City's Subdivision Code shall be utilized as for general development guidelines.

d) Registration.

- 1) It shall be the duty of the operator of the mobile home park to keep a record of all mobile homeowners and occupants located within the park. The register shall contain the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home.
 - c. The make, model, year and registration number of each mobile home.
 - d. The state, territory or county issuing such registration.
 - e. The date of arrival and departure of each mobile home.

- f. The number and type of motor vehicles of residents in the park.
- 2) The park operator shall keep the register available for inspection at all times by authorized City, state and county officials, public health officials and other public offices whose duty necessitates acquisition of the information contained in the register. The register shall not be destroyed until after a period of three (3) years following the date of departure of the registrant from the park.
- e. Maintenance. The operator of any mobile home park, or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the mobile home park, its facilities and equipment, in a clean, orderly, operable, and sanitary condition. The attendant or caretaker shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.

Subd. 6. Review Procedures.

- a) All informational elements as required in Subd. 5 of this Section shall be submitted to the City in accordance with the normal time schedule outlined for zoning district amendments, whether or not the proposal requires a rezoning. Proposals for mobile home park expansions on properly zoned land shall be reviewed for compliance with the applicable standards and requirements as contained in Subd. 5 of this Section by all designated and official City review bodies.

§1303.120 "B-1", NEIGHBORHOOD BUSINESS DISTRICT

Subd. 1. Purpose. The purpose of the "B-1", Neighborhood Business District is to provide for the establishment of local centers of convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. These centers are to provide services and goods only for the surrounding neighborhoods and are not intended to draw customers from the entire community.

Subd. 2. Permitted Uses. The following are permitted uses in a "B-1" District:

- a) Barber shops.
- b) Beauty parlors.
- c) Essential services.
- d) Convenience grocery stores (not supermarket type and without motor fuel facilities).
- e) Laundromat, self-service washing and drying.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in an "B-1" District:

- a) Commercial or business buildings and structures accessory to the principal building, but not to exceed thirty (30) percent of the gross floor space of the principal building. (Ref. Ord. 20-11-2044, 11/18/20)
- b) Off-street parking as regulated by Section 1302.050 of this Code, but not including semi-trailer trucks.
- c) Off-street loading as regulated by Section 1302.060 of this Code.
- d) Solar energy systems, either roof-mounted or ground-mounted per Code Section 1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)

Subd. 4. Conditional Uses. The following are conditional uses in an "B-1" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) Public regulated utility buildings and structures necessary for the health, safety and general welfare of the community, provided that:
 - 1) Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
 - 2) Equipment is completely enclosed in a permanent structure with no outside storage.

- 3) Adequate screening and landscaping from neighboring residential districts is provided in accordance with Section 1302.030, Subd. 7.a) of this Code.
- b) Professional and commercial offices, provided that:
- 1) The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.
 - 2) The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence with the neighborhood.
- c) Commercial planned unit development as regulated by Section 1301.070 of this Code.
- d) Residential and non-residential uses within one structure provided that:
- 1) Residential and non-residential uses shall not be contained on the same floor and no residential use shall be located on the first floor.
 - 2) Residential and non-residential uses shall have separate entrances and exits.
 - 3) Off-street parking shall be provided for both the residential and non-residential uses as required by §1302.050.
 - 4) The residential use shall comply with the minimum housing standards as stated in Chapter 502 of the Municipal Code. (Ref. Ord. No. 857, 1/14/92)
- e) Restaurant, carry out and food delivery services: (Ref. Ord. 899, 8/24/93)
- 1) Off-street parking shall be provided on site at a ratio of one stall per each employee and two stalls for customers.
 - 2) Off-street parking areas shall be screened from view of the public right-of-way and adjacent residential properties in accordance with §1302.030, Subd. 7a of this Code.
 - 3) If the business abuts residentially zoned property, an odor filtration system may be required to reduce odor drift. Said system shall be approved by the Building Official.
 - 4) The hours of operation for a business adjacent to residential properties shall be determined by the City Council.
- f) Expansions to preexisting animal clinics provided that there is no expansion of overnight care of animals. (Ref. Ord. No. 02-11-995, 11/12/02)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in an "B-1" District subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area - Not less than fifteen thousand (15,000) square feet.
- b) Lot Width - Not less than one hundred (100) feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side Yards: Not less than ten (10) feet from an interior side lot line.

Not less than thirty (30) feet on a side yard abutting a street or twenty (20) feet from adjacent Residential Districts. (Ref. Ord. No. 728, 8/12/86)
 - 3) Rear yards: Not less than thirty (30) feet.

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than two and one-half (2 1/2) stories, not to exceed thirty (30) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Minimum Floor Area. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 1301.050 of this Code.
- c) Exterior Building Materials. This section identifies permitted building materials to be used in commercial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.
 - 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels which are colored by pigment impregnated throughout the entire panel per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;

- g. Curtain wall panels of steel, fiberglass and aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of the aggregate wall area excluding window and door areas;
 - h. Glass;
 - i. Decorative painted concrete block shall be permitted on any building wall not visible from a public right-of-way.
- 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
- 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
- 4) The following exterior building materials are prohibited:
- a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
 - c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel;
 - d. Unadorned and/or painted concrete block. (Ref. Ord. 884, 2/9/93)

§1303.130 "B-2", LIMITED BUSINESS DISTRICT

Subd. 1. Purpose. The purpose of the "B-2", Limited Business District is to provide for low intensity retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and are to be located only in areas which are well served by collector or arterial street facilities at the edge of residential districts.

Subd. 2. Permitted Uses. The following are permitted uses in a "B-2" District:

- a) All permitted uses allowed in a "B-1" District.
- b) Art and school supplies.
- c) Bakery goods and baking of goods for retail sales on the premises.
- d) Bank, savings and loan, savings credit unions and other financial institutions.
- e) Bicycle sales and repair.
- f) Candy, ice cream, popcorn, nuts, frozen deserts and soft drinks.
- g) Camera and photographic supplies.
- h) Clothing stores.
- i) Commercial (leased) and professional offices.
- j) Delicatessen.
- k) Dry cleaning pick-up and laundry pick-up stations including incidental repair and assembly but not including processing.
- l) Drugstore.
- m) Florist shop.
- n) Frozen food store, but not including a locker plant.
- o) Funeral home. (Ref. Ord. 14-05-1091, 5/13/14)
- p) Gift or novelty store.
- q) Grocery, fruit or vegetable store but not including sales from moveable, motorized vehicles.
- r) Grocery, supermarket.
- s) Hardware store.

- t) Hobby store, including handicraft and other instructional classes. (Ref. Ord. 10-1-1063, 1/12/10)
- u) Home accessories and furnishings, including furniture repair and painting when proper fire suppression and ventilation is provided (spray booths only when in a single-tenant building). (Ref. Ord. 14-05-1091, 5/13/14)
- v) Ice sales with storage not to exceed five (5) tons.
- w) Insurance sales.
- x) Liquor, off-sale.
- y) Locksmith.
- z) Meat market but not including processing for locker plant.
- aa) Medical and dental offices and clinics and professional offices. (Ref. Ord. 10-1-1063, 1/12/10)
- bb) Paint and wallpaper sales.
- cc) Plumbing, television, radio, electrical sales and such repair as are accessory use to the retail establishments permitted within this district.
- dd) Public utility collection offices.
- ee) Public garage.
- ff) Real estate sales.
- gg) Resale business where the stock of goods is primarily used and donated, including consignment and thrift shops but not including pawn shops.
- hh) Shoe repair.
- ii) Sporting goods establishment and bait shops. (Ref. Ord. 1091, 5/13/14, Ref. Ord. 16-07-2012, 7/12/16)

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "B-2" District:

- a) All permitted accessory uses allowed in a "B-1" District.

Subd. 4. Conditional Uses. The following are conditional uses allowed in a "B-2" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) Public regulated utility buildings and structures necessary for the health, safety and general welfare of the community, provided that:

- 1) Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
 - 2) Equipment is completely enclosed in a permanent structure with no outside storage.
 - 3) Adequate screening and landscaping from neighboring residential districts is provided in accordance with Section 1302.030, Subd. 7.a) of this Code.
- b) Commercial Planned Unit Development (PUD) as regulated by Section 1301.070 of this Code:
- 1) Self-serve car washes are permitted as a part of this PUD provided that the facility complies with the following performance standards:
 - a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - b. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Planner.
 - c. At the boundaries of residential districts, a buffer zone not less than twenty (20) feet in width shall be designed to include the following: An opaque wooden or masonry fence of at least eight (8) feet in height; a planting strip which includes a combination of deciduous trees to provide added screening above the fence line and evergreens to provide enhanced noise buffer as needed; an earthen berm may also be required to reduce noise and improve screening. The screening buffer plan shall be subject to City Council approval. Said plan shall comply with the City's landscape ordinance, Section 1302.030, Subd. 7.
 - d. Each light standard island and all islands in the parking lot landscaped or covered.
 - e. Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - f. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
 - g. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 - h. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1302.030, Subd. 9 of this Code.

- i. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
 - j. All signing and information or visual communication devices shall be in compliance with the White Bear Lake sign ordinance.
 - k. Provisions are made to control and reduce noise.
 - l. The provisions of Section 1301.050, Subd. 2.e) of this Code are considered and satisfactorily met.
 - m. Said car wash shall not exceed three (3) service bays and further not exceed thirty-five percent (35%) of the gross commercial floor area building area within the PUD.
 - n. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. daily.
- c) Indoor commercial recreation facilities.
 - d) Restaurants, cafes, on-sale liquor.
 - e) Commercial businesses which are defined as a permitted or conditional use in this district abutting residentially zoned land provided that: (Ref. Ord. No. 794, 10/24/89; 813, 4/10/90; 827, 1/08/91)
 - 1) Deliveries and/or delivery truck access of site during the hours of 10:00 P.M. to 6:00 A.M., will be limited to single unit, two-axle vehicles not in excess of 26,000 pounds gross vehicle weight (GVW). In the event that said vehicles making deliveries during the hours between 10:00 P.M. and 6:00 A.M. establish a pattern of violating the City of White Bear Lake's noise ordinance, §703.070, and amendments thereto, after ten (10) days written notice to the property owner and after a hearing before the City Council, the City Council, in its discretion, by resolution, including specific findings of fact establishing such a pattern of violating said noise ordinance, may further restrict deliveries to the property, but such restriction shall not be more stringent than necessary to assure compliance with the noise ordinance. The City may only use violations of the noise ordinance which it gave previous notice of to the property owner. (Ref. Ord. No. 813, 4/10/90)
 - 2) No building, loading dock or loading berth shall set within fifty (50) feet of residentially zoned property.
 - 3) The business or industry will provide a screening/buffer zone along the boundary of the residential property. The screening/buffer zone shall be at least twenty (20) feet in width and shall be designed to include all of the following: An opaque wooden or masonry fence of at least eight (8) feet in height; a planting strip which includes a combination of deciduous trees to provide added screening above the fence line and evergreens to provide enhanced noise buffering as needed; an earthen berm may also be required to reduce noise and improve screening. The screening/buffer plan shall be subject to City Council approval.

- 4) All lighting shall be equipped with sharp cut-offs with concealed luminaries. Pole heights shall not be higher than twenty-five (25) feet, except no pole higher than twelve (12) feet shall set closer to residentially zoned land than fifty (50) feet. Where backs of stores and/or loading docks are immediately adjacent to residentially zoned land, wall packs, mounted not higher than ten (10) feet, shall be used instead of poles where possible. The lighting plan shall be subject to approval by the City Council.
 - 5) Said businesses' operations and deliveries shall not disturb the peace and repose of adjacent residences as outlined in the City of White Bear Lake noise ordinance §703.070. No use of forklifts shall take place out of doors within one hundred fifty (150) feet of residentially zoned property.
 - 6) The above outlined requirements are minimum requirements. The City Council may impose additional standards as are deemed necessary to promote compatibility between land uses. (Ref. Ord. 794, 10/24/89; 813, 4/10/90)
- f) Garden supply stores. (Ref. Ord. 943, 4/8/97)
- g) Buildings less than 1,000 square feet, per Section 1302.040, Subd. 6. (Ref. Ord. 10-1-1063, 1/12/10)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "B-2" District, subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - None.
- b) Lot Width - Not less than one hundred (100) feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side yards: Not less than ten (10) feet, nor less than thirty (30) feet on a side yard abutting a street. (Ref. Ord. 813, 4/10/90)
 - 3) Rear yards: Not less than thirty (30) feet. (Ref. Ord. No. 813, 4/10/90)

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Minimum Floor Area. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 1301.050 of this Code.
- c) Exterior Building Materials. This section identifies permitted building materials to be used in commercial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.

- 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels which are colored by pigment impregnated throughout the entire panel per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass and aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of the aggregate wall area excluding window and door areas;
 - h. Glass;
 - i. Decorative painted concrete block shall be permitted on any building wall not visible from a public right-of-way.
- 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
- 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
- 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
 - c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel;
 - d. Unadorned and/or painted concrete block. (Ref. Ord. 884, 2/9/93)

§1303.140 "B-3", AUTO-ORIENTED BUSINESS DISTRICT

Subd. 1. Purpose. The purpose of the "B-3, Auto-Oriented Business District is to provide for and limit the establishment of motor vehicle oriented or dependent commercial and service activities. The "B-3" District is intended to provide additional control over high intensity commercial uses which rely on extensive traffic generation, thus the "B-3" District may result in intentional "spot zoning".

Subd. 2. Permitted Uses. The following are permitted uses in a "B-3" District:

- a) All permitted uses allowed in the "B-2" District.
- b) Auto accessory store. (Ref. 703, 11/12/85)
- c) Indoor commercial recreational facilities. (Ref. Ord. 731, 8/12/86)
- d) Motels, motor hotels and hotels provided that the lot contains not less than five hundred (500) square feet of lot area per unit.
- e) Restaurants, cafes, on and off-sale liquor establishments.
- f) Restaurant, carry out and food delivery service. (Ref. Ord. 899, 8/24/93)
- g) Private clubs or lodges serving food and beverages.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "B-3" District.

- a) All permitted accessory uses allowed in a "B-2" District. (Ref. Ord. 10-1-1063, 1/12/10)
- b) Semi-truck parking.

Subd. 4. Conditional Uses. The following are conditional uses in a "B-3" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses allowed in the "B-2" District, except for §1303.12, subd. 4D, residential and non-residential uses within one structure. (Ref. Ord. No. 858, 1/14/92)
- b) Drive-in and drive-through facilities for pharmacies, financial institutions, donation collection sites and convenience food establishments provided that (Ref. Ord. 10-1-1063, 1/12/10)
 - 1) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - 2) At the boundaries of a residential district, a strip of not less than twenty (20) feet shall be landscaped and screened in compliance with Section 1302.030, Subd. 7.a and 1303.130, Subd. 4.e of this Code.

- 3) Parking areas shall be screened from view of abutting residential districts in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 4) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 1302.050 of this Code and shall be subject to the approval of the City Engineer.
 - 5) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 6) The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 - 7) All signing and information or visual communication devices shall be in compliance with the White Bear Lake Sign Ordinance.
 - 8) Stacking space and on-site circulation shall be sufficient to accommodate the demand.
 - 9) Provisions are made to control and reduce noise.
 - 10) Additional trees to off-set the carbon impact of idling cars may be required subject to the approval of the Zoning Administrator.
 - 11) All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions. (Ref. Ord. 16-07-2013, 7/12/16)
- c) Car washes (drive through, mechanical and self-service) provided that:
- 1) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - 2) Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer.
 - 3) At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 4) Each light standard island and all islands in the parking lot landscaped or covered.
 - 5) Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 6) The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.

- 7) The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 - 8) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 9) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
 - 10) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Ordinance.
 - 11) Provisions are made to control and reduce noise.
- d) Motor fuel station, auto repair-minor and tire and battery stores and service provided that:
- 1) Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Code for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
 - 2) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or contribute a blighting influence within a reasonable distance of the lot.
 - 3) The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer.
 - 4) A minimum lot area of twenty thousand (20,000) square feet and minimum lot widths of one hundred fifty (150) feet shall be provided.
 - 5) A drainage system subject to the approval of the City Engineer shall be installed.
 - 6) A curb not less than six (6) inches above grade shall separate the public sidewalk from motor vehicle service areas.
 - 7) The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 8) Wherever fuel pumps are to be installed, pump islands shall be installed.
 - 9) At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1302.030, Subd. 7.a) of this Code.

- 10) Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 11) Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 1302.050 of this Code and shall be subject to the approval of the City Engineer.
 - 12) All signing and informational or visual communication devices shall be minimized and shall be in compliance with the White Bear Lake Sign Ordinance.
 - 13) Provisions are made to control and reduce noise.
 - 14) No outside storage except as allowed in compliance with e) of this subdivision.
 - 15) Sale of products other than those specifically mentioned in this subdivision be subject to a conditional use permit and be in compliance with g) of this subdivision.
 - 16) All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- e) Open and outdoor storage as an accessory use provided that: (Ref. Ord. 10-1-1063, 1/12/10)
- 1) The area is fenced and screened from view of the neighboring residential uses or if abutting a Residential District in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 2) Storage is screened from view from the public right-of-way in compliance with Section 1302.030, Subd. 9.a) of this Code.
 - 3) Storage area is grassed or surfaced to control dust.
 - 4) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. g of this Code.
 - 5) Does not take up parking space as required for conformity to this Code.
- f) Open or outdoor service, sale and rental as a principal or accessory use provided that:
- 1) Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.
 - 2) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting "R" District in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. 9 of this Code.

- 4) Sales area is grassed or surfaced to control dust.
 - 5) The use does not take up parking space as required for conformity to this Code.
- g) Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:
- 1) Such use is allowed as a permitted use in a "B-1" or "B-2" District.
 - 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.
 - 3) Adequate off-street parking and off-street loading in compliance with the requirements of Section 1302.050 and 1302.060 of this Code is provided.
 - 4) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Code.
- h) New and used automobile, truck, recreation vehicle, and trailer sales and showrooms provided that: (Ref. 703, 11/12/85)
- 1) Setbacks, Building and Lot Requirements:
 - a. Parking. A minimum fifteen (15) foot wide landscaped yard shall be required and maintained between any public street right-of-way and parking lots or buildings.
 - b. Contiguous Site. Vehicle sales shall be on one (1) lot or contiguous lots not separated by a public street, alley, or other use.
 - c. Lot Width. The minimum lot width shall be one hundred (100) feet at the minimum required front yard setback.
 - d. Lot Area. A minimum lot area of two (2) acres shall be required.
 - e. Building Area. A minimum building floor area which is twenty percent (20%) of the lot area shall be required.
 - 2) Access Driveways:
 - a. Distance of Driveway from Street Intersection. The distance of the driveway from the street intersection shall be not less than fifty (50) feet provided, however, greater distances may be required to avoid reasonably anticipated traffic hazards.
 - b. Minimum Distance Between Driveways. Minimum distance between driveways shall be fifty (50) feet at the curb cut.
 - c. Minimum Driveway Angle to Street. Minimum driveway angle to street shall be sixty (60) degrees unless otherwise approved by the City Engineer.

- d. Minimum distance between driveway and adjacent property shall be five (5) feet at the curb cut.
 - e. No driveway shall exceed twenty-four (24) feet in width and no curb cut shall exceed thirty-two (32) feet in width or as approved by the City Engineer.
- 3) Screening: A screen shall be erected and maintained along all property lines separating institutional, residential, dwelling, or business and professional office district or use. The screening required in this section shall be not less than six (6) feet in height except along the street frontage utilized for vehicle display purposes wherein a fence at least four (4) feet in height shall be installed. (Ref. Ord. 750, 10/27/87)
 - 4) Landscaping and Lighting: A landscaped yard shall be constructed and maintained on all areas of the site not devoted to the building or parking areas. A lighting plan with hooded pole lights shall be prepared and approved by the City Planner. All signs shall also be included with the lighting plan.
 - 5) Planting Islands: For each additional three thousand (3,000) square feet after the first three thousand (3,000) square feet of outside display area parking space, one (1) parking island of two hundred (200) square feet shall be installed within the interior of the planting surface. All planting islands shall have six (6) inch concrete or asphalt curbs and a landscaped interior including tree and shrub materials.
 - 6) Curbing: Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be a normal six (6) inches in height.
 - 7) Surfacing: The entire site on which vehicle sales is located, other than that devoted to buildings and structures or landscaped areas, shall be hard paved surface and maintained for control of dust, erosion and drainage.
 - 8) Parking:
 - a. Customer Parking. Eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800) square feet of floor area over one thousand (1,000) square feet.
 - b. Employee Parking. A minimum of two (2) employee parking spaces shall be provided for every three (3) employees. The required parking spaces shall be shown and designated on the site plan.
 - 9) Parking for Outside Sales and Storage: The maximum area permitted for outside sales or storage of automobiles, new and used, shall not exceed three and one-half (3.5) square feet of outside storage area to each one (1) square foot of enclosed ground floor area. Not more than one (1) automobile shall be stored on each one hundred fifty (150) square feet of outside paved storage/display area. No rooftop parking shall be permitted.
 - 10) Surface Drainage Plan and Improvements: A drainage plan shall illustrate all paved area surface drainage flows. Catch basin traps and/or settling ponds shall be required

to dispose of interior parking or display area drainage and shall be subject to approval by the City Engineer. (Ref. Ord. 703, 11/12/85)

- i) Contractors Shops and Yards subject to the following requirements:
- 1) The site is 150' from residentially zoned or used property.
 - 2) The site must be at least one acre in size but not more than two acres in size.
 - 3) The site may not be located on a corner lot at the intersection of two roadways.
 - 4) The site may not be a riparian lot.
 - 5) The site must have a principal building constructed of at least two different types of building materials on all four elevations, not including concrete block or precast concrete panels. No wall of the building may be without windows.
 - 6) The site must be owner occupied.
 - 7) No outside storage except as allowed in compliance with e) of this subdivision.
 - 8) All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

In addition to other remedies available through the Municipal Code, multiple failures to comply with any standard of this Permit shall constitute sufficient cause for revocation of the Conditional Use Permit, as determined by the City Council following a Public Hearing. (Ref. Ord. 17-07-2026, 7/11/17)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "B-3" District subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - None.
- b) Lot Width - Not less than one hundred (100) feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side Yards: Not less than ten (10) feet from an interior side lot line nor less than thirty (30) feet on a side yard abutting a street. (Ref. Ord. No. 813, 4/10/90)
 - 3) Rear yards: Not less than thirty (30) feet. (Ref. Ord. 813, 4/10/90)

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.

- b) Minimum Floor Area. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 1301.050 of this Code.
- c) Exterior Building Materials. This section identifies permitted building materials to be used in industrial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.
- 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels which are colored by pigment impregnated throughout the entire panel per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass and aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of the aggregate of wall area excluding window and door areas;
 - h. Glass;
 - i. Decorative painted concrete block shall be permitted on any building wall not visible from a public right-of-way.
 - 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
 - 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
 - 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;

- b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
- c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.
- d. Unadorned and/or painted concrete block. (Ref. Ord. 885, 2/9/93)

§1303.150 "B-4", GENERAL BUSINESS DISTRICT

Subd. 1. Purpose. The purpose of the "B-4", General Business District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas which are well served by collector or arterial street facilities outside the Central Business District.

Subd. 2. Permitted Uses. The following are permitted uses in a "B-4" District:

- a) All permitted uses allowed in a "B-1", "B-2", and "B-3" District.
- b) Antique or gift shop.
- c) Amusement places (such as dance halls or roller rinks) except arcades.
- d) Animal clinics (with no overnight care).
- e) Enclosed boat and marine sales.
- f) Books, office supplies or stationary stores.
- g) Bowling alleys.
- h) Home improvement stores, including the retail sales of any or all of the following: building materials, carpeting, rugs, tile, hardware, garden supplies, household furnishings, fixtures and accessories provided that:
 - 1) All building material storage and sales shall be totally enclosed within the principal structure.
 - 2) Open or outdoor service, sales, and rental (excluding building material sales) subject to provisions of § 1303.140, Subd. 4(f). (Ref. Ord. 99-08-972A, 8/10/99)
- i) Coin and philatelic stores (and other hobby stores). (Ref. Ord. 10-1-1063, 1/12/10)
- j) Commercial recreation facilities (indoor only) except arcades.
- k) Copy service and instant offset printing service.
- l) Costume, clothes rental.
- m) Department and discount stores.

- n) Dry cleaning including plant accessory heretofore, pressing and repairing.
- o) Dry goods store.
- p) Electrical appliance stores including incidental repair and assembly, but not fabricating or manufacturing.
- q) Employment agencies.
- r) Finance companies.
- s) Furniture stores.
- t) Furriers when conducted only for retail trade on premises.
- u) Garden supply stores.
- v) Government and public utility buildings.
- w) Haberdasheries and ladies ready-to-wear.
- x) Insurance sales, claims and branch offices.
- y) Jewelry stores and watch repair.
- z) Leather goods and luggage stores.
- aa) Record - music shops.
- bb) Sewing machines sales and service.
- cc) Shoe stores.
- dd) Tailor shops.
- ee) Theatres, not of the outdoor drive-in type.
- ff) Toy stores.
- gg) Travel bureaus, transportation ticket offices.
- hh) Variety stores, 5 and 10 cent stores, and stores of similar nature.
- ii) Wearing apparel.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "B-4" District:

- a) All permitted accessory uses allowed in a "B-3" District.

Subd. 4. Conditional Uses. The following are conditional uses in a "B-4" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses subject to the same conditions as allowed in the "B-3" District, except public regulated utility buildings.
- b) Arcades and game rooms, provided that such a use meets all the applicable provisions of the White Bear Lake Licensing Code.
- c) Assisted and Congregate Senior Housing.
 - 1) The lot or parcel shall have its access off of a collector, minor arterial, or trunk highway, as defined in the City's comprehensive plan.
 - 2) The lot or parcel shall have a minimum lot area of two (2) acres. The minimum lot area shall further be calculated according to the following dwelling unit schedule.

<u>Unit Type</u>	<u>Land Required Per Unit</u>
Efficiency/Studio	1,200 sf.
One Bedroom	1,400 sf.
Two Bedroom	2,200 sf.

- 3) The minimum floor area (as measured from the inside face of the unit walls) shall be as follows:

<u>Unit Type</u>	<u>Floor Area Required Per Unit</u>
Efficiency/Studio	400 sf.
One Bedroom	500 sf.
Two Bedroom	700 sf.

- 4) Off-street parking shall be provided at minimum of one-half (1/2) paved striped stall per unit.
- 5) Setbacks shall be as set forth in the setback section of the B-4 zoning district (Section 1303.150) except where abutting property is zoned for single family uses, the minimum building setback shall not be less than thirty (30) feet.
- 6) The maximum percentage of lot or parcel that may be covered by building shall be twenty-five percent (25%) exclusive of existing or proposed road dedications.

- 7) Passive outdoor recreation area(s) such as, but not limited to, walking paths, seating accommodations, and landscaped gardens shall be provided for residents in a location, configuration, and extent approved by the City Council. (Ref. Ord. No. 979, 4/11/00)

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements, shall be observed in a "B-4" District subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - None.
- b) Lot width - Not less than one hundred (100) feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side Yards: Not less than thirty (30) feet on a side yard abutting a street. (Ref. Ord. No. 813, 4/10/90)

Not less than ten (10) feet from an interior side lot line. (Ref. Ord. 728, 8/12/87)
 - 3) Rear yards: Not less than twenty (20) feet. (Ref. Ord. No. 813, 4/10/90)

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, whichever is least, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Minimum Floor Area. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 1301.050 of this Code.
- c) Exterior Building Materials. This section identifies permitted building materials to be used in commercial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.
 - 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face or modular brick; (Ref. Ord. 10-1-1063, 1/12/10)
 - b. Natural stone;

- c. Decorative concrete block which is colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels which are colored by pigment impregnated throughout the entire panel per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco or EFIS; (Ref. Ord. 10-1-1063, 1/12/10)
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass and aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of the aggregate of wall area excluding window and door areas;
 - h. Glass; (Ref. Ord. 885, 2/9/93)
 - i. Decorative painted concrete block shall be permitted on any building wall not visible from a public right-of-way.
- 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
- 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
- 4) The following exterior building materials are prohibited:
- a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
 - c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.
 - d. Unadorned and/or painted concrete block. (Ref. Ord. 884, 2/9/93)

§1303.160 "B-5", CENTRAL BUSINESS DISTRICT

Subd. 1. Purpose. The purpose and intent of the B-5, Central Business District is to sustain the economic viability of the White Bear Lake Central Business District by preserving its historic character and allowing for compatible redevelopment. It is intended that the mixed-use, small-scale, and pedestrian-oriented character associated with the Central Business District will be strengthened through improvements to existing properties and new-infill development that is consistent with its distinct historic scale, architecture, and landscape architecture. The desired mix of uses shall consist of retail, service, and limited office establishments on the ground floor with office and residential above the ground floors. Development shall be carefully controlled to protect neighboring residential properties from impact while at the same time permitting needed revitalization and redevelopment. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 2. Applicability. Where the standards contained in this Section conflict with other sections of the Zoning Ordinance the standards of Section 1303.160 shall be controlling, including the following: (Ref. Ord. 10-1-1063, 1/12/10)

- a. All provisions and procedural requirements outlined in the B-5, Central Business District, shall supersede the provisions and procedural requirements outlined in the City's Shoreland District at City Code Section 1303.230 for the following properties:

All properties zoned B-5, Central Business District and also lying within the Shoreland Overlay District of White Bear Lake as depicted on the City's official zoning map.

- b. Notwithstanding paragraph (a), all new development or redevelopment proposals for any of the properties located in the B-5, Central Business District and the Shoreland Overlay District, which require a conditional use permit as outlined in Subd. 5 of this Section, shall also be forwarded to the Minnesota Department of Natural Resources for its review and comment.
- c. All new development and/or redevelopment shall adhere to best stormwater management practices for urban sites, as determined by the Public Works Director. (Ref. Ord. 12-03-1012, 12/9/03)
- d. All redevelopment in the Shoreland District will be encouraged to provide ten percent (10%) pervious surfacing to promote stormwater infiltration. (Ref. Ord. 04-04-1016, 4/13/04)

Subd. 3. Permitted Uses. Any proposed exterior structural change, or exterior remodeling exceeding twenty five hundred (\$2,500.00) dollars in value shall require the unanimous approval of the City Engineer, City Building Official, City Planner, and Zoning Administrator. The following are permitted uses in the B-5, Central Business District: (Ref. Ord. 10-1-1063, 1/12/10)

- a. Commercial uses. Commercial uses are limited to the following: banks (without drive-thru facilities), food services, hotels, bed and breakfast inns, printing process/supply, clubs and lodges, home improvement showrooms and studios, upholstery shops, restaurants (without drive-in or drive-thru facilities), indoor recreation, retail shops, grocery stores, and art, music and dance studios and personal service establishments.
- b. Civic/institutional and transportation uses. Community centers, education/ academic facilities, libraries, museum art/galleries, indoor and outdoor public parks/open space, post offices,

customer service facilities, public studios and performance theaters and time transfer and transit stations.

- c. Offices, professional uses, located above the ground floor.
- d. Offices, professional uses located at ground floor level, limited to no more than 30% of both the gross floor area and linear street frontage on any parcel in the B-5 District. Upper story offices shall be permitted uses and will not be included in determining this percentage. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 4. Accessory Uses. The following are permitted accessory uses in the B-5, Central Business district:

- a. All permitted accessory uses in the B-4 district. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 5. Conditional Uses. The following are conditional uses in the B-5, Central Business district, which require a conditional use permit based on the procedures and provisions set forth in and regulated by Section 1301.050 of this Code: (Ref. Ord. 10-1-1063, 1/12/10)

- a. Residential uses. Residential uses shall be limited to multiple family and senior citizen residential dwellings limited to apartments and condominiums.
- b. Liquor Lounges. Liquor lounges up to 1,500 square feet in area with not less than 30 nor more than 35 indoor seats, and not more than 20 outdoor seats. (Ref. Ord. 14-6-1095, 6/10/14)
- c. Microbreweries. Microbreweries up to 5,000 square feet in area provided a minimum 20 percent of the floor area is devoted to use as a brewer taproom and accessory retail sales display area. (Ref. Ord. 12-07-1081, 7/10/12)
- d. Mixed-use development provided all buildings are multistory and meet the following requirements:
 - 1. The ground floor building area is devoted to any of the uses listed as permitted uses above at 3a, 3b or 3d of this subdivision.
 - 2. Upper level uses are devoted to uses listed as permitted uses above at Subd. 3a, 3b and 3c and Subd. 5a, Conditional Uses of this district provided that within the same building, residential uses will not be located on the same building floor as non-residential uses.
- e. Drive-through facilities for pharmacies and financial institutions. (Ref. Ord. 12-03-1012, 12/9/03)
- f. Any new building or building addition in excess of 500 square feet. (Ref. Ord. 10-1-1063, 1/12/10)

Subd. 6. Interim Use. The City Council may issue an interim use permit to temporarily allow a professional use to exceed the percentage of floor area and linear street frontage on a parcel in the B-5 Central Business district. A request for an interim use permit shall be submitted and processed in accordance with Section 1301.050 of this Code and the following.

- a. The interim use permit must identify the specific date or event that can be identified with certainty on which the interim use permit will terminate. The term of an interim use permit, including any extensions, issued for a particular property shall not exceed a total of two years.
- b. The City Council may impose any conditions on an interim use permit which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.
- c. The interim use permit is not valid unless the applicant agrees to the conditions imposed on the permit by the City Council. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.
- d. The issuance of an interim use permit does not entitle the applicant or any subsequent owner to the issuance of any additional interim use permits for the use or property. Upon the termination of an interim use permit, the use must be brought into full compliance with this Code.
- e. The use must otherwise comply with the requirements of this Code. (Ref. Ord. 21-8-2049, 8/10/21)

Subd. 7. Prohibited Uses. The following shall be considered prohibited uses in the B-5, Central Business District.

- a. Convenience food restaurants with drive-through or drive-in facilities.
- b. Motor oil and/or fuel dispensing operations.
- c. Automobile repair minor and automobile repair major uses.
- d. Car washes, automated and mechanical.
- e. Sales of any of the following: new and/or used automobiles, trucks and recreational vehicles.
- f. Contractor shops and/or yards for any of the following: plumbing, heating, glazing, landscaping, painting, paper hanging, roofing, ventilation, air conditioning, appliance repair, masonry, electrical or refrigeration and the like.
- g. Billboards.
- h. Adult establishments as defined and regulated at Section 1124 of the Municipal Code.
- i. In-vehicle sales or services not including drive-through facilities associated with a pharmacy or financial institution as outlined in Subd. 5.c. of this Section.
- j. Any uses not listed as either permitted, accessory or conditional uses in this district.
- k. Tattoo parlors. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 8. Special Allowable Uses.

- a. Special Allowable Commercial Uses: Due to the relative size for their respective private capital investment as of the date of the amendments to Section 1303.160, the B-5, Central Business District, all existing commercial uses in the B-5, Central Business District that would otherwise be nonconforming are hereby declared to be special allowable uses.
- b. Special Allowable Residential Uses: Due to the longstanding residential nature of particular properties as of the date of establishment of amendments to Section 1303.160, the B-5, Central Business District, all residential uses in the Central Business District which would otherwise be nonconforming at their respective locations are hereby declared to be special allowable uses, provided that they shall be in conformance with the City's Minimum Housing Standards (as outlined in Section 502 of the Municipal Code) that had been in effect as of the date of the establishment of amendments to Section 1303.160 the B-5, Central Business District.
- c. Such special allowable uses shall be considered to be permitted for all purposes of the Zoning Ordinance, including the right of the present and future owners to be allowed to continue to maintain such uses, rebuild any building to original size in the event of any partial or complete destruction, and to renovate or expand in compliance with all applicable provisions of this Zoning Ordinance, notwithstanding that such use of the premises would not otherwise be permitted in the B-5, Central Business District. The above listed uses will lose their status as a special allowable use if one of the following occurs: 1) if they are converted to a permitted use, or 2) if any of the special allowable uses are left vacant or abandoned for a period of one (1) year, or 3) in the event of destruction of 50% or more of the total square footage of the building and/or structure, as determined by the City's Building Official, by fire or by any means not within the control of the property owner unless a building permit is acquired for its repair or replacement within a period of one (1) year. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 9. Specific Use Standards for Conditional Uses: In addition to the specific use standards, all conditional uses shall be required to meet all applicable standards of the Zoning Ordinance and all other city codes.

- a. Drive-through facilities:
 1. Drive-through facilities shall be located at the rear of buildings, and where possible, the building shall extend over the drive-through aisles to maintain the street wall. Drive through facilities in the Central Business District shall be limited to no more than two (2) drive-through lanes; no more than ten (10) feet in width per lane.
 2. Drive-through facilities shall be designed with adequate stacking spaces so that waiting vehicles will not impede traffic flow. A minimum of 3 stacking spaces shall be provided per each drive-through window or facility.
 3. Drive-through facilities for pharmacies shall be restricted to prescription drug pick-up only.
- b. Multiple family and senior citizen residential dwellings shall be limited to above-ground floor level uses.
- c. Senior citizen housing shall also comply with the following:

1. The permanent residents shall be limited to persons who are 55 years of age or over except that one other person may reside in any senior or elderly housing unit including his or her spouse, parent, foster parent, or legal guardian. An exception is allowed for all owner-occupied senior housing whereby up to 20 percent of the total project's units may be occupied by person(s) who are less than 55 years of age. When determining the number of non-senior units allowed, calculations resulting in a fraction shall not be rounded to allow for an additional unit.
2. To continue to qualify for senior citizen housing classification, the owner or agency shall annually file with the City Clerk and the Zoning Administrator a certified copy of a monthly census of the residents of the dwelling structure, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants under 55 years of age to the other residents of the dwelling structure. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 10. Bulk Requirements:

- a. Purpose and Intent: The purpose and intent of the bulk requirement is to ensure that buildings are appropriately located on a site and of a size that is compatible with the size, and scale of existing buildings in the B-5, Central Business District and surrounding residential properties. (Ref. Ord. 12-03-1012, 12/9/03)

B-5 District Yard and Bulk Regulations Table White Bear Lake, Minnesota	
Yard and Bulk Regulations	
Minimum Lot Area – Non Residential	No Minimum Lot Area
Minimum Lot Width	No Minimum Lot Width
Minimum Lot Area per Multiple Family Dwelling Unit	1,360 Square Feet
Minimum Lot Area per Multiple Family Senior Dwelling Unit	870 Square Feet
Minimum Dwelling Unit Size ¹ Efficiency 1 bedroom 2 bedroom 3 bedrooms or more	400 Square Feet 600 Square Feet 900 Square Feet 1,100 Square Feet
Yards (feet)	
Maximum Front and Corner Side Yard Setback from all Right-of-Ways except Highway 61.	5 Feet

Minimum Front and Corner Side Yard Setback from all Right-of-Ways except Highway 61.	None
Minimum Rear & Side Yard Setback (abutting any residential use in an R-4 dist.) First Floor Second Floor Third Floor	10 Feet 15 Feet 20 Feet
Minimum Rear Yard Setback Abutting Non-residential Property	None
Minimum Interior Side Yard Setback	None
Minimum Setback from Highway 61	20 Feet
Maximum Setback from Highway 61	None
Maximum Building Height, Principal Buildings (feet) (see Section 1301.030, Definitions)	3 Stories or 38 Feet (whichever is lower)
Maximum Building Height, Accessory Buildings (feet)	15 Feet

Subd. 11. Building Scale and Design Standards:

- a. Purpose and Intent: The following design standards, together with the other regulations of this District, are intended to encourage high-quality, scale-appropriate building design that respects the historic character of the B-5, Central Business District. While the building scale and design standards do not dictate a particular architectural style, it is the intent of the City to encourage building design that compliments the architecture of its historically significant buildings located within the B-5, Central Business District.
- b. Building Scale Standards. The following regulations shall apply to all new construction, additions and exterior remodeling in the B-5, Central Business District:
 - 1. Buildings shall be designed with a definable base, middle and top. Cornices and parapets are encouraged to define these sections of the building.
 - 2. Facades of large buildings over 7,500 square feet shall be visually broken into bays to avoid the appearance to large, blank walls. Visual breaks in the façade shall be accomplished by alterations in the plane of the façade; height of the façade; changes in materials, color, texture, or pattern; and/or the addition of columns, pilasters, and/or windows.
 - 3. Punched openings in the wall plane shall be provided in which to set windows and doors. Flush mounted windows and doors are prohibited.
 - 4. The first floor of buildings in the district shall be designed with a minimum ceiling height of twelve (12) feet and fourteen (14) feet is encouraged.
 - 5. One-story buildings taller than eighteen (18) feet in height shall be architecturally detailed to simulate a two-story appearance.

6. No individual retail business shall be larger than 10,000 square feet in gross floor area. Basement areas and upper level mezzanine areas utilized for non-retail purposes shall not be included in this calculation. Retail businesses may be allowed up to 15,000 square feet in gross floor area provided a second story with at least 60% of the area of the first floor is provided. (Ref. Ord. 04-06-1020, 6/8/04)

c. Building Access Standards

1. Pedestrian Access: Each ground floor space with street frontage shall have its primary entrance on the public sidewalk. Additional entrances may be provided off of a parking area or an access corridor.
2. Parcels with frontages on both Trunk Highway 61 and a local street(s) will have their primary entrance on the public sidewalk of the local street frontage.
3. Vehicular Access: Front access drives disrupt the continuous building line, and have a detrimental effect on the pedestrian orientation of the B-5, Central Business District, and therefore are discouraged. Buildings on lots less than 150 feet wide shall have parking located in the rear of the site, with rear access whenever possible. When such access is not possible, it shall be encouraged that the width of the individual drive lanes be limited to ten (10) feet.

d. Building Design Standards

1. Architectural Style: Conformance to established architectural styles is encouraged, but not required. However, the exterior design of buildings shall emphasize traditional architectural themes consistent with older buildings in the B-5, Central Business District.
2. Exterior Materials: In order to adapt to changing technology, the development of new materials, and so as not to limit the designer, additional materials other than those specified in this section may be used. The right to use alternative materials shall be reviewed on a case-by-case basis, in the context of each individual project.
 - a) The following materials are permitted for use on exterior elevations.
 - i. Clay brick
 - ii. Natural or cast stone
 - iii. Cementitious stucco
 - iv. Stained or painted wood lap siding
 - v. Other materials may be considered by the City provided that they are not expressly prohibited below.
 - b) The following materials are prohibited:
 - i. Concrete masonry units (CMU)
 - ii. King-size, queen-size or jumbo brick
 - iii. Aluminum, vinyl, or steel siding or panel systems
 - iv. Exposed aggregate (rough finish) concrete wall panels
 - v. Exterior insulating finish systems (EIFS, "Dryvit")
 - vi. Glass curtain wall systems
 - vii. Plastic
 - viii. T-111 Composite plywood siding

ix. Clear finished wood

3. Door & Window Design: In order to promote and maintain the small town, historic character of the B-5, Central Business District, glazed surfaces on front façade(s) shall be double hung, casement, or fixed picture windows, within discernable wall elements. Windows designed as true divided lights shall be encouraged. Sliding or jalousie windows shall not be permitted.
 4. Door and Storefront Window Materials: All windows on front and corner side facades on all stories, or serving public entrances, shall be wood or wood clad with aluminum. It is encouraged that all ground level doors on front and corner side facades be constructed of wood. The design of doors made of materials other than wood shall be compatible with the design of the building. The use of vinyl windows and trim is prohibited.
 5. Storefront Display Windows: In order to recognize the pedestrian orientation of the B-5, Central Business District, the following are requirements for display windows:
 - a) Along the length of façade(s) facing any public street 50% of the first floor façade shall be display type windows where retail sales, personal service, and/or office use is located on the first floor. A minimum 18-inch high knee wall shall be required beneath glazing and the bottom edge of such windows shall not be higher than thirty (30) inches above grade so as to allow pedestrians to see into the windows.
 - b) First story glass shall be clear and non-tinted; tinting of second and third story glass shall not vary by more than 20%. Reflective glass is prohibited.
- e. Accessory Buildings, Structures and Uses
1. Coordination with Principal Building. All accessory buildings and structures shall compliment and coordinate with the principal buildings on the lot, both in architectural style and material selection.
- f. Permitted Encroachments. The following encroachments shall be permitted into required yards in the B-5, Central Business District:
1. Bay and oriel windows no more than 24 inches.
 2. Balconies no more than 24 inches.
 3. Sills, cornices, roofs, eaves, gutters, corbelled chimneys and ornamental features projecting no more than 24 inches.
 4. Steps, ramps, and stoops no more than 16 square feet in area and projecting no more than 6 feet into the required rear or side yard.
 5. Awnings and canopies no more than 5 feet into required yards. Awnings and canopies may also extend up to 5 feet out over the public sidewalk, where approved by the City.
- g. Site Development Standards.

1. Purpose and Intent: The purpose and intent of the site development standards is to ensure that site improvements, including landscaping, parking, lighting and signage, complement high quality building design and enhance the historic character of White Bear Lake and the pedestrian orientation of the B-5, Central Business District.
2. Perimeter site landscaping/screening: A site in the B-5, Central Business District that abuts a single or two-family residential use in the R-4 district shall provide the required side or rear yard setback, per Subd. 9. This setback area shall consist of a buffer yard improved and maintained in conformance with the following:
 - a) Required Rear and Side Buffer Yards. A rear and side buffer yard that is a minimum of ten (10) feet in width shall be provided where a rear or side yard setback is required. Within the rear and side buffer yard, a visual barrier that is a minimum of six (6) feet in height shall be installed. The screen shall consist of either an opaque stone or brick wall or solid wood decorative fence. Fences shall be installed with the finished side facing the adjacent residential property. In addition, within the required rear and side buffer yard, a minimum of one (1) shade or ornamental tree with a trunk size a minimum of one and one half (1-1/2) inches in caliper shall be planted for each twenty five (25) feet of length of the rear property line abutting the residential district. The trees may be grouped or staggered to maximize their effect.
 - b) The remainder of the buffer yard areas shall be planted with shrubs, turf, and/or other plantings.
3. Parking lot landscape requirements.
 - a) Interior Parking Lot Landscaping. For parking lots consisting of twenty (20) or more spaces, interior parking lot landscaping shall be required. Interior parking lot islands shall be required at a rate of one (1) parking lot island for every ten (10) parking spaces. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement shall not be included toward satisfying this requirement. Interior parking lot landscaping areas shall be a minimum of one hundred and forty-four (144) square feet in area and shall be a minimum of eight (8) feet in width, as measured from back of curb to back of curb. The landscaped areas shall be improved as follows:
 - i. Interior parking lot landscaping areas shall consist of planting islands or planting strips at least six (6) inches above the surface of the parking lot that are protected with concrete curbing and shall be dispersed throughout the parking lot in a design and configuration that corresponds to the size and shape of the parking lot.
 - ii. The primary plant materials used in parking lots shall be shade tree species. Ornamental trees, shrubbery, hedges and other plant materials may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping. One (1) shade tree with a trunk size a minimum of two and one-half (2-1/2) inches in caliper shall be provided for every one-hundred and forty-four (144) square feet of landscaping area.

iii. A minimum of fifty percent (50%) of every interior parking lot landscaping area shall be planted with an approved groundcover in the appropriate density to achieve complete cover within two (2) years. Mulch may only be used around the base of the plant material to retain moisture.

b) Perimeter Parking Lot Landscaping/Screening.

Perimeter parking lot landscaping provides for the enhancement and screening of parking lots by requiring a scheme of pedestrian walls and/or landscaping along public streets. Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot. The landscape treatment shall run the full length of the parking lot and be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas shall be protected with raised concrete curbs. The landscaped area shall be improved as follows:

- i. The perimeter parking lot landscaping area shall be at least 10 feet in width, as measured from the right-of-way line to the back of curb in order to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
- ii. One tree measuring two and one-half (2-1/2) inches in caliper shall be planted for each twenty-five feet of landscaped area length. Trees may be grouped or staggered to maximize their effect as approved by the City.
- iii. One shrub, measuring a minimum of 18 inches at planting and not to exceed 5 feet at maturity, for every 3 feet of landscaped area length, spaced linearly to adequately screen vehicle bumpers, and/or a low pedestrian wall the height of which provides effective screening to a maximum height of 3 1/2 feet.
- iv. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover

c) Screening of loading areas. For uses with loading docks, they shall be located at the rear of the building, where possible, and shall be adequately screened with a wall, fence and/or landscaping that is a minimum of 6 feet in height, unless such screening is determined to be unnecessary by the City.

d) Maintenance. All plant material shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free of refuse and debris. Fences and walls shall be maintained in good repair and neat appearance. Landscaping shall be trimmed so as not to obstruct public or private sidewalks, parking lots, and driveways. All landscape areas shall have automatic irrigation system installed and properly maintained to promote the health of the plant material and conservation of water including rain gauge shut-offs. The owner of the premises and any tenant shall be jointly responsible for maintenance, repair, and replacement of all landscape materials, fences, and barriers.

h. Parking Requirements

It is recognized that the pedestrian character and small lot sizes within the B-5, Central Business District make the provision of individual private on-site parking facilities difficult and detrimental to the traditional character of the district. In addition to on-street parking and public parking spaces, business owners are encouraged to pursue shared and off-site parking arrangements at the rear of properties in the B-5, Central Business District.

1. Number of Required Parking Spaces in the B-5, Central Business District
 - a) Multiple family residential uses with five or fewer units in any one development: No parking required.
 - b) Multiple family residential with five to twenty units in one development: 1.0 parking spaces/dwelling unit with two bedrooms or less; 2.0 parking spaces/dwelling unit with three or more bedrooms.
 - c) Multiple family residential with greater than twenty units in one development: 1.5 spaces/dwelling unit with two bedrooms or less; 2.0 parking spaces/dwelling unit with three or more bedrooms.
 - d) For senior citizen housing, the on-site parking requirements may be reduced by 50% of the above-referenced requirements.
 - e) For residential uses it shall be encouraged that at least one of the required spaces per dwelling unit be enclosed and located within the building or in an accessory garage building. These requirements shall apply to new residential development and not to existing nonconforming residential developments.
 - f) Non-residential uses of 5,000 sf of gross floor area or less: No on-site parking required.
 - g) Non-residential uses with more than 5,000 sf of gross floor area: 1 parking space/400 sf of gross floor area above the initial 5,000 sf of gross floor area.
2. Parking Lot Location. Parking lots shall be located at the rear of buildings such that buildings separate parking areas from the street. The City may permit parking to the side of a building if the lot is a minimum of 150' in width. The need for parking on the side of the buildings will be evaluated by the City on a case-by-case basis and shall only be permitted where the configuration of the site and/or need for on-site parking makes locating all parking at the rear of the building infeasible.

i. Lighting

Lighting standards and fixtures shall be consistent with the historic character of the B-5, Central Business District. All lighting poles and luminaries shall be consistent with the ornamental lighting adopted by the City. All on-site lighting shall be equipped with shielding and cut-off devices, such that no light shall shine directly upon adjacent residentially zoned property. In keeping consistent with the pedestrian scale of the B-5, Central Business District, light poles shall be maximum height of fifteen (15) feet as measured from the finished grade. Light intensity shall not exceed 0.4 foot candle as measured at any residential property line and 1 foot candle as measured at all other property lines. (Ref. Ord. 12-03-1012, 12/9/03)

Subd. 12. Termination of Moratorium:

- a. On July 8, 2003, the White Bear Lake City Council adopted Ordinance No. 03-07-1006, "An Interim Ordinance Establishing a Moratorium on Large Retailer and Drive-Through Facilities in the B-5, Central Business District".
- b. Said Moratorium is hereby terminated upon publication and the effective date of this ordinance establishing amended Code Section 1303.160. (Ref. Ord. 12-03-1012, 12/9/03)

§1303.170 "B-6", COMMERCIAL RECREATIONAL DISTRICT

Subd. 1. Purpose. The purpose of the "B-6", Commercial Recreational District is to provide for the establishment of commercial recreational activities in those areas of White Bear Lake that would serve the recreational needs for the residents and to encourage tourism in the community.

Subd. 2. Permitted Uses. The following are permitted uses in a "B-6" District:

- a) Arcades.
- b) Commercial recreation.
- c) Resort facilities (to include lodges, cabins, motels and the like).
- d) Restaurants.
- e) Taverns, liquor on-sale.
- f) Sporting goods establishments, outfitters and suppliers, bait shops.
- g) Public parks, playgrounds and recreational areas.
- h) Private athletic clubs for racquet ball, handball and tennis.

Subd. 3. Accessory Uses. The following are permitted accessory uses in a "B-6" District:

- a) Commercial or business buildings and structures for a use accessory to the principal use, but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.
- b) Off-street parking as regulated by Section 1302.050 of this Code.
- c) Off-street loading as regulated by Section 1302.060 of this Code.
- d) Swimming pool, tennis courts and other recreational equipment and facilities.
- e) Storage garage, rental goods establishments.
- f) Solar energy systems, either roof-mounted or ground-mounted, per Code Section 1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)

Subd. 4. Conditional Uses. The following are conditional uses within a "B-6" Districts, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) Single family detached dwellings as regulated by Section 1303.040 of this Code where applicable.
- b) Service and storage marinas, harbor and docking facilities, provided that:

- 1) The area is fenced and screened from view of the neighboring residential uses or if abutting a Residential District in compliance with Section 1302.030, Subd. 7.a of this Code.
 - 2) Storage is screened from view from the public right-of-way in compliance with Section 1302.030, Subd. 7.a of this Code.
 - 3) Storage area is grassed or surfaced to control dust.
 - 4) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with section 1302.030, Subd. 9 of this Code.
 - 5) Does not take up parking space as required by Section 1302.050 of this Code.
 - 6) Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 1302.030, Subd. 7.a of this Code.
 - 7) Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 1302.050, Subd. of this Code and shall be subject to the approval of the City Engineer.
 - 8) All signing and informational or visual communication devices shall be minimized and shall be in compliance with the White Bear Lake Sign Code.
 - 9) A drainage system subject to the approval of the City Engineer shall be installed.
 - 10) Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oils is incidental to the conduct of use or business, the standards and requirements of the City, state and federal government agencies regarding motor fuel operations shall apply.
 - 11) All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- c) Auditoriums or dinner-dance establishments, etc. for public entertainment and use.
- 1) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - 2) At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) Each light standard island and all islands in the parking lot shall be landscaped or covered.
 - 4) Parking areas shall be screened from view of abutting Residential Districts in compliance with Section 1302.030, Subd. 7.a) of this Code.

- 5) Parking areas and driveways shall be curbed with continuous curbs not less than six (6) inches high above the parking lot or driveway grade.
 - 6) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 1302.050, Subd. 4.i) of this Code and shall be subject to the approval of the City Engineer.
 - 7) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 8) The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 - 9) The entire area other than occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City Engineer.
 - 10) All signing and information or visual communication devices shall be in compliance with the White Bear Lake Sign Code.
- d) Nature trails, snowmobile trails, ski trails and similar facilities.
- e) Commercial Planned Unit Developments, as regulated by Section 1301.070 of this Code.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "B-6" District, subject to additional requirements, exceptions and modifications set forth in this Code:

- a) Lot Area - 15,000 square feet.
- b) Lot Width - 100 feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.

*Lots located in the Shoreland District shall be subject to provisions of Section 1303.230 of this Code. (Ref. Ord. 10-1-1063, 1/12/10)

- 2) Side yards: Not less than ten (10) feet, nor less than thirty (30) feet on a side yard abutting a public right-of-way. (Ref. Ord. 813, 4/10/90)
- 3) Rear yards: Not less than thirty (30) feet.

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.

- b) Exterior Building Materials. This section identifies permitted building materials to be used in industrial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.
- 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels which are colored by pigment impregnated throughout the entire panel per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass and aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of the aggregate wall area excluding window and door areas;
 - h. Glass;
 - i. Decorative painted concrete block shall be permitted on any building wall not visible from a public right-of-way.
 - 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
 - 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
 - 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;

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- c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.
- d. Unadorned and/or painted concrete block.

§1303.180 "B-W", BUSINESS/WAREHOUSING DISTRICT

Subd. 1. Purpose. The purpose of the "B-W", Business/Warehousing District is to provide for the establishment of the following: storage and/or warehousing as well as individual sales of large volume wholesale or bulk commercial retail items. The overall character of the "B-W" District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities. (Ref. Ord. 99-08-972A, 8/10/99)

Subd. 2. Permitted Uses. The following are permitted uses in a "B-W" District:

- a) Radio and television stations.
- b) Warehouses.
- c) Government and public utility buildings and structures.
- d) Cartage and express facilities.
- e) Building materials sales.
- f) Commercial/leased offices.
- g) Transportation terminals.
- h) Research laboratories and facilities.
- i) Commercial printing establishments.
- j) Jewelry manufacturing.
- k) Medical, dental and optical laboratories.
- l) Wholesale business.
- m) Essential services.
- n) Trade schools.
- o) Commercial recreation facilities (indoor only) limited to firearms and archery ranges, fitness center, golf course, gymnastics center, jump center, indoor golf driving range, indoor batting cages, racquetball, roller, and ice skating rink, tennis, vehicle racing or amusement and similar uses. (Ref. Ord. 03-10-1010, 10/14/03, Ord. 05-06-1028, 6/14/05, Ord. 06-01-1032, 1/10/06)
- p) Manufacturing light.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "B-W" District:

- a) All permitted accessory uses as allowed in the "B-5" District.
- b) Semi-truck parking.

Subd. 4. Conditional Uses. The following are conditional uses in a "B-W" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) Open and outdoor storage as a principal or accessory use, provided that:
 - 1) The area is fenced and screened from view of neighboring residential uses or if abutting a Residential District, in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 2) Storage is screened from view from the public right-of-way in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) Storage area is grassed or surfaced to control dust.
 - 4) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 5) The use does not take up parking space as required for conformity to this Code.
- b) Open or outdoor service, sale and rental as a principal or accessory use, provided that:
 - 1) Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.
 - 2) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting Residential District, in compliance with Section 1302.030, Subd. 7.a) of this Code.
 - 3) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 4) The use does not take up parking space as required for conformity to this Code.
 - 5) Sales area is grassed or surfaced to control dust.
- c) Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:
 - 1) Such use is allowed as a permitted use in a "B-1" or "B-2" District.

- 2) Such use does not constitute more than thirty (30) percent of the lot area and not more than fifty (50) percent of the gross floor area of the principal use.
 - 3) Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1302.050 and 1302.060 of this Code is provided.
 - 4) All signing and informational or visual communication devices shall be in compliance with the White Bear Lake Sign Code.
- d) Commercial/industrial planned unit development as regulated by Section 1301.070 of this Code.
- e) Commercial and industrial businesses which are defined as a permitted or conditional use in this district abutting residentially zoned land provided that: (Ord. No. 813, 4/10/90; 827, 1/08/91)
- 1) Deliveries and/or delivery truck access of site during the hours of 10:00 P.M. to 6:00 A.M., will be limited to single unit, two-axle vehicles not in excess of 26,000 pounds gross vehicle weight (GVW). In the event that said vehicles making deliveries during the hours between 10:00 P.M. and 6:00 A.M. establish a pattern of violating the City of White Bear Lake's noise ordinance, §703.070, and amendments thereto, after ten (10) days written notice to the property owner and after a hearing before the City Council, the City Council, in its discretion, by resolution, including specific findings of fact establishing such a pattern of violating said noise ordinance, may further restrict deliveries to the property, but such restriction shall not be more stringent than necessary to assure compliance with the noise ordinance. The City may only use violations of the noise ordinance which it gave previous notice of to the property owner.
 - 2) No building, loading dock or loading berth shall set within fifty (50) feet of residentially zoned property.
 - 3) The business or industry will provide a screening/buffer zone along the boundary of the residential property. The screening/buffer zone shall be at least twenty (20) feet in width and shall be designed to include all of the following: An opaque wooden or masonry fence of at least eight (8) feet in height; a planting strip which includes a combination of deciduous trees to provide added screening above the fence line and evergreens to provide enhanced noise buffering as needed; an earthen berm may also be required to reduce noise and improve screening. The screening/buffer plan shall be subject to City Council approval.
 - 4) All lighting shall be equipped with sharp cut-offs with concealed luminaries. Pole heights shall not be higher than twenty-five (25) feet, except no pole higher than twelve (12) feet shall set closer to residentially zoned land than fifty (50) feet. Where backs of stores and/or loading docks are immediately adjacent to residentially zoned land, wall packs, mounted not higher than ten (10) feet, shall be used instead of poles where possible. The lighting plan shall be subject to approval by the City Council.
 - 5) Said businesses' operations and deliveries shall not disturb the peace and repose of adjacent residences as outlined in the City of White Bear Lake noise ordinance §703.070. No use of forklifts shall take place out of doors within one hundred fifty (150) feet of residentially zoned property.

- 6) The above outlined requirements are minimum requirements. The City Council may impose additional standards as are deemed necessary to promote compatibility between land uses.
- f) Security Management Apartments Requirements. All security management apartments shall comply with the following requirements: (Ref. Ord. No. 766, 8/9/88)
 1. Security Apartment shall be defined as: A single rental unit for no more than two (2) persons employed as security or management for the facility in which the apartment is located.
 2. The security management apartment shall be located within the industrial complex and must be an integral portion of the original design, not to be added after the original complex is built.
 3. The security apartment shall not exceed twelve hundred (1200) square feet.
 4. The unit shall comply with all of the requirements of the State Building Code for R3 occupancy.
 5. No separate driveway or curb cut shall be permitted for the security apartment unit.
 6. In addition to meeting the off-street parking requirements of Section 1302.05 of the code, one (1) parking space shall be provided for each tenant, but not less than one space per security apartment.
 7. The apartment is to be used strictly for security management dwelling. Any other use is prohibited under this code.
- g) Adult establishments as defined and regulated by Chapter 1124 of the City Code.
- h) Pawnbrokers and precious metal dealers as defined and regulated by Chapter 1125 of the City Code.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "B-W" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

- a) Lot Area - 15,000 square feet.
- b) Lot Width - 100 feet.
- c) Setbacks:
 - 1) Front yards: Not less than thirty (30) feet.
 - 2) Side yards: not less than twenty (20) feet on any one side, nor less than thirty (30) feet on a side yard abutting a public right-of-way. (Ref. Ord. No. 813, 4/10/90)
 - 3) Rear yards: Not less than thirty (30) feet.

Subd. 6. Building Requirements.

- a) Height. No structure shall be taller than three (3) stories, not to exceed thirty-six (36) feet, except as provided in Section 1302.040, Subd. 3 of this Code.
- b) Exterior Building Materials. This section identifies permitted building materials to be used in industrial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.
 - 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is painted or colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass or aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of an aggregate of walls excluding window and door areas;
 - h. Glass;
 - i. Painted concrete block provided that it is not used on any building wall visible from a public right-of-way.
 - 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.
 - 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
 - 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;

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- b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
- c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.

§1303.190 "I-1", LIMITED INDUSTRY DISTRICT

Subd. 1. Purpose. The purpose of the "I-1", Limited Industry District is to provide for the establishment of warehousing and light industrial development. The overall character of the "I-1" district is intended to be transitional in nature, thus industrial uses allowed in this District shall be limited to those which can compatibly exist adjacent to the "B-W" District or commercial uses, but require isolation from residential uses.

Subd. 2. Permitted Uses. The following are permitted uses in a "I-1" District:

- a) All permitted uses allowed in a "B-W" District, except:
 - 1) Commercial/leased offices.
 - 2) Commercial recreation facilities. (Ref. Ord. 06-01-1032, 1/10/06)
- b) Assembly, manufacturing, fabricating or processing of the following:
 - 1) Apparel.
 - 2) Artificial limbs.
 - 3) Bakery goods, for sale or use off the premises.
 - 4) Batteries.
 - 5) Bed springs and mattresses.
 - 6) Belting and chain conveyors.
 - 7) Bicycles and toys.
 - 8) Cabinets.
 - 9) Cameras and photographic supplies.
 - 10) Canvas and canvas goods.
 - 11) Ceramic products.
 - 12) Cork products.
 - 13) Drugs, cosmetics, pharmaceuticals, toiletries.
 - 14) Electrical motors, generators, transformers and controls.
 - 15) Electrical and electronic products.
 - 16) Felt products.

- 17) Musical instruments.
- 18) Packaging.
- 19) Products made of glass, cellophane, leather, plastic or wood.
- 20) Sporting equipment.
- 21) Televisions, radios and appliances.
- 22) Tobacco products.
- c) (Ref. Ord. 695, 8-13-85)
- d) Canning, packaging and storage of foodstuff.
- e) Cartography, blueprinting and reproduction services.
- f) Commercial printing and engraving.
- g) Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration.
- h) Creamery, dairy plants and ice cream plants.
- i) Dry cleaning plant.
- j) Electrical service shops.
- k) Self-Storage facilities. (Ref. Ord. 17-02-2022, 2/14/17)
- l) Farm implement and heavy equipment sales.
- m) Machine shop.
- n) Product showroom businesses which are accessory to the principal industrial use provided that said businesses' total floor area is not more than ten (10) percent of the gross floor area of the building. (Ref. Ord. No. 907; 4/12/94)

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in an "I-1" District.

- a) All permitted accessory uses allowed in a "B-W" District.

Subd. 4. Conditional Uses. The following are conditional uses in an "I-1" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All conditional uses in a "B-W" District, except for open or outdoor service, sales and rental.

- b) Retail commercial activities provided that:
- 1) Merchandise is sold at retail.
 - 2) The retail activity is located within a structure whose principal use is not commercial sales.
 - 3) The retail activity shall not occupy more than fifteen (15) percent of the gross floor area of the building.
 - 4) The retail activity is accessory to the principal industrial use.
 - 5) All signage shall be in compliance with the City's sign ordinance. (Ref. Ord. No. 907; 4/12/94)
- c) Industrial planned unit development as regulated by §1301.070 of this Code.
- d) Commercial/leased offices.
- e) Automobile Major Repair uses provided that: In addition to satisfying all performance requirements of Section 1302.030, City Zoning Code, the use conforms to either of the following criteria.
- 1) The lot line must be not less than 300 feet from the lot line of the nearest lot zoned for residential uses; or
 - 2) Each of the following performance requirements are satisfied:
 - a) Screening and landscaping must be provided on all sides of any structures; and
 - b) All outdoor storage lots must be fully fenced and screened. (Ref. Ord. 695, 8-13-85)
- f) Motor fuel stations, provided that:
- 1) The station is an accessory use to the principal warehousing/industrial use of the property.
 - 2) The station does not consume more than 25% of the lot area.
 - 3) Adequate off-street parking in compliance with the requirements of Section 1302.050 of this Code is provided.
 - 4) The underground tanks must be located so that the fuel delivery trucks do not block any access openings or impede on-site traffic flow while filling tanks.
 - 5) All signage must comply with Section 1202.140.
 - 6) All canopy lighting shall be constructed so that the lens covering is flush with the ceiling. Other on-site lighting shall not exceed twenty-five (25) feet in height and shall comply with Section 1302.030, Subd. 9, of this Code. If adjacent to or across the street

from residential property, wall packs, mounted not higher than ten (10) feet shall be used instead of poles, where possible.

- 7) If adjacent to or across the street from residential property, a screening/buffer zone that complies with Section 1303.130, Subd. 4.e.3 shall be provided along the boundary of the property.
 - 8) The building materials must comply with the materials required in Section 1303.180, Subd. 6.b.
 - 9) A drainage system subject to the approval of the City Engineer shall be installed.
 - 10) No expansion of non-conforming structures or uses is allowed.
- g) Marina-Related Operations including the sale, service, outdoor display and outdoor storage of watercraft, along with associated accessory retail sales, provided that:
- 1) Any outdoor storage yard is fenced and screened from view of neighboring residential uses or if abutting a Residential District, subject to approval by the Zoning Administrator.
 - 2) Any outdoor storage yard is screened from view from the public right-of-way.
 - 3) Both the outdoor storage yard and the area for display of watercraft is grassed or surfaced to control dust.
 - 4) Both the outdoor storage yard and the area for display of watercraft do not take up parking space as required for conformity to this Code.
 - 5) Any outdoor display areas shall be regulated by the conditional use permit and limited to areas specified therein.
 - 6) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1302.030, Subd. 9 of this Code.
 - 7) Retail sales shall not exceed fifteen percent (15%) of the gross floor area of the building.

Subd. 5. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "I-1" District, subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - 20,000 square feet.
- b) Lot Width - 100 feet.

c) Setbacks:

- 1) Front yards: Not less than thirty (30) feet.
- 2) Side yards: Not less than ten (10) feet, nor less than thirty (30) feet on a side yard abutting a public right-of-way. (Ref. Ord. No. 813, 4/10/90)
- 3) Rear yards: Not less than thirty (30) feet. (Ref. Ord. No. 813, 4/10/90)

Subd. 6. Building Requirements.

a) Height. No structure shall be taller than four (4) stories, not to exceed forty-eight (48) feet, except as provided in Section 1302.040, Subd. 3 of this Code.

b) Exterior Building Materials. This section identifies permitted building materials to be used in industrial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.

- 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is painted or colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass or aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of an aggregate of walls excluding window and door areas;
 - h. Glass;
 - i. Painted concrete block provided that it is not used on any building wall visible from a public right-of-way.
- 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.

- 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
- 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
 - c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.

§1303.200 "I-2", GENERAL INDUSTRY DISTRICT

Subd. 1. Purpose. The purpose of the "I-2", General Industry District is to provide for the establishment of heavy industrial and manufacturing development and use which because of the nature of the product or character of activity requires isolation from residential or commercial use.

Subd. 2. Application of Performance Requirements. All uses provided for under the "I-2" District shall show proof of ability to comply with the performance requirements of this Code prior to issuance of any construction permit.

Subd. 3. Permitted Uses. The following are permitted uses in an "I-2" District:

- a) All permitted uses allowed in an "I-1" District, except self-storage facilities. (Ref. Ord. 17-02-2022, 2/14/17)
- b) The manufacturing, compounding, assembly, packaging, treatment, or storage of products and materials.
- c) Processing of building stone, marble, or granite products not including extraction or quarrying.

Subd. 4. Permitted Accessory Uses. The following are permitted accessory uses in an "I-2" District:

- a) All permitted accessory uses allowed in an "I-1" District.

Subd. 5. Conditional Uses. The following are conditional uses in an "I-2" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code. (Ref. Ord. 693, 8/13/85)

- a) All conditional uses allowed in an "I-1" District.
- b) Recycling centers within buildings or screened by permanent walls.
- c) Crude oil, gasoline, or other liquid storage tanks.
- d) Electric light or other power maintenance stations.
- e) Extraction, processing, or storage of sand and gravel.

Subd. 6. Lot Requirements and Setbacks. The following minimum requirements shall be observed in a "I-2" District, subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Lot Area - 20,000 square feet.
- b) Lot width - 100 feet.

c) Setbacks:

- 1) Front yards: Not less than thirty (30) feet.
- 2) Side yards: Not less than ten (10) feet, nor less than thirty (30) feet on a side yard abutting a public right-of-way. (Ref. Ord. 813, 4/10/90)
- 3) Rear yards: Not less than twenty (20) feet. (Ref. Ord. 813, 4/10/90)

Subd. 7. Building Requirements.

a) Height. No structure shall be taller than four (4) stories, not to exceed forty-eight (48) feet, except as provided in Section 1302.040, Subd. 3 of this Code.

b) Exterior Building Materials. This section identifies permitted building materials to be used in industrial building construction which are durable and long lasting. By identifying permitted building materials, high quality development is achieved in both visual and functional terms.

- 1) All exterior wall finishes shall be of consistent quality limited to one or a combination of the following:
 - a. Face brick;
 - b. Natural stone;
 - c. Decorative concrete block which is painted or colored by pigment impregnated throughout the entire block;
 - d. Cast in place concrete or pre-cast concrete panels per approval of an architectural treatment by the Zoning Administrator;
 - e. Stucco;
 - f. Wood, provided the surfaces are finished for exterior use;
 - g. Curtain wall panels of steel, fiberglass or aluminum, provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are corrosion resistant. The gross building wall area of this type shall be limited to no more than fifty (50) percent of an aggregate of walls excluding window and door areas;
 - h. Glass;
 - i. Painted concrete block provided that it is not used on any building wall visible from a public right-of-way.
- 2) All subsequent additions and exterior alterations to non-conforming buildings must be constructed with the materials required in this ordinance if the addition or alteration exceeds twenty-five (25) percent of the floor area of the original non-conforming structure.

- 3) Accessory buildings constructed after the erection of the original building or buildings shall be constructed of materials comparable to those used in the principal building and shall be designed in a manner conforming to the architectural and general appearance.
- 4) The following exterior building materials are prohibited:
 - a. Face materials which rapidly deteriorate or become unsightly such as galvanized metal;
 - b. Unfinished structural clay tile and metal panels not factory finished with a permanent surface;
 - c. Buildings comprised exclusively of metal, pole buildings, sheet metal, plastic or fiberglass siding unless such siding is a component of a factory fabricated and finished panel.

(Ref. Ord. 884, 2/9/93)

§1303.210 "PZ", PERFORMANCE ZONE DISTRICT

Subd. 1. Purpose. The purpose of the "PZ", Performance Zone District is to allow for development flexibility and special design control within sensitive areas of the City due to environmental or physical limitations. As part of the City's Comprehensive Plan, it has been determined that within certain unique areas of the community the precise designation of acceptable land use and the geographic definition of such activities cannot be accomplished without detailed analysis of use type impact, construction and improvement feasibility and costs, market conditions, and financing. In such cases, in order to allow property owners the opportunity to pursue the highest and best use of their land within the constraints of environmental and physical limitations, the "PZ" Performance Zone has been created.

Subd. 2. District Application.

- a) The "PZ" Performance Zone District shall be applied in conjunction with the policies established in the White Bear Lake Comprehensive Plan.
- b) The special requirements and performance standards imposed as part of the "PZ", Performance Zone District shall serve as guidelines for the development of all property within the district.

Subd. 3. Permitted Uses. The following are permitted uses in a "PZ" District:

- a) Uses existing upon the effective date of this Ordinance (12/13/83). (Ref. Ord. 10-1-1063, 1/12/10)

Subd. 4. Permitted Accessory Uses. The following are permitted accessory uses in an "PZ" District:

- a) Uses existing upon the effective date of this Ordinance.
- b) Solar energy systems, either roof-mounted or ground-mounted, per Code Section 1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)

Subd. 5. Conditional Uses. The following are conditional uses in an "PZ" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by Section 1301.050 of this Code.

- a) All permitted, accessory, and conditional uses allowed within the "O" through "B-6" zoning districts (Sections 1303.020-1303.170) of this Code, provided that the following conditions are met:
 - 1) Traffic generation demands shall not exceed the capacity of the area street system or add unreasonable increased volumes on area streets as determined by the following criteria:
 - a. Standards established by the adopted City Comprehensive Plan.
 - b. Engineering design, construction, and capacity standards.

- 2) Street improvements shall be provided at the expense of the developer, sufficient to meet the need which is generated, but which do not endanger the traffic carrying capacity or function of the local or regional system.
- 3) Public sewer and water extensions are available and feasible, and provided at the developer's expense.
- 4) Adequate development valuation or direct contribution to support necessary public safety expansion.
- 5) Internal and external site land use compatibility and sufficient peripheral area protection and screening.
- 6) There shall be no negative visual impact on the existing residential development or environmental features.
- 7) Demonstrated environmental compatibility:
 - a. Protection of wetland areas and natural drainage ways.
 - b. Creation of no smoke, dust, noise, odors or refuse that will adversely impact the adjoining properties.
- 8) The creation of no drainage or pollution problems.
- 9) Architectural compatibility and building code compliance.
- 10) Provisions for energy conservation.
- 11) The provision for adequate support facilities, i.e., off-street parking, off-street loading, etc.
- 12) Contribution to the community's economy and stability:
 - a. Preservation of the public cost/revenue balance.
 - b. Expansion of the community's economic base:
 1. Economic diversity.
 2. Local job opportunities.
 - c. Demonstrated fiscally sound and self-sustaining.
- 13) Adequate provision for property control and maintenance.
- 14) Demonstrated compliance with the White Bear Lake Comprehensive Plan Policy Plan/Development Framework and related detailed facilities plan.
- 15) The proposed use will not create fiscal problems for the City or adversely impact the health, safety or welfare of the community.

Subd. 6. Prohibited Uses. (Ref. Ord. 800, 1/9/90)

- a) Fuel and oil dispensing operations.

Subd. 7. Lot Requirements, Setbacks and the Like. The following minimum requirements shall be observed in the "PZ" District subject to additional requirements, exceptions and modifications set forth in this Code.

- a) Uses within the district shall be subject to the requirements and performance standards established in Subd. 5 above.
- b) Setback requirements shall be those typically imposed for respective uses by this Code and as approved by the City Council.

1303.211 "PZ-R" PERFORMANCE ZONE-RESIDENTIAL DISTRICT

Subd. 1. Purpose. The purpose of the "PZ-R", Performance Zone Residential District is to allow for residential development flexibility and special design control within sensitive areas of the City due to environmental or physical limitations, and unique character of the land. The precise designation of acceptable residential dominated land use and the geographic definition of such activities can be accomplished only with detailed analysis of proposed use(s) impact, construction and improvement feasibility and costs, market conditions, financing required and environmental assessment.

Subd. 2. District Application.

- a) The PZ-R Zone District shall be applied in conjunction with the policies established in the White Bear Lake Comprehensive Plan.
- b) The application form, City environmental assessment checklist, special requirements, the adopted design guidelines and the performance standards imposed as part of the "PZ" and "PZ-R" Zone District shall serve as guidelines for the development of all property within the district.

Subd. 3. Permitted Uses. The following are permitted uses in a "PZ-R" District (Requires site plan review and approval by Planning Commission and City Council):

- a) All permitted uses allowed in an "O", "R-11", "R-2" and "R-3" District, subject to DNR shoreland management requirements. (Ref. Ord. 896, 7/13/93)

Subd. 4. Permitted Accessory Uses. The following are permitted accessory uses in a "PZ-R" District (require site plan review and approval by Planning Commission and City Council):

- a) All permitted accessory uses allowed in an "O", "R-11", "R-2", and "R-3" District subject to DNR shoreland management requirements. (Ref. Ord. 896, 7/13/93)

Subd. 5. Conditional Uses. The following are conditional uses in a "PZ-R" District (requires a public hearing by the Planning Commission and approval of a Conditional Use Permit by the City Council pursuant to the procedures in §1301.050 of this Code) and subject to DNR shoreland management requirements:

- a) All conditional uses, subject to the same or more detailed conditions, as allowed in an "O", "R-11", "R-2" and "R-3" District. (Ref. Ord. 896, 7/13/93)
- b) All "R-5" uses of multi-family housing (more than three [3] units per structure) as outlined and regulated in §1303.070).
- c) Professional office buildings subject to the building and hard surface setback requirements of the "DBD" zone.
- d) Banks including those with drive through facilities as an accessory use provided that at least 5,000 square feet of interior bank operations are included. (Ref. Ord. 790, 8/22/89)
- e) Professional and commercial offices as defined in the "B-2" district (§1303.130, Subd. 4b) representing 25% or less of the gross floor area of a residential planned unit development.

Subd. 6. Special Minimum Requirements. The following minimum requirements shall be observed in a "PZ-R" District, subject to additional requirements which may be set forth in the issuance of a conditional use permit: (Ref. Ord. 10-1-1063, 1/12/10)

- a) Lot area - 20,000 square feet adjacent to lake, 15,000 square feet all other areas
- b) Lot width - 80 feet (at building setback line)
- c) Building setbacks from property lines
 - 1) Front yards: Not less than fifty (50) feet on nine (9) ton or more roads, otherwise thirty (30) feet.
 - 2) Interior side yards: Not less than ten (10) feet; attached garages not less than five (5) feet.
 - 3) Corner lot side yards: Not less than fifty (50) feet on nine (9) ton or more roads, otherwise thirty (30) feet.
 - 4) Rear yards: Not less than thirty (30) feet.
- d) Hard surface areas shall be setback a minimum of 20 feet from all right-of-ways except where adjacent to Interstate 35E or 694 the minimum shall be 10 feet. Side and rear yard setbacks shall be at least 10 feet except where adjacent to residential land use, then said setback shall be at least 20 feet.
- e) Underground lawn sprinkling systems shall be provided for all development to maintain the lawns and landscaping within the boulevards, front and side yards.
- f) All exterior wall finishes on any building shall be of consistent quality limited to one or a combination of the following: (Ref. Ord. 790, 8/22/89)
 - 1) Face brick.
 - 2) Natural stone.
 - 3) Stucco, wood or aluminum siding or specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture provided that at least 50% of the gross facade is brick or natural stone.
 - 4) Glass.
 - 5) All subsequent additions, exterior alteration and accessory buildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.
- g) Parking and landscape standards shall be equivalent to the standards contained in §1302 of the City Code.

Subd. 7. Building Requirements.

- a) Height above grade. No structure shall exceed thirty-six (36) feet in height above the main entrance grade except as provided in §1302.040, Subd. 3.
- b) Height below grade. Structures may be built below the main entrance grade to the depth and standard prescribed in the City of White Bear Lake Building code.

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§1303.220 "PUD", PLANNED UNIT DEVELOPMENT DISTRICT

See Section 1301.070, "ADMINISTRATION – PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT" (Ref. Ord. 10-1-1063, 1/12/10)

1303.225 DBD, DIVERSIFIED BUSINESS DEVELOPMENT DISTRICT

Subd. 1. Purpose. The purpose of the Diversified Business Development District is to provide for a limited mixture of land uses, made mutually compatible through controls and high quality standards; to facilitate moderate intensity development in environmentally sensitive areas and to encourage economic development which will enhance employment opportunities within the City. This district shall allow opportunities to integrate high quality office structures, hotels, restaurants, and selected office, office/warehouse, office/showroom, quality light manufacturing uses, and limited medium density housing, in areas with convenient access to the metropolitan market area and excellent visibility from major thoroughfares.

Subd. 2. Permitted Uses. The following are permitted uses in a "DBD" district:

- a) Medical and dental services.
- b) Offices, business and professional.
- c) Private clubs or lodges.
- d) Hotels and motels.
- e) Mortuaries.
- f) Research, design, and development establishments.
- g) Banks and financial institutions including drive-through tellers.
- h) The following uses are permitted in structures containing a minimum of 10,000 square feet.
 1. Health and racquet clubs, gymnasiums and swimming pools.
 2. Graphic arts reproduction and photocopying establishments.
 3. Catering establishments.
 4. Clothing and costume rental.
 5. Trade schools.
 6. Day care facilities.
 7. Schools and studios: artistic, music, photo, decorating, dancing, health.
 8. Orthopedic and medical appliance stores.
 9. Recording studios.
 10. Manufacture of electronic equipment and medical instrument devices.
- i) Office/warehouse uses provided in buildings of at least 10,000 square feet in area provided that at least 25% of any tenant's gross floor area is office related.

- j) Hair Salons with services limited exclusively to hair-cuts, coloring, conditioning and styling. May not include other services such as massage, tanning, nails, facials and waxing. (Ref. Ord. 14-6-1094, 6/10/14)

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "DBD" District.

- a) Off street parking and off street loading as regulated under §1302 of this code.
- b) Inside parking for cars and/or service trucks, including underground parking facilities or parking ramps.
- c) Solar energy systems, either roof-mounted or ground-mounted, per Code Section 1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)

Subd. 4. Conditional Uses. The following are conditional uses in a "DBD" District, which require a Conditional Use Permit based upon procedures and provisions set forth in and regulated by §1301.050 of this Code.

- a) Restaurants over 4,000 square feet in gross building area (drive-through facilities are not allowed).
- b) Multi-tenant developments which may include any combination of the following: restaurants less than 4,000 square feet in gross floor area with no drive through facilities, offices, office/warehouse, product showrooms and product servicing, provided that the multi-tenant development includes at least 10,000 square feet of gross floor area with no fewer than three tenants.
- c) Product showroom and servicing of products manufactured or stored in the same single tenant structure of 10,000 square feet or greater. (Ref. Ord. 17-02-2022, 2/14/17)
- d) Wholesale businesses provided that the area allocated to storage does not exceed 50% of the total floor area of the building.
- e) Exterior storage of trucks, vans, service vehicles and loading equipment only when incidental to the principal use.
- f) (Deleted per Ord. 887, 3/9/93)
- g) Restaurants with on-sale liquor provided that the gross floor area is at least 4,000 square feet with not less that 60% devoted to dining.
- h) Light manufacturing, fabrication and processing of goods and materials which will not be dangerous or otherwise detrimental to persons residing or working in the area, and will not impair the use or value of any property.
- i) Site plans within the Diversified Business District shall require a Conditional Use Permit prior to issuance of construction or land alteration permits. Procedures and regulations shall be as set forth in §1301.050 of this code. Submittal for review shall include:
1. Site development plan, at not less than 1" = 50' in scale.

- 2. Building plans, including building elevations indicating mass, building materials and color of all exterior surfaces, including all materials intended to meet the screening requirement of this ordinance.
- 3. Landscape plans including the number, species and size of all plantings.
- 4. Grading, storm drainage, and utility plans.
- 5. A description of all anticipated environmental impacts, to be detailed on City supplied worksheet.

j) Assisted and Congregate Senior Housing (Ref. Ord. 1031, 12/13/05)

- 1) The lot or parcel shall have direct or indirect access to a collector, minor arterial, or trunk highway, as defined in the City's Comprehensive Plan.
- 2) The lot or parcel shall have a minimum lot area of one (1) acre. The minimum lot area shall further be calculated according to the following dwelling unit schedule:

<u>Unit Type</u>	<u>Land Required Per Unit</u>
Assisted Care Unit	1,000 s.f.
Efficiency/Studio	1,200 s.f.
One Bedroom	1,400 s.f.
Two Bedroom	2,200 s.f.

- 3) The minimum floor area (as measured from the inside face of the unit walls) shall be as follows:

<u>Unit Type</u>	<u>Land Required Per Unit</u>
Assisted Care Unit	200 s.f.
Efficiency/Studio	400 s.f.
One Bedroom	500 s.f.
Two Bedroom	700 s.f.

- 4) Off-street parking shall be provided at minimum of one-half (1/2) paved striped stall per unit.
- 5) Setbacks shall be as set forth in the setback section of the DBD zoning district (Section 1303.225 subd. 6)
- 6) Passive outdoor recreation area(s) such as, but not limited to, walking paths, seating accommodations, and landscaped gardens shall be provided for residents in a location, configuration, and extent approved by the City Council.

Subd. 5. Prohibited Uses.

- a) Drive-through and convenience food establishments.
- b) Car washes.

- c) Motor fuel station, auto-repair, tire, battery sales and all other auto-oriented services.
- d) Outdoor storage of goods and materials.
- e) New and used automobile, truck, recreational vehicle, trailer sales and showrooms.
- f) Retail uses and other commercial uses other than those outlined in §1303.225, Subd. 2 and 4.

Subd. 6. Special Minimum Requirements. (Ref. Ord. 10-1-1063, 1/12/10)

- a) Lot Area - not less than one acre
- b) Lot Width - not less than one hundred fifty (150) feet at the required front yard setback line
- c) The front yard setback shall be no less than 35 feet, except when the land use across the adjacent right-of-way is residential, then said setback shall be a minimum of 50 feet.
- d) The side and rear yard setbacks shall be a minimum of 20 feet except when adjacent to residential land uses, then said setback shall increase to 50 feet. In the case of double frontage lots the front setbacks shall apply except buildings adjacent to Interstate 35E or 694 shall be at least 20 feet.
- e) Hard surface areas shall be setback a minimum of 20 feet from all right-of-ways except where adjacent to Interstate 35E or 694 the minimum shall be 10 feet. Side and rear yard setbacks shall be at least 10 feet except where adjacent to residential land use, then said setback shall be at least 20 feet.
- f) Building height shall be limited to thirty six (36) feet, except as provided in §1302.040, Subd. 3
- g) All exterior wall finishes on any building shall be of consistent quality limited to one or a combination of the following:
 - 1. Face brick.
 - 2. Natural stone.
 - 3. Stucco, wood or aluminum siding or specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture provided that at least 50% of the gross facade is brick or natural stone.
 - 4. Glass.
 - 5. All subsequent additions, exterior alteration and accessory buildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.
- h) Where the City's Shoreland District or Wetland District Ordinances, §1303.230 and §1303.240 respectively apply and conditions and requirements contained therein are more restrictive than

those contained in the Diversified Business Development District the more restrictive standards shall apply.

- i) Parking and landscaping standards shall be equivalent to the standards contained in §1302 of the City Code.
- j) Underground lawn sprinkling systems shall be provided for all development to maintain the lawns and landscaping within the boulevards, front and side yards. (Ref. Ord. 10-1-1063, 1/12/10)

§1303.226 DCB, DIVERSIFIED CENTRAL BUSINESS DISTRICT (Ref. Ord. No. 810, 3/14/90)

Subd. 1. Purpose. The Diversified Central Business District is intended to be used in designated areas in close proximity to the City's Central Business District. The purpose of the Diversified Central Business District is to provide for a limited mixture of land uses, made mutually compatible through controls and high quality standards; to facilitate development/redevelopment which will enhance viability within the City's Central Business District and employment and residential opportunities within the City. This district shall allow opportunities to integrate high quality office structures, hotels, restaurants, selected office, office/warehouse, office/showroom, medium to high density housing and limited commercial developments, in areas with convenient access to the metropolitan market area and excellent visibility from major thoroughfares.

Subd. 2. Permitted Uses. The following are permitted uses in a "DCB" district:

- a) Medical and dental services.
- b) Offices, business and professional.
- c) Private clubs or lodges.
- d) Hotels and motels.
- e) Mortuaries.
- f) Banks and financial institutions including drive-through tellers.
- g) The following uses are permitted in structures containing a minimum of 10,000 square feet.
 - 1) Health and racquet clubs, gymnasiums and swimming pools.
 - 2) Graphic arts reproduction and photocopying establishments.
 - 3) Catering establishments.
 - 4) Clothing and costume rental.
 - 5) Trade schools.
 - 6) Schools and studios: artistic, music, photo, decorating, dancing, health.
 - 7) Orthopedic and medical appliance stores.
 - 8) Recording studios.

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in a "DCB" District.

- a) All permitted accessory uses in the DBD district. (Ref. Ord. 16-03-2010, 3/8/16)

Subd. 4. Conditional Uses. The following are conditional uses in a "DCB" District, which require a conditional use permit based upon procedures and provisions set forth in and regulated by §301.050 of this Code.

- a) Restaurants over 3,000 square feet in gross building area (drive-in facilities are not allowed).
- b) Restaurants with on-sale liquor provided that the gross floor area is at least 3,000 square feet with not less than 60% devoted to dining (drive in facilities are not allowed).
- c) Multi-tenant developments which may include any combination of the following: restaurants (with no drive in facilities) offices, office/warehouse with a minimum of 35% gross floor area devoted to office for each business, product showrooms and product servicing, provided that the multi-tenant development includes at least 10,000 square feet of gross floor area per structure with no fewer than three tenants.
- d) Product showroom and servicing of products stored in the same single tenant structure of 10,000 square feet or greater. (Ref. Ord. 17-02-2022, 2/14/17)
- e) Wholesale businesses provided that the area allocated to storage does not exceed 50% of the total floor area of the building.
- f) All permitted and conditional uses allowed in the "R-7", High Density Housing District, Section 1303.090, subject to the minimum conditions set forth therein. Where conditions set forth in the Diversified Central Business District, §1303.226, are more demanding than those in the R-7 High Density Housing District, then those more demanding conditions shall apply. (Ref. Ord. 09-01-1054, 1/13/09)
- g) Mixed-Use development provided all buildings are multistory and meet the following requirements:
 - 1) The ground floor building area is devoted to any of the following uses:
 - a) Commercial uses. Banks, food services, hotels, bed and breakfast inns, printing process/supply, clubs and lodges, homes improvement showrooms and studios, upholstery shops, restaurants (without drive-in or drive-thru facilities), indoor recreation, retail shops, grocery stores, art, music and dance studios and personal service establishments.
 - b) Civic/institution and transportation uses. Community centers, education/academic facilities, libraries, museum art/galleries, indoor and outdoor public parks/open space, post offices, customer service facilities, public studios and performance theatres and time transfer and transit stations.
 - c) Offices, professional uses located at the ground floor level, limited to no more than 30% of both the gross floor area and linear street frontage on any parcel in the DCB District. Upper story offices shall be permitted uses and will not be included in determining this percentage.

- 2) Upper level uses are devoted to uses listed below, provided that within the same building, residential uses will not be located on the same building floor as non-residential uses:
- a) Offices, professional uses, located above the ground floor.
 - b) Residential uses limited to multiple family and senior citizen residential dwellings limited to apartments and condominiums.
 - c) Civic/institution and transportation uses. Community centers, education/academic facilities, libraries, museum art/galleries, indoor and outdoor public parks/open space, post offices, customer service facilities, public studios and performance theaters and time transfer and transit stations. (Ref. Ord. 10-1-1063, 1/12/10)
- h) Drive through facilities for pharmacies. (Ref. Ord. 10-1-1063, 1/12/10)
- i) Day care facilities.
- j) Playhouses and indoor movie theatres.
- k) Research, design, and development establishments provided at least 35% of gross floor area is devoted to office use.
- l) Commercial Planned Unit Developments, limited to those uses specified as permitted and conditional uses in the B-2 "Limited Business District", §1303.130, provided that said planned commercial developments are at least two acres in contiguous land area and subject to the procedures and regulations set forth in §1301.070
- m) All site plans, whether for permitted or conditional uses, within the Diversified Central Business shall require a conditional use permit prior to issuance of construction or land alteration permits. Procedures and regulations shall be as set forth in §1301.050 of this code. Submittal for review shall include:
- 1) Site development plan, at not less than 1" = 50' in scale.
 - 2) Building plans, including building elevations indicating mass, building materials and color of all exterior surfaces, including all materials intended to meet the screening requirement of this ordinance.
 - 3) Landscape plans including the number, species and size of all plantings.
 - 4) Grading, storm drainage, and utility plans.
 - 5) A description of all anticipated environmental impacts, to be detailed on City supplied work sheet.

Subd. 5. Prohibited Uses.

- a) Drive through facilities, except drive through bank tellers and pharmacies.
- b) Car washes.

- c) Motor fuel station, oil dispensing, auto-repair, tire, battery sales and all other auto-oriented services.
- d) Outdoor storage of goods and materials.
- e) New and used automobile, motorcycle, truck, recreational vehicle, trailer sales and show-rooms.
- f) Retail uses and other commercial uses other than those outlined in §1303.226, Subd. 2 and Subd. 4.
- g) Contractor's shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilation, air conditioning, masonry, electrical and refrigeration.

Subd. 6. Special Minimum Requirements. (Ref. Ord. 10-1-1063, 1/12/10)

- a) Lot Area - not less than 20,000 square feet.
- b) Lot Width - not less than one hundred (100) feet at the required front yard setback line.
- c) The front yard building setback shall be no more than 30 feet from a local street or less than 10 feet from the side adjacent to the railroad right-of-way. (Ref. Ord. 10-1-1063, 1/12/10)
- d) The side and rear yard building setbacks shall be a minimum of 15 feet except when adjacent to single family residential land uses, then said setback shall increase to 50 feet.
- e) Hard surface areas shall be setback a minimum of 15 feet from all right-of-ways and other property lines, except where adjacent to the railroad right of way, the minimum shall be 10 feet.
- f) Exterior Materials.
 - 1) All exterior wall finishes on any building shall be of consistent quality limited to one or a combination of the following:
 - a) Clay brick.
 - b) Natural or cast stone.
 - c) Cementitious stucco.
 - d) Glass.
 - e) Stained or painted wood lap siding.
 - f) Exterior insulating finish systems (EIFS, "Dryvit") so long as not more than 30% of the gross wall area and not within 5 feet above the ground grade.

- g) All subsequent additions, exterior alteration and accessory buildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.
 - h) Other materials may be considered by the City provided that they are not expressly prohibited, below.
- 2) The following materials are prohibited:
- a) Concrete masonry units (CMU)
 - b) King-size, queen size or jumbo brick
 - c) Aluminum, vinyl, or steel siding or panel systems
 - d) Exposed aggregate (rough finish) concrete wall panels
 - e) Glass curtain wall systems
 - f) Plastic
 - g) T-111 Composite plywood siding
 - h) Clear finished wood
- g) Parking and landscaping standards shall be equivalent to the standards contained in §1302 of the City Code. Buffering between incompatible uses will be subject to Council approval.
- h) Door & Window Design. In order to promote and maintain the small town, historic character of the downtown area, glazed surfaces on front façade(s) shall be double hung, casement, or fixed picture windows, within discernable wall elements. Windows designed as true divided lights shall be encouraged. Sliding or jalousie windows shall not be permitted.
- i) Door and Storefront Window Materials. All windows on front and corner side facades on all stories, or serving public entrances, shall be wood or wood clad with aluminum or fiberglass. It is encouraged that all ground level doors on front and corner side facades be constructed of wood. The design of doors made of materials other than wood shall be compatible with the design of the building. The use of vinyl windows and trim is prohibited.
- j) Storefront Display Windows. In order to recognize the pedestrian orientation of the downtown area, the following are requirements for display windows:
1. Along the length of façade(s) facing any public street 50% of the first floor façade shall be display type windows where retail sales, personal service, and/or office use is located on the first floor. A minimum 18-inch high knee wall shall be required beneath glazing and the bottom edge of such windows shall not be higher than thirty (30) inches above grade so as to allow pedestrians to see into the windows.
 2. First story glass shall be clear and non-tinted; tinting of second and third story glass shall not vary by more than 20%. Reflective glass is prohibited.
- k) Accessory Buildings, Structures and Uses. All accessory buildings and structures shall compliment and coordinate with the principal buildings on the lot, both in architectural style and material selection.

- l) Drive-through facilities:
1. Drive-through facilities shall be located at the rear of buildings, and where possible, the building shall extend over the drive-through aisles to maintain the street wall. Drive through facilities in the DCB, Diversified Central Business District shall be limited to no more than two (2) drive-through lanes; no more than ten (10) feet in width per lane.
 2. Drive-through facilities for pharmacies shall be restricted to prescription drug pick-up only.
- m) Building Scale Standards. The following regulations shall apply to all new construction, additions and exterior remodeling in the DCB, Diversified Central Business District:
1. Buildings shall be designed with a definable base, middle and top. Cornices and parapets are encouraged to define these sections of the building.
 2. Facades of large buildings over 7,500 square feet shall be visually broken into bays to avoid the appearance of large, blank walls. Visual breaks in the façade shall be accomplished by alterations in the plane of the façade; height of the façade; changes in materials, color, texture, or pattern; and/or the addition of columns, pilasters, and/or windows.
 3. Punched openings in the wall plane shall be provided in which to set windows and doors. Flush mounted windows and doors are prohibited.
 4. The first floor of buildings in the district shall be designed with a minimum ceiling height of twelve (12) feet and fourteen (14) feet is encouraged.
 5. One-story buildings taller than eighteen (18) feet in height shall be architecturally detailed to simulate a two-story appearance.
 6. No individual retail business shall be larger than 10,000 square feet in gross floor area. Basement areas and upper level mezzanine areas utilized for non-retail purposes shall not be included in this calculation. Retail businesses may be allowed up to 15,000 square feet in gross floor area provided a second story with at least 50% of the area of the first floor is provided.
- n) Building Access Standards.
1. Pedestrian Access: Each ground floor space with street frontage shall have either its primary entrance, or an entrance comparable in design to the primary entrance, facing the local public street.
 2. Vehicular Access: Vehicular access shall be from the rear of the property whenever possible. When such access is not possible, it shall be encouraged that the width of the individual drive lanes be limited to ten (10) feet in width.

3. Parking Lots: Whenever possible, parking lots shall be located at the rear of buildings such that buildings separate parking areas from the street. Parking may be located to the side of a building if the lot is a minimum of 150' in width. The need for parking on the side or front of the buildings will be evaluated by the City on a case-by-case basis and shall only be permitted where the configuration of the site and/or need for on-site parking makes locating all parking at the rear of the building infeasible.

o) Lighting

Lighting standards and fixtures shall be consistent with the historic character of the B-5, Central Business District. All lighting poles and luminaires shall be consistent with the ornamental lighting adopted by the City. All on-site lighting shall be equipped with shielding and cut-off devices, such that no light shall shine directly upon adjacent residentially zoned property. In keeping consistent with the pedestrian scale of the downtown area, light poles shall be maximum height of fifteen (15) feet as measured from the finished grade. Light intensity shall not exceed 0.4 foot candle as measured at any residential property line and 1 foot candle as measured at all other property lines.

p) Permitted Encroachments. The following encroachments shall be permitted into required yards in the DCB, Diversified Central Business District.

1. Bay and oriel windows no more than 24 inches
2. Balconies no more than 24 inches.
3. Sills, cornices, roofs, eaves, gutters, corbelled chimneys and ornamental features projecting no more than 24 inches.
4. Steps, ramps, and stoops no more than 16 square feet in area and projecting no more than 6 feet into the required rear or side yard.
5. Awnings and canopies no more than 5 feet into required yards. Awnings and canopies may also extend up to 5 feet out over the public sidewalk, where approved by the City.

(Ref. Ord. 10-1-1063, 1/12/10)

q) Underground lawn sprinkling systems shall be provided for all development to maintain the lawns and landscaping within the boulevards, front and side yards.

Subd. 7. Special Density Allowances for Multi-Family Housing Developments.

- a) The area of the tract shall not be less than the sum of the required lot area for each dwelling unit thereon adjusted by the allowances permitted by this subdivision. For purposes of determining the base density, prior to allowances, the R-7 "High Density Residential District" §1303.090 shall be used.
- b) Subtract 750 square feet for each parking space within or under the principal building or otherwise underground.
- c) Subtract 250 square feet for each dwelling unit if principal and accessory structures are at least 150 feet from a residentially zoned district.

- d) Subtract 250 square feet for each dwelling unit if the total impervious surface coverage is less than 60%.
- e) Subtract 1,000 square feet for each senior citizen dwelling unit.
- f) Maximum allowable allowance 1,500 square feet.

Subd. 8. Nonconforming Uses Within the DCB "Diversified Central Business District".

Any preexisting conforming or nonconforming residential uses which would become nonconforming by adoption of §1303.226 may be expanded, extended or intensified so long as such expansion, extension or intensification would be permitted under the R-4 "Single Family, Two Family Residential District." (Ref. Ord. No. 810, 3/14/90)

§1303.227 LVMU, LAKE VILLAGE MIXED USE DISTRICT (Ref. Ord. 03-06-1004, 6/10/03)

Subd. 1. Purpose. The purposes of the Lake Village Mixed Use district are to:

- a) Promote development and redevelopment consistent with the master plan for the Marina/Triangle area by encouraging residential uses in conjunction with commercial and expanded recreational activities in order to create an active street life, while enhancing the vitality of businesses and reducing vehicular traffic.
- b) Provide for mixed-use development(s) that are carefully planned to promote efficient use of land, parking and roadway systems.
- c) Provide enhanced oversight through conditional use permit provisions to ensure compatibility of mixed uses and consistency with the approved master plan for the site.
- d) Ensure compatibility with surrounding neighborhoods.
- e) Provide significant incentives to promote the development of mixed-use redevelopment projects.
- f) Improve visual access to the lake.
- g) Encourage pedestrian and bicycle use.
- h) Ensure that commercial and residential uses in a development are designed to be compatible with each other.
- i) Ensure high standards of site design, spatial relationships, architectural design, building materials and landscape design.

Subd. 2. Permitted Uses.

- a) All permitted uses in the B-4 General Business District and B-6 Commercial Recreation District provided said uses are located in a building in existence at the time of the adoption of the Lake Village Mixed Use District (6/10/03). (Ref. Ord. 10-1-1063, 1/12/10)

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses in the Lake Village Mixed Use district:

- a) Off street parking and off street loading.
- b) Structured parking including parking ramps and underground parking.
- c) Public transit stops/shelters.
- d) On-sale liquor if accessory to a restaurant, private club or lodging.
- e) Solar energy systems, either roof-mounted or ground-mounted, per Code Section 1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)

Subd. 4. Conditional Uses. The following uses, to the extent not a permitted use in Subd. 2. of this district, and any redevelopment for the following uses on land zoned as Lake Village Mixed Use District requires a conditional use permit pursuant to procedures set forth in and regulated by Section 1301.050:

- a) Commercial uses. Commercial uses are limited to the following: banks (without drive-thru facilities), food service, bed and breakfast inn, printing process/supply, private clubs and lodges, restaurants (without drive-in or drive-thru facilities), retail shops, grocery stores, professional and personal services, showrooms and studios.
- b) Civic/institutional and transportation uses. Civic/institutional and transportation uses are limited to the following: Community centers, education/academic, library, museum art/galleries, indoor and outdoor public parks/open space, post office, customer service facilities, public studios and performance theaters and time transfer and transit stations.
- c) Office, human care and laboratory uses. Office, human care and laboratory uses are limited to the following: professional offices, medical/dental offices, day care, medical/dental/optical laboratories.
- d) Residential uses. Residential uses are limited to the following: townhomes, multiple family residential dwellings, apartments and senior citizen housing except density allowances shall be as determined by this district's standards. (Ref. Ord. 09-01-1054, 1/13/09)
- e) Mixed-use development provided all buildings are multistory and meet the following requirements.
 1. The ground floor building area is devoted to any of the uses listed as conditional uses above at 4a, 4b or 4c of this subdivision.
 2. Upper level uses are devoted to uses listed in Subd. 4c and 4d of this district provided that within the same building, residential uses will not be located on the same building floor as non-residential uses.
- f) Service and storage marinas, harbor and docking facilities, provided that:
 1. A minimum of thirty feet of shoreline frontage is required.
 2. Slip density shall be limited to not more than one slip for every four feet of adjacent shoreline associated with and under the control of the marina.
 3. On-shore storage, including but not limited to, docks, trash facilities and transformers shall be fenced or screened from view of neighboring residential Districts to the extent practical.
 4. On-shore storage, including but not limited to, docks, trash facilities and transformers shall be screened from view from the public right-of-way, parks, the lake and trails to the extent practical.

5. Storage area shall be grassed or surfaced to control dust and minimize storm water runoff.
6. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with section 1302.030, Subd. 9 of this Code.
7. The use does not take up parking space as required by Section 1302.050 of this Code.
8. On shore dock storage shall not exceed one (1) linear feet of dock for each one (1) linear feet of shoreline associated with a marina use.
9. Vehicular access points to the lake shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City Engineer.
10. All signing and informational or visual communication devices shall be minimized and shall be in compliance with the White Bear Lake Sign Code.
11. A drainage plan subject to the approval of the City Engineer shall be required.
12. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oils is incidental to the conduct of use or business, the standards and requirements of the City, state and federal government agencies regarding motor fuel operations shall apply.
13. All conditions pertaining to a specific site are subject to change when the Council finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
14. Winter dock storage in the bay adjacent to Lion's Park shall require an annual license to be granted by the City Council in October of each year.
15. Marinas shall provide adequate trash facilities which are reasonably screened from views from the lake utilizing vegetation.
16. Marinas with boat launch capabilities shall provide for car/trailer parking with adequate length and turning radii at a rate of one car/trailer stall per fifty slips.
17. Marina parking shall be provided at a rate of not less than .25 parking stalls per slip. Joint use parking will be considered at the time of the conditional use permit review provided that the non-marina, joint use, does not compete with the marina's evening and weekend use of the parking facilities.

Subd. 5. Prohibited Uses. The following shall be considered prohibited uses in the Lake Village Mixed Use District.

- a) Convenience food restaurants with drive-through or drive-in facilities.
- b) Motor oil and/or fuel dispensing operations not including marina fueling uses.
- c) Automobile repair minor and automobile repair major uses.
- d) Car washes.
- e) Sales of any of the following: new and/or used automobiles, trucks and recreational vehicles (not including individual sales of recreational vehicles owned by individuals renting slip(s) which shall be permitted).
- f) Contractor shops and/or yards for any of the following: plumbing, heating, glazing, painting, paper hanging, roofing, ventilation, air conditioning, appliance repair, masonry, electrical or refrigeration.
- g) Billboards.
- h) Adult establishments as defined and regulated at Section 1124 of the Municipal Code.
- i) In-vehicle sales or services.
- j) Any uses not listed as either permitted, accessory or conditional uses in this district.

Subd. 6. Shoreland District Provisions.

- a) All provisions and procedural requirements outlined in The Lake Village Mixed Use District shall supersede those provisions and procedural requirements outlined in the City's Shoreland District at City Code Section 1303.230 for the following properties.

All properties lying east of Highway 61, north of White Bear Avenue, south of the intersection of Lake Avenue South and Highway 61, and west of White Bear Lake.

- b) Notwithstanding Subd. 6a of this Section, any new development or redevelopment proposals for any of the properties described in said Subd. 6a above which require a conditional use permit as outlined in Subd. 4 of this Section shall also be forwarded to the Minnesota Department of Natural Resources for their review and comment.

Subd. 7. Dimensional Performance Standards and Incentives.

- a) Any new development or redevelopment shall be consistent with the master plan for the marina/triangle district adopted by the City Council which shall act as a general guide for redevelopment of the area and which may be amended from time to time.
- b) The maximum residential density is 40 units per acre for senior housing and 24 units per acre for all other housing types allowed in this district. In determining density, residential units shall be divided by the land associated with each use not including dedications of public right-of-ways. Densities may be increased up to a maximum of 50 percent at the sole discretion of the City Council if two or more of the following are provided:
 1. At least 75% of required parking is provided in underground or above ground structures, including all levels of parking ramps.
 2. Housing is provided above ground floor commercial or civic and the total floor area of the housing is equal to or greater than the commercial and/or civic uses.
 3. Building(s) are placed at or near the street right-of-way consistent with the approved master plan and off-street parking is screened from the right-of-way by the building(s).
 4. At least one-third of the housing units are affordable. (Ref. Ord. 09-01-1054, 1/13/09)
- c) Parking requirements shall be as outlined in Section 1302.050 of this code but said requirements may be reduced by 20% at the sole discretion of the City Council due to provision of municipal on-street parking. With the exception of parking adjacent to Highway 61, off-street parking areas shall be located in the rear or side yard only. When located in the side yard, the street frontage occupied by parking on all roads, excluding Highway 61, shall not exceed 64 feet in width. Cumulative parking requirements may be reduced by up to an additional 30% of required spaces at the sole discretion of the City Council if one or more of the following are provided:
 1. Joint/shared parking arrangements.
 2. Off-site employee parking.
 3. Off-site park and ride facilities, provided off-site facilities are within 1500 feet of the use receiving the reduction.
 4. Off-street municipal parking.
- d) Building setbacks shall be regulated by the redevelopment plan as approved by the City Council based on the following findings:
 1. The setbacks maintain and enhance the character of the district as depicted in the master plan, adopted by the City Council.

2. Adequate visibility is provided from all street intersections.
 3. Building fronts will not be set back greater than 20 feet from the front property line. (Ref. Ord. 10-1-1063, 1/12/10)
 4. Setbacks from the ordinary high water of White Bear Lake shall be a minimum of fifty (50) feet. (Ref. Ord. 03-10-1011, 10/14/03)
- e) Development sites will have a minimum of 10% pervious area. The overall goal for the district including public spaces and riparian areas is 20% pervious surfacing. Storm water management for the district will be consistent with best management practices for urban sites. Each development will be evaluated for consistency with a comprehensive storm water management plan for the district. (Ref. Ord. 03-10-1011, 10/14/03)
- f) Building height shall be limited to not more than thirty six (36) feet except as provided for in Section 1302.040, Subd. 3 of this Code.
- g) Retail uses as defined in this section shall be limited in size so that no individual store or business shall be larger than 10,000 square feet with the exception of grocery stores, which shall have no size restriction.
- h) All parking lots and interior driveways shall be set back a minimum of 10-feet from adjacent property lines and shall be screened from the public right-of-way, the lake and trails.
- i) All trash handling and loading areas must be interior or screened from the public right-of-way, other public areas and adjacent properties by use of architectural screening utilizing the same exterior facing material as the principal structure and shall include an opaque latchable gate.
- j) All exterior wall finishes on any building shall be of a consistent quality on all sides limited to one or a combination of the following:
1. face brick
 2. natural or cultured stone
 3. textured cement stucco
 4. glass
 5. wood
 6. accent materials may include metal, glass block, ceramic tile, artificial stucco (E.F.I.S. Dvivot), burnished concrete block, integral colored split face (rock face and exposed aggregate concrete block), copper, or similar materials, provided accent materials do not exceed 20 percent of the total building façade.
 7. cementitious composite siding

- k) Prohibited building materials shall include the following:
1. jumbo brick
 2. concrete panels – all types
 3. unadorned or painted concrete block
 4. aluminum, vinyl and fiberglass siding
 5. reflective glass
 6. unpainted galvanized metal
- l) A development agreement is required as part of the development approval and shall address, at a minimum, approved site and building design criteria, approved sign locations and design criteria, construction phasing, financial surety for construction of on-site and off-site improvements generated by the development and property maintenance.
- m) The provisions of this Subd. 7 apply only to new development and redevelopment in the Lake Village Mixed Use District.

Subd. 8. Maximum Building Density: Building density per acre of net developable land shall be calculated by including all land within the proposed project, except all lakes and wetlands protected by the Wetland Conservation Act and public dedications for County or State road right-of-ways, divided by the number of dwelling units on the project site. In the case of vertically mixed-use projects, the housing component of said development shall be entitled to use of all of the acreage within the underlying parcel for density calculations. (Ref. Ord. 09-01-1054 and Ord. 09-01-1055, 1/13/09)

Subd. 9. Nonconforming uses within the Lake Village Mixed Use District: Any preexisting conforming use, which would become a nonconforming use by change of their zoning classification to Lake Village Mixed Use District may be expanded, intensified or rebuilt provided such expansion, intensification or rebuilding would have been permitted under their previous zoning classifications (either B-4 or B-6). (Ref. Ord. 03-06-1004, 6/10/03, 1063, 1/12/10)

§1303.230 "S", SHORELAND OVERLAY DISTRICT

Subd. 1. Shoreland Districts. The shorelands within the City of White Bear Lake are hereby designated as shoreland districts and the requirements set forth in this Code shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification as per M.S. §105.485, M.S. §104.31-104.40, and Minnesota Regulations NR 78-84 and NR 2900.

Subd. 2. District Application. The "S", Shoreland District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Code. The regulations and requirements imposed by the "S", Shoreland District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

Subd. 3. Boundaries. The boundaries of the Shoreland District are established within the following distances from the ordinary high water level of the surface water, depending on the size of the surface water as indicated on the White Bear Lake Shoreland District Map. (Ref. Ord. 915, 12/13/94)

<u>SURFACE WATER</u>	<u>DISTANCE (FEET)*</u>
Greater than ten (10) acres (Table 1)	1,000
Rivers and Streams (draining on area greater than two (2) square miles)	300**

* The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.

** The distance requirement shall be increased to the limit of the flood plain when the flood plain is greater than three hundred (300) feet.

In the case of conflict between the map and the property description in NR 2900, the latter shall prevail.

Subd. 4. Shoreland Classification. The surface waters affected by this Section and which require controlled development of their shoreland (shoreland district) are shown on the map designated as the official "Shoreland Map of the City of White Bear Lake" which is properly approved and made a part of the Code and filed with the Zoning Administrator. Surface waters generally greater than ten (10) acres and given an identification number of the State of Minnesota as defined in §1301.030 of this Code and listed in Table 1. Other surface waters affected by this Code, generally having less than ten (10) acres, are classified as Wetland Systems and thus regulated under the provisions of §1303.240 of this Code.

TABLE 1
SURFACE WATER DISTRIBUTION
 (Ref. Ord. 915, 12/13/94)

DNR Identification Number	Name	Classification
82-167	White Bear Lake	GD
62-24	Birch Lake	RD
62-34	Goose Lake	RD
62-36	Priebe Lake	GD
62-41	Varney Lake	GD
62-42	Hiner's Pond	GD
Unnamed to Rice Lake	From Basin 34 (Sec. 23, Twp 30, Rng 22W)	TRIB

Subd. 5. Minimum Lot and Setback Requirements.

- a) The following chart sets forth the minimum area setbacks and other requirements of each respective classification.

	TRIB Tributary	RD Recreational Development	GD General Development
1) Min Lot Size (Single Family) Above Normal High Water Level			
• Sewered, Abutting Water	20,000 s.f.	20,000 s.f.	15,000 s.f.
• Sewered, Non-Abutting		15,000 s.f.	10,000 s.f.
• Unsewered, Abutting Water		40,000 s.f.	20,000 s.f.
• Unsewered, Non-Abutting		40,000 s.f.	40,000 s.f.
2) Lot Width (Single Family)*			
• Sewered	75 ft.	75 ft.	80 ft.
• Unsewered, Abutting	100 ft.	150 ft.	100 ft.
• Unsewered, Non-Abutting		150 ft.	150 ft.
3) Setback From Ordinary High Water Level*			
• Sewered	50 ft.	75 ft.	50 ft.
4) Setback From Public Streets*			
• Abutting Federal, State or County Road	50 ft.	50 ft.	50 ft.
• Abutting Town or Public Road	20 ft.	30 ft.	30 ft.
5) Maximum Impervious Surface to Area Ratio**	30%	30%	30%

(Ref. Ord. 692, 8/13/85; 915, 12/13/94)

	TRIB Tributary	RD Recreational Development	GD General Development
6) Maximum Building Height	35 ft.	35 ft.	35 ft.
7) Side Yard Setback***		20 ft.	10 ft.
8) Ordinary Setback of Roads and Parking (Impervious Surface) Areas From Ordinary High Water Level****	50 ft.	50 ft.	50 ft.
9) Structure Height (Lowest Floor) Above High Water Elevation *****	3 ft.	3 ft.	3 ft.

* Setback requirements from the ordinary high water level shall apply to principal and accessory structures and sewage treatment systems, and shall not apply to water-oriented accessory uses, including piers and docks. Where development exists on both sides of a proposed building site, building setbacks shall be altered subject to the provisions of §1302.040, Subd. 4c) of this Code provided the resulting setback is not within the shore impact zone. Lot width standards must be met at both the ordinary high water level and at the building line.

** For single-family and two-family uses only, staff may administratively grant an impervious surface “credit” for the use of pervious pavers, rain gardens, trench drains or other engineered stormwater infiltration systems. The credit granted may vary depending on specifications of the system but may not exceed 50% of the surface area of the porous system, and must infiltrate at least twice as much run-off as the additional hard-surface area generates, subject to the current requirements for infiltration rates for other systems. The surface area of the porous system may not exceed 25% of the total lot area, and the overall coverage of the site may not exceed 50%. The final surface and sub-grade design of an engineered infiltration system is subject to approval by the City Engineer. (Ref. Ord. 10-1-1063, 1/12/10; 14-01-1086, 1/14/14).

*** Also subject to regulations and exceptions as provided in the “O” through “LVMU” (§§1303.020 through 1303.227) of this Code. (Ref. Ord. 10-1-1063, 1/12/10).

**** Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in 3) above. Natural vegetation or other natural materials shall be required in order to screen parking areas where viewed from the water. Parking areas of more than four (4) spaces shall be screened in accordance with a landscaping plan submitted and approved by the City.

***** Includes sewage treatment systems; does not include recreational and water-oriented accessory structures, lock boxes, piers and docks.

b) Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subd. 5a of this Section if the water-oriented accessory structure complies with the following provisions:

- 1) The structure or facility must not exceed fifteen (15) feet in height and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
 - 2) The structure or facility shall not be located within the shore impact zone except for lock boxes as provided in this Section;
 - 3) On lakeshore lots divided by a major thoroughfare, one lock box shall be permitted on the lakeshore portion of the lot. The lock box shall not exceed four (4) feet in height and twenty-eight (28) square feet in area, and shall be set back a minimum of five (5) feet from the public right of way. Lock boxes shall be set back at least ten (10) feet from the ordinary high water level and be positioned such that the narrowest side of the structure is parallel to the ordinary high water level, unless otherwise approved by City staff;
 - 4) The structure or facility must be buffered to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or structure color and/or materials, and the plan for accomplishing the buffering must be approved by the City;
 - 5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 - 6) The construction of boathouses shall be prohibited after the effective date of this ordinance (December 28, 1994), boathouses existing on the effective date of this ordinance (December 28, 1994) shall be governed under the provisions of §1302.010 for non-conforming buildings, structures and uses.
- c) Stairways, Lifts, and Landings. Stairways lifts and landings must meet the following design requirements:
- 1) Only one stairway is permitted per property. (Ref. Ord. 20-1-2043, 01/14/20)
 - 2) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments, but shall require a conditional use permit as set forth in Subdivision 6 of this Section;
 - 3) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open space recreational properties, and planned unit developments but shall require a conditional use permit as set forth in Subdivision 6 of this Section;
 - 4) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - 5) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - 6) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical;

- 7) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems 1-5 above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340;
- d) Substandard Lot. If in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this Code, the lot shall not be considered as a separate parcel of land for the purposes of sale or development and the substandard lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Code to the extent possible. (Ref. Ord. 915, 12/13/94)

Any lot of record filed in the office of the Ramsey or Washington County Register of Deeds on the effective date of this Code amendment which does not meet the area requirements of this Code may be allowed as a building site subject to the approval of a shoreland impact plan and provided:

- 1) The lot meets all standards of the applicable zoning use district.
- 2) The lot is in separate ownership from abutting land.
- 3) Except for lot area, all other sanitary and dimensional requirements of the Shoreland District are complied with insofar as practical.

Subd. 6. Development Regulations.

- a) Landowners or developers desiring to develop land or construct any other artificial obstruction on land located within any Shoreland District within the City of White Bear Lake shall first submit a conditional use permit application as regulated by §1301.050 of this Code and a plan of development, hereinafter referred to as a "shoreland impact plan". The purpose of the shoreland impact plan shall be to eliminate as much as possible potential pollution, erosion, siltation, and deforestation. (Ref. Ords. 915, 12/13/94; 99-11-974, 11/9/99)

The shoreland impact plan shall contain the following:

- 1) Proposed provisions for sediment control, storm water management, preservation of existing vegetative cover, and any additional measures intended to improve or maintain the quality of the environment;
- 2) Proposed changes requested by the applicant, affirmatively disclosing what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover removal of trees, and alteration of grade courses and marshes;
- 3) The plan shall minimize tree removal, ground cover change, loss of natural vegetation and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed.

4) Steep Slope Evaluation. The City Planner must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

5) Exceptions.

a) Expansion of permitted principal use or accessory use or development of a new accessory use contained in the R-1I, R-1S, R-2, R-3, and R-4 Districts within any Shoreland District shall be exempt from the conditional use permit requirements. Except for legal non-conforming lot width and area conditions, said expansion must meet all other standards of applicable zoning use district(s) or be subject to a variance per § 1301.060. (Ref. Ord. 99-11-974, 11/9/99)

b) Development of a new permitted principal use contained in the R-1-I, R-1-S, R-2, R-3, and R-4 Districts within any Shoreland District shall be exempt from the conditional use permit requirements. Said development may be subject to a variance for lot area and/or lot width, per § 1301.060 as outlined below:

LOT DESCRIPTION	LOT ABUTTING WATER	NONABUTTING LOT
STANDARD LOT	No Variance Required	No Variance Required
SUBSTANDARD LOT	Variance Is Required	Variance Is Required
SUBSTANDARD BUILDABLE RESIDENTIAL LOT	Variance Is Required	No Variance Required <u>Exception:</u> Variance is required if development is a two-family dwelling within the R-4 zoning district)

c) The provisions otherwise set forth in this Code and in other applicable local codes shall apply to all development and subdivisions of real estate except Planned Unit Development. (Ref. Ord. 99-11-974, 11/9/99)

6) Subdivision. No land shall be subdivided which is determined by the City or the Commissioner of Natural Resources to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

b) Sewage and Waste Disposal.

- 1) Public Systems. All premises used for human occupancy shall be connected to public sanitary sewer collection and treatment facilities. Only in cases where public sewer is neither available nor proposed, and installation of sewer lines is deemed to be financially infeasible as determined through prior public hearing processes, then on-site sewage treatment facilities shall be deemed permissible provided all appropriate state and local regulations are met.
- 2) Private Sewage Treatment Standards. All private sewage treatment systems must meet or exceed the standards adopted by §504 of the City Code.
- 3) Sewage Treatment System Upgrade Required. A sewage treatment system not meeting the requirements of §1303.230, Subd. 6b)2) of this ordinance must be upgraded, at a minimum, at any time a permit or variance is required for any use of the property involving new construction or expansion of the living area of twenty-five percent (25%) or more, or the addition of a bedroom or bathroom, but excluding such improvements as screen porches, entry ways, decks, attics, patios, non-habitable storage space, etc. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- 4) Nonconforming Sewage Treatment Systems. Within a reasonable period of time which shall not exceed two years, all nonconforming private sewage treatments systems shall be identified by inspection required by §1303.230, Subd. 6b)5) and shall be upgraded or replaced. Systems that were installed according to all applicable local standards adopted and in effect at the time of installation shall be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, or seepage pits, or systems with less than three feet of unsaturated soil or sand between the distribution device and the limiting soil characteristics or ground water shall be considered nonconforming. A system shall be determined failing if it shows signs of surface discharge or seepage from a soil treatment system to the ground surface, abandoned wells, bodies of surface water or into any rock or soil formation the structure of which is not conducive to purification by filtration or into any well or any excavation in the ground. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- 5) Sewage Treatment System Inspection Required. Each individual sewage treatment system currently existing shall be inspected for conformance and proper operation and these currently existing systems as well as those installed under §1303.230, Subd. 6b) of this ordinance, shall be inspected biennially for proper operation by an individual or firm certified and licensed to provide individual sewage treatment system inspection, site evaluation, or design services. The individual or firm performing the inspection must issue a certificate of compliance or notice of noncompliance, whichever may be the case, to the property owner, and must provide a copy of the certificate or notice to the City.

- c) Water Supply. Any private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed in accordance with City standards.

Subd. 7. Shoreland Alterations.

- a) The removal of natural vegetation shall be regulated to: Prevent erosion into public waters, conserve nutrients in the soil, preserve shoreland aesthetics and historic values, prevent bank slumping, and protect fish and wildlife habitat.
- 1) Intensive vegetation clearing within the shore impact zone is prohibited;
 - 2) Clear cutting is prohibited, except as necessary for placing public roads, utilities, structures, and parking areas;
 - 3) Natural vegetation shall be restored insofar as feasible after any construction project;
 - 4) Selective cutting of trees and underbrush is allowed as long as sufficient cover is left to make cars and structures inconspicuous when viewed from the water. (Ref. Ord. 915, 12/13/94)
- b) Grading and Filling.
- 1) Grading and filling within Shoreland Districts, or any alteration of the natural topography where the slope of the land is toward a public water or water course leading to a public water must be approved by the Building Official and a permit obtained prior to the commencement of any work thereon. The permit may be granted subject to the following conditions:
 - a. Alterations of topography will be permitted only if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties;
 - b. An approved schedule for grading which minimizes the duration for which bare ground is exposed shall be required;
 - c. Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible;
 - d. Methods to prevent erosion and trap sediment shall be employed in accordance with the White Bear Lake Subdivision Code §1404.050;
 - e. Fill shall not be placed in areas lower in elevation than the ordinary high water level;
 - f. Fill shall be stabilized according to accepted engineering standards;
 - g. Fill shall not restrict a floodway or destroy the storage capacity of a flood plain;

- h. The maximum slope of the finished surface which slopes toward a water body or a water course leading to such water body shall be six (6) units horizontal to one (1) vertical; (Ref. Ord. 915, 12/13/94)
 - i. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- 2) Any work which will change or diminish the course, current, or cross section of a public water must be approved by the department of natural Resources as per M.S. §105.44 before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds, and filling the lake bed, including low lying marsh areas. Approval shall be construed to mean the issuance by the Commissioner of the Department of Natural Resources of a permit under the procedures of Minnesota Statute, 1974, Section 42 and other related statutes.
- 3) Excavation on shorelands where the intended purpose is connected to a public water, such as boat slips, canals, lagoons and harbors, shall require a permit from the Building Official prior to commencement of construction. Such permit shall be obtained only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters. Approval will be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

Subd. 8. Planned Unit Development. The Planned Unit Development provisions contained in §1301.070 of this Code may be utilized within a Shoreland District, provided that the following requirements are satisfactorily met.

- a) The PUD shall be processed as a conditional use and shall require a shore impact plan pursuant to the provisions of this Code;
- b) Preliminary plans shall be reviewed by the Department of Natural Resources prior to City approval;
- c) The proposed PUD development is served by public sanitary sewer and public water;
- d) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Subd. 8e) of this Section for developments with density increases;

Suitability of the site shall be evaluated according to the following method;

- 1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

	<u>Sewered</u>
General Development Lakes	
- 1st Tier	200 ft.
- 2nd and additional Tiers	200 ft.
Recreational Development Lakes	267 ft.
Tributary	300 ft.

- 2) The suitable area (SA_t) within each tier is calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

- e) Density Evaluation. The procedures for determining the base density of a PUD are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer to the waterbody.

- 1) Residential PUD Base Density Evaluation. The base density within each tier shall be calculated using the following formula:

$$\text{Residential Base Density} = SA_t/LS$$

SA_t = Suitable area within the tier as defined in Subd. 8d)2) of this Section
 LS = For Lakes: Single residential lot size (area) standard from Subd. 5a) of this Section
 For Tributary: Single residential lot size (area) standard from Subd. 5a) of this Section

- 2) Commercial PUD Base Density Evaluation. The base density with each tier shall be calculated using the following steps:
 - a. Select the appropriate floor area ratio from Table 2:

TABLE 2
**Commercial Planned Unit Development
 Floor Area Ratios
 Public Waters Classes**

Avg. Unit Floor Area	GD Lakes (Sewered); Tributary; RD Lakes Non-Abutting Shoreline	RD Lakes
< 200	.040	.020
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075
>1,500	.150	.075

b. Calculate the Base Density Evaluation as follows:

Commercial Base Density = FA_t / AL_t
 where $FA_t = (SA_t)(FAR)$

FA_t = Total Floor Area for each tier allowed to be used for dwelling units or sites
 AL_t = Average inside living area size of dwelling units or sites within each tier*
 SA_t = Suitable Area for each tier as defined in Subd. 8d)2) of this Section
 FAR = Floor Area Ratio from Table 2 above

* The average inside living area size of dwelling units or sites within each tier includes both existing and proposed units and sites, but does not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

f) Density Increase Multipliers:

- 1) Increases to the dwelling unit or dwelling site base densities are allowable if the dimensional standards of this Code are met or exceeded and the provisions of §1301.070 are satisfied. The allowable density increases will be allowed only if the following conditions are met: 1) Structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or 2) the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the city and the setback is at least twenty-five (25) percent greater than the minimum setback.
- 2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

<u>Density Evaluation Tiers</u>	<u>Maximum Density Increase Within Each Tier (Percent)</u>
First Tier	50%
Second Tier	100%
Third Tier	200%
Fourth Tier	200%
Fifth Tier	200%

g) Sufficient open space shall be preserved through the use of restrictive deed covenants, public dedications, etc. Open space shall be considered sufficient if it meets all of the following criteria:

- 1) At least fifty (50) percent of the total project area must be preserved as open space;
- 2) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, shall not be included in the computation of minimum open space;
- 3) Open space must include areas with physical characteristics unsuitable for development in their natural state, or areas containing significant historic sites or unplatted cemeteries;
- 4) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- 5) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
- 6) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means;

- 7) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing and new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.
- h) All other provisions of this Section and §1301.070 of this ordinance are satisfied.
 - i) The following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
 - 1) Physical and aesthetic impact of increased density;
 - 2) Level of current development;
 - 3) Amount and ownership of undeveloped shoreland;
 - 4) Levels and types of water surface use and public access;
 - 5) Possible effects on overall public use.
 - j) Any commercial, recreational, community, or religious facility allowed as part of the planned unit development conforms to all applicable federal and state regulations including, but not limited to the following:
 - 1) Licensing provisions or procedures;
 - 2) Waste disposal regulations;
 - 3) Water supply regulations;
 - 4) Building codes;
 - 5) Safety regulations;
 - 6) Regulations concerning the appropriate use of Public Waters as defined in Minnesota Statutes, Chapter 105, as may be amended;
 - 7) Applicable regulations of the Minnesota Environmental Quality Board;
 - 8) Storm sewer.
 - k) The final PUD plan shall not be modified or altered in any way without written approval from the Department of Natural Resources;

- l) PUDs incorporating shoreline recreational facilities such as beaches, docks, or boat launching facilities, etc. shall be designed such that said facilities are centralized for common utilization. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- m) Accessory structures and facilities, except water-oriented accessory structures, shall meet the required principal structure setback.

Subd. 9. Variance. Variances may be granted by the City Council upon application as required in §1301.060 of this ordinance in extraordinary cases. The City Council may grant variances only when the proposed use is determined to be in the public interest and no variance shall be granted which the Council determines will or has a tendency to: (Ref. Ord. 878, 8/11/92; 915, 12/13/94)

- a) Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in such a manner as to increase the height off-loading, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound flood plain management.
- b) Result in incompatible land uses or which would be detrimental to the protection of surface and ground water supplies.
- c) Be not in keeping with land use plans and planning objectives for the City of White Bear Lake or which will increase or cause danger to life or property.
- d) Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of White Bear Lake.
- e) Contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with the comprehensive management plan adopted by the Commissioner of Natural Resources.
- f) Alter the essential character of the locality as established by the management plan.
- g) No permit or variance shall be issued unless the applicant has submitted a shoreland impact plan as required and set forth in this Code. In granting any variance the Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Code.
- h) No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. (Ref. Ord. 915, 12/13/94)
- i) All variances to the requirements of this Section must be certified in accordance with NR 81 (b) and Subd. 10 of this Section.

Subd. 10. Effect of Permit. The granting of any permit, variance or subdivision approval under provisions of this Section shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any state agency or subdivision hereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits nor from the necessity to apply for a permit as described herein.

Subd. 11. Notification. The Zoning Administrator shall send public hearing notices with copies of all requests for variances, conditional use permits, and preliminary plats, as well as amendment proposals to the shoreland provisions of this Code at least thirteen (13) days prior to such hearings to the Minnesota Department of Natural Resources. (Ref. Ord. 692, 8/13/85; 915, 12/13/94)

The City Zoning Administrator shall send copies of amendments and final decisions granting plat approval, variances, or conditional uses to the Department of Natural Resources within ten (10) days of final action. (Ref. Ord. 692, 8/13/85)

§1303.235, "FP", FLOOD PLAIN OVERLAY DISTRICT

Subd. 1. Statutory Authorization, Findings of Fact and Purpose (Ref. Ord. No. 846, 6/11/91)

- a) Statutory Authorization: The Legislature of the State of Minnesota has, in Minnesota Statutes Chapters 103F and Chapter (394 for counties or 462 for municipalities) delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute, Chapter 103F further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore the City of White Bear Lake, Minnesota does ordain as follows:
- b) Purpose: The purpose of this ordinance is to comply with the rules and regulations of the National Flood Insurance Program (NFIP) codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the community's eligibility in the NFIP and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. (Ref. Ord. No. 10-4-1068, 4/13/10).
- c) Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside of the flood plain district or land uses permitted within such districts will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the City of White Bear Lake or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder. (Ref. Ord. 06-05-1035, 5/9/06)

Subd. 2. General Provisions.

- a) Adoption of Flood Insurance Rate Map. Panel numbers 27123C0035G, 27123C0041G, 27123C0042G, 27123C0055G and 27123C0065G of the "Ramsey County, Minnesota All Jurisdictions" Flood Insurance Rate Maps, dated June 4, 2010 and Panel number 27163C0240E of the "Washington County, Minnesota and Incorporated Areas" Flood Insurance Rate Maps dated February 3, 2010, developed by the Federal Emergency Management Agency are hereby adopted by reference as the Official Flood Plain District Map and made a part of this ordinance. (Ref. Ord. 10-4-1068, 4/13/10)
- b) Lands to Which Ordinance Applies. This ordinance shall apply to all lands designated as flood plain within the jurisdiction of the City of White Bear Lake.
- c) Interpretation. The boundaries of the flood plain district shall be determined by scaling distances on the Official Flood Plain District Map. Where interpretation is needed as to the exact location of the boundaries of the flood plain district, the City Engineer shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available, and the ground elevations that existed on the site at the time the City adopted its initial floodplain ordinance, or the date of the first National Flood Insurance Program map that placed the site in the floodplain, if earlier. If 100-year flood plain evaluations are not available, the City shall either require a flood plain evaluation consistent with Subd. 6 of this ordinance to determine a 100-year flood elevation for the site; or base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

- d) Annexations. The Flood Insurance Rate Map panels adopted by reference in Subd. 2.a, above, may include floodplain areas that lie outside of the corporate boundaries of the City of White Bear Lake at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of White Bear Lake after the date of adoption of this ordinance (4/13/10), the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City. (Ref. Ord. 10-4-1068, 4/13/10)

Subd. 3. Conflict with Pre-Existing Zoning Regulations, Uses, Standards, General Compliance and Evaluation Criteria: The flood plain zoning district shall be considered an overlay zoning district to all existing land use regulations of the community. The uses permitted in Subdivision 4.0 and 5.0 of this ordinance shall be permitted by issuance of a building or grading permit if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally established regulations of the community and where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply. (Ref. Ord. 10-4-1068, 4/13/10)

- a) Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, repaired, maintained, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Subdivision 4.0 and 5.0 of this ordinance shall be prohibited. In addition, a caution is provided here that: (Ref. Ord. 10-4-1068, 4/13/10)
- 1) New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Subdivision 4.0, 5.0 and 9.0. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10).
 - 2) Modifications, additions, structural alterations, normal repair and maintenance, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Subdivision 12.0; and (Ref. Ord. 10-4-1068, 4/13/10).
 - 3) As-built elevations for elevated structures must be certified by ground surveys as stated in Subdivision 10.0 of this Ordinance. (Ref. Ord. No. 846, 6/11/91)

Subd. 4. Permitted Uses Requiring Building Permit or Grading Permit Only.

- a) Any use of land which does not involve a structure, nor an addition to the outside dimensions of an existing structure, nor an obstruction to flood flows such as fill or storage of materials or equipment.
- b) Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in Subdivision 5.0 of this ordinance and the flood plain evaluation criteria in Subdivision 6.0 of this Ordinance for determining floodway and flood fringe boundaries. (Ref. Ord. No. 846, 6/11/91)

- c) Recreational vehicles are regulated by Subdivision 9.0 of this Ordinance. (Ref. Ord. No. 846, 6/11/91, Ord. 06-05-1035, 5/9/06)

Subd. 5. Standards for all Flood Plain Permitted Uses.

- a) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. (Ref. Ord. No. 846, 6/11/91)
- b) Storage of materials and equipment:
- 1) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal, or plant life is prohibited.
 - 2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.
- c) No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.
- d) All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the lowest floor, including basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one foot below the regulatory flood protection elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure constructed thereon. (Ref. Ord. 10-4-1068, 4/13/10)
- e) Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist. (Ref. Ord. 846, 6/11/91, Ord. 06-05-1035, 5/9/06)
- f) Commercial and Manufacturing Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times the velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood. (Ref. Ord. 06-05-1035, 5/9/06)
- g) Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement

on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section. (Ref. Ord. 846, 6/11/91, Ord. 06-05-1035, 5/9/06)

- h) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces. (Ref. Ord. 846, 6/11/91, Ord. 06-05-1035, 5/9/06)

Subd. 6. Flood Plain Evaluation

- a) Upon receipt of an application for a Conditional Use/building permit, manufactured home park development or subdivision approval within the flood plain district, the City Building Official or Planner shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the regulatory flood protection elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (Technical Standards and Requirements for Floodplain Evaluation) and 6120.5700 (Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.
- b) The City Planner shall submit one copy of all information required by Subd. 6a) of this section to the Minnesota Department of Natural Resources' Area Hydrologist for review and comment at least twenty (20) days prior to the granting of a conditional use/building permit or manufactured home park development/subdivision approval by the community. The City may accept or reject any review comments provided. The City Planner shall notify the Minnesota Department of Natural Resources Area Hydrologist within ten (10) days after a conditional use/building permit or manufactured home park development/subdivision approval is granted.

Subd. 7. Utilities, Railroads, Roads and Bridges in the Flood Plain District.

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

Subd. 8. Subdivisions

- a) No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the City Council for reason of flooding or inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain district shall be able to contain a building site outside the Floodway District at or above the regulatory flood protection elevation. The Planning Commission and City Council shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

- b) In the Flood Plain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Subd. 6a) of this section. The City Planner and City Engineer shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Subd. 5, Subd. 6, and Subd. 7 of this section.
- c) For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents. (Ref. Ord. No. 846, 6/11/91)
- d) Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. (Ref. Ord. No. 846, 6/11/91)

Subd. 9 Travel Trailers and Recreational Vehicles (Ref. Ord. No. 846, 6/11/91, 1035, 5/09/06, 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

Travel trailers, travel vehicles and recreational vehicles that do not meet the exemption criteria specified in Subdivision 9.0a below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subdivision 9.0c - d below. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

- a) Exemption – Travel/Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subdivision 9.0b below and further they meet the following criteria: (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)
 - 1) Have current licenses required for highway use.
 - 2) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
 - 3) Travel/Recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)
- b) Areas Exempted For Placement of Recreational Vehicles: (Ref. Ord. 06-05-1035, 5/9/06)
 - 1) Individual lots or parcels of record.
 - 2) Existing commercial recreational vehicle parks or campgrounds.
 - 3) Existing condominium type associations.
- c) Travel/Recreational vehicles exempted in Subdivision 9.0a lose this exemption when development occurs on the parcel exceeding five hundred (500) dollars for a structural addition to the recreational vehicle or exceeding five hundred (500) dollars for an accessory structure

such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Subdivision 4.0 and Subdivision 5.0 of this Section. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

- d) New commercial travel/recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following: (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)
- 1) Any new or replacement travel/recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation determined in accordance with the provisions of Subdivision 6.0 of this section and proper elevated road access to the site exists in accordance with Subdivision 5.0 of this Section. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)
 - 2) All new or replacement travel/recreational vehicles not meeting the criteria of Subdivision 9.d.1 above may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Subdivision 9.0a.1 and 9.0a.2 of this ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 5.0g of this Ordinance. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

Subd. 10. Administration.

- a) Permits Required. A City of White Bear Lake Conditional Use Permit as per section 1301.050 and building permits shall be secured prior to the construction of a principal structure, or an expansion of a principal structure greater than twenty five (25) percent of the footprint of the original structure, within the flood fringe. A City permit issued by the Building Official or Planner shall be secured prior to the construction, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building or structure or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source, and prior to the placement of fill, excavation of materials or the storage of materials or equipment within the flood fringe. Per DNR Rule #6120.6200, City staff shall submit a copy of the conditional use permit application to the DNR sufficiently in advance so that it is received by the DNR at least 10 days prior to the public hearing, and a copy of all decisions granting conditional use permits shall be forwarded by mail to the DNR within 10 days of such action. (Ref. Ord. 10-4-1068, 4/13/10)
- b) State and Federal Permits. Prior to granting a Conditional Use/Building Permit or processing an application for a variance, the City Planner shall determine that the applicant has obtained all necessary State and Federal permits.

- c) Certification of Lowest Floor Elevations. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. The Building Official shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the flood plain district. (Ref. Ord. No. 846, 6/11/91)
- d) Notifications for Watercourse Alterations. The City shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 1036, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- e) Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data. (Ref. Ord. 06-05-1035, 5/9/06).

Subd. 11. Variances. (Ref. Ord. No. 846, 6/11/91; 1035, 5/9/06)

- a) A variance means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
- b) The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.
- c) Variances from the provisions of this Ordinance may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the Regulatory Flood Protection Elevation. Variances may be used to modify permissible methods of flood protection. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - 1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - 2) Variances shall only be issued by a community upon a showing of good and sufficient cause or a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- 3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)
- d) The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a Variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- e) Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes. (Ref. Ord. 06-05-1035, 5/9/06)
- f) Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

Subd. 12. Nonconforming Uses. (Ref. Ord. 06-05-1035, 5/9/06)

A structure or the use of a structure or premises which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may be continued as a pre-existing nonconforming use subject to the following conditions. Historic structures, as defined by 44 Code of Federal Regulations, Part 59.1 shall be subject to the provisions of Subd. 12.a-e of this ordinance: (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

- a) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- b) A structural alteration within the inside dimensions of a nonconforming use or structure is permissible provided it utilizes flood resistant materials so it will not result in increasing the flood damage potential of that use or structure. A structural addition to a structure must be elevated to the regulatory flood protection elevation in accordance with Subd. 5.d of this ordinance. (Ref. Ord. 10-4-1068, 4/13/10)
- c) The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Subdivision 4.0 and Subdivision 5.0 of this section for new structures. (Ref. Ord. No. 846, 6/11/91)
- d) If any nonconforming use or structure is substantially damaged, as defined in Section 1301.030 of this ordinance, it shall not be reconstructed except in conformity with the provisions of this section. The applicable provisions for establishing new uses or new structures in Subdivisions 4.0, 5.0 or 7.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe respectively. The City Council may issue a Conditional Use Permit as per Section 1301.050 for

reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conforming with the provisions of this section. (Ref. Ord. 06-05-1035, 5/9/06, 10-4-1068, 4/13/10)

- e) If a substantial improvement occurs, as defined in Section 1303.030 of this ordinance, from any combination of a building addition to the outside dimension of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required above) and the existing nonconforming building must meet the requirements of section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structures are in the Floodway, Flood Fringe, respectively. (Ref. Ord. 06-05-1035, 5/9/06)
- f) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months. (Ref. Ord. 06-05-1035, 5/9/06)

Subd. 13. Amendments.

All amendments to this ordinance, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The flood plain designation on the Official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the flood plain. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration. (Ref. Ord. No. 846, 6/11/91)

Subd. 14. Penalties and Violation. (Ref. Ord. No. 846, 6/11/91)

A violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variance) shall constitute a misdemeanor.

- a) In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- b) When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
- c) The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning

Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

- d) If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance. (Ref. Ord. 745, 8/11/87; 846, 6/11/91)

§1303.240, "W", WETLANDS OVERLAY DISTRICT

Subd. 1. Purpose. A district relating to low lands, marshes, wetlands, drainage ways, water bodies, and water courses regulating alteration and development of such lands and providing for the issuance of permits therefore, and specifically to:

- a) Reduce danger to the health, safety and welfare of the residents of White Bear Lake by protecting surface and ground water supplies from the impairment which results from incompatible land uses and alterations, and by providing safe and sanitary drainage.
- b) Restrict and control land development so it will not impede the flow of floodwater or cause danger of life or property.
- c) Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of natural rates of water flow through the year and which sustain species of wildlife and plant growth. (Ref. Ord. 10-1-1063, 1/12/10)
- d) Regulate runoff of surface waters from developed areas to prevent excessive stormwater volume discharge and pollutants such as motor oils, sand, salt and other foreign materials from being carried directly into the nearest natural stream, lake or other public or private waters. (Ref. Ord. 10-1-1063, 1/12/10)
- e) Regulate the alteration of wetland systems to prevent excessive pollution, increased and rapid water runoff, excessive nutrient runoff pollution and to maintain the aesthetic appearance, functions and values of the wetlands. (Ref. Ord. 10-1-1063, 1/12/10)
- f) Prevent the development of structures in areas which will adversely affect the public passage and use of creeks, marshes, low lands and water courses within the City.

Subd. 2. District Application.

- a) The Wetlands District shall be applied to and superimposed (overlaid) upon all residential, commercial, or industrial districts contained herein existing or amended by the text and map of this Code. The regulations and requirements imposed by the Wetlands District shall be in addition to the requirements established in the White Bear Lake Zoning, Subdivision and Shoreland Codes and those established for the district which jointly apply. Under the joint application of districts, the most restrictive requirements shall apply.
- b) The Wetlands District within the City of White Bear Lake is defined and established to include those areas which include any water course, natural drainage system, waterbody, or wetland, that may be subject to periodic flooding, overflow, or seasonally high water tables. The Overlay District shall include, but not be limited to, the wetland areas not displayed on the map, the City Engineer shall determine if the Wetlands District regulations shall be applied.

Subd. 3. Permitted Uses. The following operations and uses are permitted in the Wetlands District as a matter of right, subject to any other applicable code, ordinance or law:

- a) Grazing, farming, nurseries, gardening, and harvesting of crops.
- b) Sustained yield forestry and tree farms.
- c) Conservation of soil, vegetation, water, fish and wildlife.

- d) Scientific research and education activities that teach principles of ecology and conservation.
- e) Leisure activities such as hiking, nature studies, canoeing, boating, camping, waterskiing, skin diving, horseback riding, field trails and general outdoor recreation, including play and sporting areas that are consistent with the intent of the Code. (Ref. Ord. 10-1-1063, 1/12/10)
- f) Essential services.

Subd. 4. Prohibited Uses. The following operations and uses shall be prohibited in the Wetlands District, except as may hereafter be conditionally permitted. No person shall perform any development in the Wetlands Overlay District without first having obtained a conditional use permit based on the procedures set forth and regulated by Section 1301.050 of this Code. Note: prohibited uses do not apply to maintenance and restoration activities conducted by regulating agencies. (Ref. Ord. 10-1-1063, 1/12/10)

- a) Place, deposit or permit to be deposited, fill or any material including structures into, within or upon any water body, water course, or wetland, flood plain or natural drainage system.
- b) Dig, dredge, or in any other way alter or remove any material from water bodies, water courses, wetlands, flood plains, or natural drainage system.
- c) Erect structures for human habitation.
- d) Create ponds, dam or relocate any water course, or change the natural drainage system.
- e) Clear and/or cut trees or other vegetation.
- f) Permanently store materials.
- g) Erect signs.
- h) Dispose of waste materials, including but not limited to, sewage, garbage, rubbish and other discarded materials.

Subd. 5. Conditional Uses. The following operations and uses shall be conditionally permitted within the Wetlands Overlay District provided they do not create a temporary or permanent obstruction to surface water flow patterns. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 1301.050 of this Code.) Note: conditional uses do not apply to maintenance and restoration activities conducted by regulation agencies. (Ref. Ord. 10-1-1063, 1/12/10)

- a) The deposit or removal of natural products in or from the water bodies, water courses, wetlands, flood plains, or natural drainage system for commercial or development purposes. (Ref. Ord. 10-1-1063, 1/12/10)
- b) Docks, piers, bulkheads, boat launching or land sites and marinas.
- c) Temporary storage of materials.
- d) Public and private parks and recreational facilities.

- e) Dams and other water control devices, dredging or diversion of water levels or circulation or changes in water courses to improve hazardous navigation conditions, or for the improvement of fish or wildlife habitat, or drainage improvements deemed to be consistent with the intent and objectives of this Code.
- f) Driveways and roads where alternative means of access are proven to be impractical in the considered judgment of the City Council.
- g) Fencing, hedges or shrubbery.
- h) Public utility transmission and distribution lines, poles, towers and other accessories, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment or a public utility.

Subd. 6. Development Regulations.

- a) Land owners or developers desiring to develop land or construct any structure or any other artificial obstruction on land located within any of the Wetlands District within the City of White Bear Lake shall first submit a conditional use permit application as regulated in Section 1301.050 of this Code and a plan of development, hereinafter referred to as a "Wetlands Systems Impact Plan", which shall set forth proposed provision for sediment control, water management, maintenance of the landscaped features, and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes regulated by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade changes, amount and type of fill, and its effect, if any, upon lakes, streams, water courses and marshes, lowlands and wetlands in the area. The plan shall minimize tree removal, ground cover change, dredging, loss of natural vegetation, and grade changes as much as possible and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the wetland systems impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation. (Ref. Ord. 10-1-1063, 1/12/10)
- b) High Water Elevation. For lakes, ponds or flowages, no structure, except boat houses, piers and docks shall be placed at an elevation such that the lowest floor, including basement floor, is less than two (2) feet above the highest known water levels. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Official.
- c) When a wetland is located within a watershed district which has buffer and setback regulations, those requirements shall be met. When a wetland is located within a watershed district that does not have buffer and setback regulations an average setback of 30 feet shall be provided, with a minimum setback of 15 feet as measured from the delineated edge of the wetland. At least half of the setback provided must be a natural, or approved naturalized buffer, the extent of which shall be demarcated by permanent monumentation approved by the City. (Ref. Ord. 10-1-1063, 1/12/10)

1303.245 "P", PUBLIC FACILITIES DISTRICT REGULATIONSSubd. 1. General Provisions.

- a) "P" Districts include such land areas, waterways and water areas which are owned, controlled, regulated, used or proposed to be used by the City of White Bear Lake or other governmental body.
- b) A "P" district is automatically designated at the time of land purchase for the principal uses set forth in Section 1303.245, Subd. 2.
- c) A "P" District, upon removal of public use, shall be considered by the Planning Commission. Recommendations as to a proposed land use designation shall be forwarded to the City Council for final determination.
- d) In all "P" District properties, those portions which are determined by the City Engineer to be wetlands shall be subject to the provisions of the Wetlands District Overlay Zone, Section 1303.240.

Subd. 2. Uses Permitted.

- a) Principal Uses. The following are principal uses in P Districts:
 - 1) Public buildings and uses.
 - 2) Public parks, playgrounds, athletic fields, golf courses, airports and parking areas.
 - 3) Public streets, alleys, easements and other public ways, highways and thoroughfares.
 - 4) Public drains, sewers, water lines, water storage, treatment and pumping facilities and other public utility and service facilities.
 - 5) Temporary public housing required and designed to relieve a critical housing shortage.
 - 6) Other public or nonprofit uses as are necessary or incidental to a public use.
- b) Accessory Uses. The following are accessory uses in P Districts:
 - 1) Dwellings or dwelling units for employees having duties in connection with any premises requiring them to live thereon, including families of such employees when living with them.
 - 2) Solar energy systems either roof-mounted or ground-mounted, per Code Section 1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)
- c) Conditional Uses. The following are uses permitted with a Conditional Use Permit in P Districts, which require a conditional use permit based on the procedures and provisions set forth in and regulated by Section 1301.050 of this code.
 - 1) Utility companies having transformers, pumping stations and substations subject to the following minimum requirements:

- a) They must conform to neighborhood setbacks, open spaces and design.
- b) They must be screened from adjacent districts by solid fencing or appropriate landscaping as approved by the Zoning Administrator.
- 2) Wind generators and other tower mounted energy devices exceeding a height of twenty (20) feet above the structure roof.
- 3) Public and private schools including trade schools. (Ref. Ord. No. 98-11-965 11/10/98)
- d) Additional Restrictions.

For uses, other than principal uses, requirements as to lot size, setbacks, building, parking, landscaping, screening, etc., shall be at least comparable to similar uses in other districts, but also subject to additional provisions as provided by the City.

Subd. 3. Uses Excluded. Any use allowed or excluded in any other district unless specifically allowed under Uses Permitted of this district are excluded in P Districts.

Subd. 4. Lot Requirements and Setbacks. All lot requirements and setbacks for uses in this district shall be comparable to other similar uses that are allowed in other districts.

Subd. 5. Building Requirements. All building requirements for uses in this district shall be comparable to other similar uses that are allowed in other districts. The City of White Bear Lake Planning Commission shall review plans for principle buildings and other significant capital improvements not including normal maintenance and other routine public works improvements. Upon receiving a recommendation from the Planning Commission, the Council shall consider final plans and specifications.

Subd. 6. Parking Requirements. All parking requirements for uses in this district shall be comparable to other similar uses that are allowed in other districts.

Subd. 7. Landscape Requirements. All landscape requirements for uses in this district shall be comparable to other similar uses that are allowed in other districts.

Subd. 8. Performance Standards. All performance standards for uses in this district shall be comparable to other similar uses that are allowed in other districts.

§1305.010

ZONING CODE

§1305.010

1305. ENACTMENT

§1305.010 EFFECT. This Code shall take effect and be in force from and after its passage and publication according to law, passed by the City Council of the City of White Bear Lake this 13th day of December, 1983.

CITY OF WHITE BEAR LAKE

/s/ Brad Stanius
Mayor

ATTEST:

/s/ Raymond R. Siebenaler
City Clerk

1306. OFFICIAL MAP OF FUTURE PARKS

§1306.010 OFFICIAL MAP. The City Council of the City of White Bear Lake, Minnesota does ordain that pursuant to Minnesota Statutes 462.359 the City Council hereby establishes an official map for the purpose of designating future park land and the following described property is hereby included:

Parcels D and E of Birch Lake Properties, identified as PIN's 15-30-22-23-0007 and 15-30-22-23-0008.

(Ref. Ord. 783, 2/14/89; 5/28/14)