

~~—(12) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18;~~

~~—(13) Public utility facility, general;~~

~~—(14) Multi-family dwellings in the CS-0.5 District, provided they are developed in accordance with the provisions of the RO-24 District;~~

~~—(15) Parking structures as principal uses when included in a planned development;~~

~~—(16) Post-secondary educational institutions;~~

~~—(17) Brewpub;~~

~~—(18) Taproom/cocktail room; and~~

~~—(19) Craft and micro-brewery/distillery/winery.~~

~~—(c) Provisional uses. If the following uses are developed as a related element to a development primarily devoted to a principal use, they are permitted within the CS Districts:~~

~~—(1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, apparel and similar retail stores;~~

~~—(2) Personal service establishments including licensed therapeutic massage enterprises, barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores, and similar personal services;~~

~~—(3) Financial institutions;~~

~~—(4) Athletic and recreational facilities;~~

~~—(5) Automotive service facilities;~~

~~—(6) Catering businesses, major and minor;~~

~~—(7) Class II motor vehicle sales accessory to Class I motor vehicle sales;~~

~~—(8) Repair of motor vehicles accessory to Class I motor vehicle sales;~~

~~—(9) Type I home businesses pursuant to standards as set forth in § 21.302.13; and~~

~~—(10) Hotel manager dwelling unit.~~

~~—(d) Conditional uses.~~

~~—(1) Reserved;~~

- ~~—(2) Public utility facility, limited;~~
- ~~—(3) Hotel airport parking;~~
- ~~—(4) Uses requiring a maximum floor area ratio of above 1.0 within the CS-1 District and above one-half within the CS-0.5 District, subject to the provisions of subsection (i) below;~~
- ~~—(5) Class I motor vehicle sales in the CS-0.5 District, when part of a planned development, pursuant to § 19.38.01 of this code;~~
- ~~—(6) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 19.63.07(e);~~
- ~~—(7) Reserved;~~
- ~~—(8) Reserved;~~
- ~~—(9) Reserved;~~
- ~~—(10) Restaurants with drive through (including drive-in) or rooftop seating;~~
- ~~—(11) Reserved;~~
- ~~—(12) Manufacturing and warehousing in the CS-0.5 District;~~
- ~~—(13) Reserved;~~
- ~~—(14) Reserved;~~
- ~~—(15) Reserved;~~
- ~~—(16) Towers. For related provisions see §§ 15.14, 19.63.05 and 21.301.10;~~
- ~~—(17) Reserved;~~
- ~~—(18) Secondary educational institutions (Grade 6-12);~~
- ~~—(19) Type II home businesses pursuant to standards as set forth in § 21.302.13;~~
- ~~—(20) Manufactured home parks pursuant to standards as set forth in § 21.302.10;~~  
~~and~~
- ~~—(21) Major commercial golf facility; and~~
- ~~—(22) Cannabis manufacturing in the CS-0.5 District.~~
- ~~—(e) Interim uses.~~
  - ~~—(1) Car rental businesses in the CS-1 District, including storage of rental cars provided that such parking does not occupy space otherwise required by ordinance for other uses on the same site;~~

- ~~— (2) Parking for an off-site use or as a primary use;~~
- ~~— (3) Retail or wholesale use (not to include outdoor storage) of an existing structure, provided that:
 
  - ~~— (A) The site has approved plans in place for redevelopment to a use allowed under the Comprehensive Plan and zoning ordinance;~~
  - ~~— (B) The applicant has documented that the site owner is actively working toward redevelopment of the site as approved;~~
  - ~~— (C) Redevelopment of the site as approved is not likely to occur within the period of the interim use permit;~~
  - ~~— (D) The use will be compatible with the structure, site and area in which it will be located;~~
  - ~~— (E) The use will not create a nuisance for adjacent uses or the public;~~
  - ~~— (F) The use will not negatively impact public infrastructure;~~
  - ~~— (G) The use will require only minor alterations to the existing structure; and~~
  - ~~— (H) The cost of alterations to the existing structure is commensurate with an interim use.~~~~
- ~~— (4) Temporary Pandemic, Epidemic, or Emergency Service Facility; and~~
- ~~— (5) Reserved.~~
- ~~— (f) Maximum floor area ratio. The maximum floor area ratio within the CS-1 District shall be one square foot of floor area for each one square foot of lot area and the maximum floor area ratio within the CS-0.5 District shall be one-half square foot of floor area for each one square foot of lot area, except as these standards may be modified by the provisions of subsection (i) below.~~
- ~~— (g) Dimensional requirements.~~

Minimum lot area	120,000 square feet
Minimum lot width	200 feet
Minimum setback, front	60 feet
Minimum setback, side	20 feet plus 0.25 feet for each one foot of structure height in excess of 60 feet
Minimum setback, rear	Same as side setback, but in no instance less than 30 feet
Maximum structure height	As regulated by § 21.301.10 of this code

Maximum structure lot coverage	30%
Maximum structure floor area ratio	CS-1 = 1.0 FAR, CS-0.5 = 0.5 FAR

~~—(h) Reserved.~~

~~—(i) Special provisions.~~

~~—(1) Reserved.~~

~~—(2) The maximum floor area ratio in the CS-1 District may be increased to one and one-half square feet of floor area and in the CS-0.5 District to three-fourths square feet of floor area for each one square foot of lot area and maximum building coverage may be increased to 40% of lot area provided that peak period project trip generation is equal or less than trip generation from the same type of use with a 1.0 floor area ratio in the CS-1 District and 0.5 floor area ratio in the CS-0.5 District. A Tier I TDM Program in accordance with the requirements of city code § 21.301.09 and a development agreement is required for all uses exceeding the maximum floor area ratio in subsection (f) above.~~

~~—(3) The minimum floor area for structures in the CS Districts must be 6,000 square feet for freestanding restaurants and 20,000 square feet for all other uses.~~

~~—(4) In instances in which second-level pedestrian connections are made across public streets or to adjacent properties, setbacks may be reduced to zero feet for a width of 120 feet.~~

~~—(5) Exterior materials: the exterior materials and finish of all buildings erected on lands within Commercial Service CS-0.5 and CS-1 Zoning Districts shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~

~~—(j) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.~~

**§ 19.40.07.01 RESERVED.**

**§ 19.40.08 COMMERCIAL OFFICE DISTRICT CO-1.**

~~—(a) Intent. The Commercial Office District is intended to provide areas where offices, compatible office-like businesses and high-density residential uses may be developed with the assurance that commercial uses with incompatible characteristics will not impede or disrupt the establishment of an attractive and cohesive grouping of mixed yet interrelated uses. This district is to be applied only in areas adjacent to arterial or~~



~~collector streets. Residential uses within this district is appropriate provided they are subsidiary to office uses on the site.~~

~~—(b) *Permitted principal uses.*~~

~~—(1) Offices;~~

~~—(2) Public uses;~~

~~—(3) Transit stations;~~

~~—(4) The following accessory uses:~~

~~—(i) Uses customarily incidental and clearly subordinate to permitted principal uses.~~

~~—(ii) Beekeeping.~~

~~—(5) Entertainment and recreation special events;~~

~~—(6) Farmers market subject to standards set forth in Chapter 14, Article IX;~~

~~—(7) Arts and crafts festival subject to standards set forth in Chapter 14, Article X;~~

~~—(8) Restaurants, without drive through and rooftop seating;~~

~~—(9) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18;~~

~~—(10) Non-profit clubs in the CO-1 Zoning District;~~

~~—(11) Post secondary educational institutions;~~

~~—(12) Brewpub;~~

~~—(13) Taproom/cocktail room;~~

~~—(14) Craft and microbrewery/distillery/winery;~~

~~—(15) Research laboratories;~~

~~—(16) Public utility facility, general; and~~

~~—(17) Multi-family dwellings in the CO-1 District provided they are developed in accordance with the provisions of the C-4 District.~~

~~—(c) *Provisional uses.* If the following uses are within a building primarily devoted to a permitted principal use, and if they have common indoor access to permitted principal uses, they are permitted within the CO District:~~

~~— (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, apparel and similar retail stores;~~

~~— (2) Personal service establishments including licensed therapeutic massage enterprises, barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores and similar personal services;~~

~~— (3) Financial institutions;~~

~~— (4) Athletic and recreation facilities;~~

~~— (5) Catering businesses, major and minor;~~

~~— (6) Sales and servicing of office equipment;~~

~~— (7) Business services including printing and duplicating;~~

~~— (8) Product design, development and testing; and~~

~~— (9) Type I home businesses pursuant to standards as set forth in § 21.302.13.~~

~~— (d) Conditional uses.~~

~~— (1) Reserved;~~

~~— (2) Manufacturing, provided that at least 75% of the floor area of structures on the site is devoted to a permitted principal use;~~

~~— (3) Reserved;~~

~~— (4) Automotive service facilities which form an integrated part of a larger development;~~

~~— (5) Public utility facility, limited;~~

~~— (6) Computer component manufacturing;~~

~~— (7) Uses requiring a maximum floor area ratio above 1.0 within the CO-1 District, subject to the provisions of subsection (i) below;~~

~~— (8) Air passenger and transit terminals;~~

~~— (9) Reserved;~~

~~— (10) Towers. For related provisions see §§ 15.14, 19.63.05 and 21.301.10 of this code;~~

~~— (11) Reserved;~~

- ~~— (12) Type II home businesses pursuant to standards as set forth in § 21.302.13;~~
- ~~— (13) Places of assembly in the CO-1 Zoning District;~~
- ~~— (14) Manufactured home parks pursuant to standards as set forth in § 21.302.10;~~
- ~~— (15) Major commercial golf facility; and~~
- ~~— (16) Restaurants with drive through (including drive-in) or rooftop seating; and~~
- ~~— (17) Cannabis testing facility.~~

~~— (e) Interim uses.~~

~~— (1) Uses. The following uses are allowed on an interim basis in accordance with the provisions of this section.~~

~~— (A) Short-term storage of rental car inventory for rental by the public at the Minneapolis/St. Paul International Airport and short term parking of personal vehicles by auto rental employees and construction related employees working at the Minneapolis/St. Paul International Airport;~~

~~— (B) Car rental businesses, including storage of rental cars provided that such parking does not occupy space otherwise required by ordinance or other uses on the same site;~~

~~— (C) Temporary Pandemic, Epidemic, or Emergency Service Facility; and~~

~~— (D) Parking for an off-site use or as a primary use.~~

~~— (2) Standards. In addition to standards in § 21.501.05, the following standards also apply to interim uses in the Commercial Office District CO-1.~~

~~— (A) Any buildings or other site improvements associated with the interim use shall be of nominal value or portable. Temporary buildings shall be allowed only to support the proposed use. Temporary buildings are exempt from the requirements of subsection (i) below, but must be designed and constructed in a manner assuring safety for occupants and others affected, as determined by the issuing authority.~~

~~— (f) Maximum floor area ratio. The maximum floor area ratio for nonresidential uses within the CO-1 District shall be one square foot of floor area for each one square foot of lot area.~~

~~— (g) Dimensional requirements.~~

<del>Minimum lot area</del>	<del>120,000 square feet</del>
<del>Minimum lot width</del>	<del>200 feet</del>
<del>Minimum setback, front</del>	<del>60 feet</del>

Minimum setback, side	20 feet plus 0.25 foot for each one foot of structure height in excess of 60 feet
Minimum setback, rear	Same as side setback, but in no instance less than 30 feet
Maximum structure height	As regulated by § 21.301.10 of this code
Maximum structure lot coverage	30%
Maximum structure floor area ratio	CO-1 = 1.0 FAR for nonresidential uses

~~—(h) Reserved.~~

~~—(i) Special provisions.~~

~~—(1) Reserved.~~

~~—(2) In the CO District, the floor area of residential uses shall not exceed 50% of the floor area of nonresidential uses in a particular development.~~

~~—(3) The maximum floor area ratio in the CO-1 District may be increased to one and one-half square feet of floor area and maximum building coverage may be increased to 40% of lot area provided that peak period project trip generation is equal or less than trip generation from the same type of use with a 1.0 floor area ratio in the CO-1 District. A Tier I TDM Program in accordance with the requirements of city code § 21.301.09 and a development agreement is required for all uses exceeding the maximum floor area ratio in subsection (f) above.~~

~~—(4) In instances in which second-level pedestrian connections are made across public streets or to adjacent properties, setbacks may be reduced to zero feet for a width of 120 feet.~~

~~—(5) Exterior materials: the exterior materials and finish of all buildings erected on lands within Commercial Office CO-1 Zoning District shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~

~~—(j) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.~~

**~~§ 19.40.08.01 RESERVED.~~**

**~~§ 19.40.09 RESIDENTIAL OFFICE DISTRICTS RO-24 AND RO-50.~~**

~~—(a) Intent. It is the purpose of these districts to provide for a mix of uses appropriate to a high-density residential environment. It is intended that these districts provide an arrangement of land uses which incorporates office and commercial activities which are interrelated to the principal residential use. These districts are to be applied only to areas with direct access to arterial or collector streets in proximity to high-intensity employment areas and adjacent to public open space.~~

~~— While special attention to design is needed to blend multiple uses on an individual site, the unique character of sites suitable for these districts will provide convenience and amenities not immediately available in most neighborhoods.~~

~~— (b) *Permitted principal uses:*~~

~~— (1) Multi-family dwellings;~~

~~— (2) Public uses;~~

~~— (3) Transit stations;~~

~~— (4) Accessory uses customarily incidental and clearly subordinate to permitted principal uses;~~

~~— (5) Entertainment and recreation special events;~~

~~— (6) Farmers market subject to standards set forth in Chapter 14, Article IX;~~

~~— (7) Arts and crafts festival subject to standards set forth in Chapter 14, Article X;~~

~~— (8) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18; and~~

~~— (9) Public utility facility, general.~~

~~— (c) *Provisional uses.* If the following uses are within a building devoted to a permitted principal or conditional use and if the total area of all provisional uses does not exceed 10% of the building area of the principal or conditional use, they are permitted in the RO Districts:~~

~~— (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines and apparel;~~

~~— (2) Personal service establishments including barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores and similar personal services;~~

~~— (3) Athletic and recreation facilities, separate from those provided for residents;~~

~~— (4) Nurseries, kindergartens and day care centers;~~

~~— (5) Restaurants without drive-up facilities, provided their access for customers and service is separate from access for residential uses;~~

~~— (6) Offices within a multi-family residential building; and~~

~~— (7) Type I home businesses pursuant to standards as set forth in § 21.302.13.~~

~~— (d) *Conditional uses.*~~



- ~~— (1) Offices within a multi-family residential building, not to exceed 30% of the building area of the multi-family residential use;~~
- ~~— (2) Freestanding offices in lieu of a permitted principal use;~~
- ~~— (3) Product design, development, and testing;~~
- ~~— (4) Public utility facility, limited;~~
- ~~— (5) Towers. For related provisions see §§ 15.14, 19.63.05 and 21.301.10 of this code;~~
- ~~— (7) Type II home businesses pursuant to standards as set forth in § 21.302.13; and~~
- ~~— (8) Manufactured home parks pursuant to standards as set forth in § 21.302.10.~~
- ~~— (e) Interim uses.~~
  - ~~— (1) Temporary Pandemic, Epidemic, or Emergency Service Facility.~~
- ~~— (f) Minimum and maximum gross density. The maximum density shall be 24 dwelling units per acre.~~
- ~~— (g) Dimensional requirements.~~

Minimum lot area	80,000 square feet
Minimum lot width	200 feet
Minimum setback, front	60 feet from arterial or collector streets, 40 feet from local streets
Minimum setback, side	10 feet plus 0.25 foot for each one foot of structure height in excess of 20 feet
Minimum setback, rear:	Same as side setback, but in no instance less than 30 feet
Maximum structure height:	As regulated by § <u>21.301.10</u> of this code
Maximum structure lot coverage:	30%
Maximum structure floor area ratio	0.30 for nonresidential uses in the RO-24 District, except as these standards may be modified by the provisions of subsection (h) below
Minimum usable open space for dwelling unit	400 square feet

- ~~— (h) Special provisions.~~

~~—(1) Reserved.~~

~~—(2) The provision of private balconies and porches directly accessible by individual dwelling units creates usable open space more beneficial to the residents of multi-family dwelling units than open space situated away from their units. Such balconies and porches shall be counted as contributing to the usable open space requirement according to the following bonuses. The minimum area and width for a balcony or porch to qualify for a bonus shall be 80 square feet of area and eight feet of width.~~

<i>Balcony or Porch Area</i>	<i>Counts as Usable Open Space of</i>
First 80 square feet	200 square feet
Each additional one square foot to 180 square feet	2.0 square feet

~~—(3) Reserved.~~

~~—(4) Reserved.~~

~~—(5) Reserved.~~

~~—(6) Exterior materials: the exterior materials and finish of all buildings erected on lands within Residential Office RO-24 Zoning District shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~

~~—(7) In the RO-24 District, the maximum structure floor area ratio for nonresidential uses may be increased to 0.50 FAR when the majority of the parking is located in the building or within a multi-level structure.~~

~~—(i) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.~~

**§ 19.40.10 CONSERVATION DISTRICT SC.**

~~—(a) Intent. It is intended that this district provide areas within the city for habitat protection and wildlife management. The Conservation District may be applied to either public or private land where preservation of natural resources is appropriate. The designation of a Conservation District not only will regulate land use within its boundaries, but will assure that adjacent land in other districts will not significantly impact the natural areas it is designed to protect.~~

~~—(b) Permitted principal uses.~~

~~—(1) Public and private natural areas, conservation areas and wildlife management areas;~~

~~—(2) Public recreation uses;~~

- ~~— (3) The following accessory uses :
  - ~~— (i) Uses customarily incidental and clearly subordinate to permitted principal uses.~~
  - ~~— (ii) Beekeeping.~~~~
- ~~— (4) Transient merchant sales as an accessory use in a park or government building interior, where incidental and clearly subordinate to a special event;~~
- ~~— (5) Entertainment and recreation special events;~~
- ~~— (6) Farmers market subject to standards set forth in Chapter 14, Article IX;~~
- ~~— (7) Arts and crafts festival subject to standards set forth in Chapter 14, Article X; and~~
- ~~— (8) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.~~
- ~~— (c) Provisional uses. Single family dwelling uses in existence at the time of application of this zoning district to the property.~~
- ~~— (d) Conditional uses:
  - ~~— (1) Nature centers and administrative buildings;~~
  - ~~— (2) Utility uses;~~
  - ~~— (3) Quarrying of sand, gravel, soil or minerals;~~
  - ~~— (4) Other public uses;~~
  - ~~— (5) Parking lots serving public and quasi-public recreation or conservation uses;~~
  - ~~— (6) Reserved; and~~
  - ~~— (7) Reserved.~~~~
- ~~— (e) Interim uses.
  - ~~— (1) Temporary Pandemic, Epidemic, or Emergency Service Facility.~~~~
- ~~— (f) Dimensional requirements.~~

<del>Minimum district area</del>	<del>40 acres</del>
<del>Minimum district width</del>	<del>200 feet</del>

~~—(g) *Minimum off-street parking.* As specified in § 21.301.06 of this code.~~

~~—(h) *Special provisions.*~~

~~—(1) *Reserved.*~~

~~—(2) In the review of final site and building plans in the SC District, or in any district bordering the SC District in instances in which the City Council determines that protection of natural features warrants additional protection over the applicable setback, buffering and development standards; the City Council may, by motion and majority vote, require that structures, parking areas or storage areas be set back up to 100 feet from the SC District boundary, that landscaping be provided for habitat protection and wildlife management, and that additional development standards be applied to assure that proposed development is appropriately related to the natural environment and meets the intent of the SC District.~~

~~—(3) Public recreation uses shall constitute no more than 20% of the land area of any unit of land zoned SC.~~

~~—(i) *Sign regulations.* Refer to Chapter 21, Article III, Division D, the sign code.~~

**ARTICLE IV: DISTRICT REGULATIONS**

**~~§ 19.41 TABLE OF CONSERVATION DISTRICT (SC) REQUIREMENTS.~~**

~~—(a) *Reserved.*~~

~~—(b) *Reserved.*~~

~~—(c) *Nonresidential development.*~~

	<b><i>SC District</i></b>
Lot width	100 feet
Lot area	—
Floor area of principal building (sq. ft.)	—
Front yard setback	50 feet
Side yard setback	20 feet*
Rear yard setback	30 feet
Side or rear yard adjoining street	50 feet
* The side yard in no event may be less than the height of the structure.	

**~~§ 19.42 RESERVED.~~**

~~§ 19.43 RESERVED.~~

~~§ 19.44 RESERVED.~~

~~§ 19.44.01 RESERVED.~~

~~§ 19.45 RESERVED.~~

~~§ 19.46 RESERVED.~~

~~§ 19.47 RESERVED.~~

~~§ 19.48 RESERVED.~~

~~§ 19.49 EXCEPTIONS TO CONSTRUCTION REQUIREMENTS.~~

~~—When a building is sought to be erected in any zoning district by a governmental agency for the purpose of storage of chemical road materials, to protect against any adverse impact which might be caused by such outside storage, the construction requirements of the zoning district in which the building is to be located need not be complied with so long as the proposed building has been reviewed by the Planning Commission and has been approved by the City Council as:~~

~~—(1) Necessary for environmental protection;~~

~~—(2) Not contrary to the purposes of the Zoning Code and the purposes of the zoning district in which the building is to be erected;~~

~~—(3) Not having an appearance which will adversely affect adjacent uses; and~~

~~—(4) Having the building sufficiently separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and so that there will be no deterrence to development of vacant land.~~

~~ARTICLE V: PERFORMANCE STANDARDS~~

~~§ 19.50 RESERVED.~~

~~§ 19.50.01 RESERVED.~~



~~§ 19.50.02 RESERVED.~~

~~§ 19.50.03 RESERVED.~~

~~§ 19.51 RESERVED.~~

~~§ 19.52 RESERVED.~~

~~§ 19.52.01 RESERVED.~~

~~§ 19.53 RESERVED.~~

~~§ 19.54 RESERVED.~~

~~§ 19.55 TRAFFIC CONTROL.~~

~~—The traffic generated by any use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure a safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing onto street.~~

~~§ 19.56 RESERVED.~~

~~§ 19.57 RESERVED.~~

~~§ 19.57.01 SLOPES PROTECTION.~~

~~(a) Purpose. The purpose of this section is to protect areas with slopes from erosion caused by surface runoff due to development. These provisions apply to all properties in Single-Family R-1 and R-1A, and Large Lot Single-Family Residential RS-1 Zoning Districts with 12% or greater slope shown in a final plat or otherwise approved by the City Council after May 1, 1993. Additional provisions for the Bluff Protection (BP) Overlay District are in § 21.208.02.~~

~~—(b) Lots with an average slope of 12% or greater. For lots with an average slope of 12% or greater impervious surface coverage shall be limited according to the following table:~~

<del>Average Slope</del>	<del>Maximum Coverage</del>	<del>Average Slope</del>	<del>Maximum Coverage</del>
<del>12%</del>	<del>34%</del>	<del>22%</del>	<del>24%</del>
<del>13%</del>	<del>33%</del>	<del>23%</del>	<del>23%</del>

14%	32%	24%	22%
15%	31%	25%	21%
16%	30%	26%	20%
17%	29%	27%	19%
18%	28%	28%	18%
19%	27%	29%	17%
20%	26%	30%	16%
21%	25%		

— Impervious surface coverage for properties with average slopes greater than 30% shall be decreased by 1% for each percent of slope greater than 30%.

— (c) *Average percentage slope.* Average percentage slope shall be calculated according to one of the following methods, based on existing conditions prior to the proposed development:

— (1) In those instances where the lot is rectangular or regularly shaped, and the contour lines are generally parallel throughout the property, the average percentage slope may be calculated by determining the slope of a line drawn from the highest point on the property to the lowest point on the property, according to the following formula:

—  $S = (VH - VL) / H$

S = Average percentage slope

VH = Elevation of the highest point of the line above mean sea level

VL = Elevation of the lowest point of the line above mean sea level. In no event shall the lowest point used in this calculation have an elevation lower than 722 feet above mean sea level.

H = The horizontal distance separating the highest point from the lowest point

— (2) In those instances where the lot is rectangular or regularly shaped, and the contour lines are not generally parallel through the property, the average percentage slope may be calculated by determining the average of the slopes of several lines, evenly spaced across the property, drawn from the highest points on the property to the lowest points on the property. The slope of each line shall be calculated in the manner specified in subsection (c)(1) above;

— (3) In those instances where the lot is irregularly shaped, the following formula may be used:

~~$S = (0.00229 \times L \times F) / A$~~

~~S = Average percentage slope~~

~~L = Length of all contours (above 722 feet above mean sea level) in feet~~

~~F = Contour interval in feet~~

~~A = Area of the lot (above 722 feet above mean sea level) in acres~~

~~(4) Any other methodology commonly recognized in the field of civil engineering and which is approved by the issuing authority. In no instance shall the calculation incorporate elevations below the 722 foot contour elevation above mean sea level.~~

~~(d) Best management practices. The following best management practices (BMPs) are encouraged to filter, slow, and disperse surface water runoff:~~

~~(1) Minimize stormwater runoff over slopes;~~

~~(2) Limit or reduce impervious surfaces;~~

~~(3) Direct runoff from impervious surfaces into a storm sewer system or well vegetated area;~~

~~(4) Manage soil erosion;~~

~~(5) Plant bare areas with native seedlings or seeds of native species and mulch; and~~

~~(6) Cover bare soils with biodegradable erosion control blankets and/or logs while vegetation becomes established.~~

~~(e) Special provisions.~~

~~(1) Surface runoff redirected away from slopes. In those instances where surface water runoff from impervious surface is directed away from steep slopes and into a public storm sewer or public or approved private BMP, such areas shall not be considered as impervious surface for the maximum coverage limitations identified in subsections § 19.57.01(b)(c). However, in no instance shall the total impervious surface, including those areas affected by this provision, exceed the maximum impervious allowed in the zoning district as shown in § 21.301.01(c).~~

~~(2) Development occurring on areas with less than 12% slopes. In those instances where all impervious surfaces on lots with steep slopes are located in an area of the lot with slopes of less than 12%, and surface water runoff from impervious surface is~~

~~directed away from steep slopes and into a public storm sewer or public or approved BMP, the restrictions of this section 19.57.01 do not apply.~~

~~— (3) *Mitigation.* When the City Council grants relief from the requirements of this section by granting of a variance, approval of a Planned Development (PD) Overlay District, approval of a conditional use permit for a Neighborhood Unit Development or other action, the City Council may require mitigation of the effects of surface runoff on steep slopes by any reasonable method, including but not limited to:~~

~~— (i) *Trees.* The City Council may require applicants to plant additional trees to intercept rainwater on open portions of the lot. Any overstory tree of two and one-half caliper inches or greater or any evergreen tree of six feet or more feet in height at the time of planting, shall qualify as meeting this requirement. This provision shall not be required for any lot which has more than one tree of qualifying size (but not species) for each 3,000 square feet of lot area;~~

~~— (ii) *Redirection of surface water.* The City Council may require applicants to redirect surface water runoff away from steep slopes by the provision of gutters and downspouts, reorientation of roof slopes, regrading and/or installation of an approved private storm sewer system; and~~

~~— (iii) *Removal of existing impervious surfaces.* The City Council may require the removal of certain existing impervious surfaces which will reduce surface water runoff. This requirement may include replacement of impervious plastic sheeting under landscaping materials with permeable landscaping membrane, replacement of parking areas (other than in driveways) with permeable surfaces, or removal of any impermeable surface which is in violation of any of the provisions of this code.~~

### **~~§ 19.58 EXPLOSIVES.~~**

~~— No activities involving the storage, use or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically permitted by the Fire Prevention Code.~~

### **~~§ 19.59 RADIATION AND ELECTRICAL EMISSIONS.~~**

~~— No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbances (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.~~

### **~~§ 19.60 OTHER NUISANCE CHARACTERISTICS; VIBRATION.~~**

~~— *Vibration.* Any vibration discernible (beyond property line) to the human sense of feeling for three minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 g or resulting in any combination of amplitudes and~~

frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, *Seismic Effects of Quarry Blasting*, on any structure.

~~§ 19.61 RESERVED.~~

~~§ 19.61.01 RESERVED.~~

~~§ 19.62 RESERVED.~~

~~§ 19.62.01 RESERVED.~~

~~§ 19.63 PLACES OF ASSEMBLY.~~

~~(a) Standards. Freestanding place of assembly uses and sites must comply with the following standards:~~

~~(1) Minimum site area of two acres;~~

~~(2) Reserved;~~

~~(3) Maximum building coverage 12%;~~

~~(4) Minimum building setback from all public streets 60 feet;~~

~~(5) Minimum building setback from property lines other than public street rights-of-way 60 feet except a 25-foot side or rear yard setback will be permitted where such side or rear yard is adjacent to nonresidentially used property;~~

~~(6) Notwithstanding the provisions of § 21.301.10 of this code, an additional one-foot setback is required for each foot of height of the place of assembly in excess of 35 feet;~~

~~(7) Canopies and similar auxiliary structures may extend into the required side and rear setback areas, but in no event closer than 25 feet to a side or rear property line. When attached to and architecturally integrated with the principal structure, bell towers, canopies and similar auxiliary structures may extend ten feet into the required front setback area, but in no event may be closer than 50 feet to a front property line;~~

~~(8) Parking lot shall cover no more than 50% of the site;~~

~~(9) No parking is permitted on the site in front of the place of assembly except where a parking lot exists on a site under the provisions of a previously approved conditional use permit. No exterior storage, motor vehicle parking or motor vehicle storage is permitted on the site except when incidental to allowed uses in place on the site. Exterior storage must meet the standards of city code § 21.301.16; and~~



~~(10) Bell towers, steeples, spires and similar structures must meet the following standards.~~

~~(A) Height. The height of bell towers, steeples, spires and similar structures must not exceed 65 feet.~~

~~(B) Location. Bell towers, steeples, spires and similar structures must be located at least 25 feet from a side or rear property line and at least 50 feet from a front property line or property line abutting a public street.~~

~~(C) Antenna mounting. When antennas are mounted on bell towers, steeples, spires or similar structures, the following standards apply.~~

~~(i) Design. The structure must be designed to visually appear as a bell tower, steeple, spire or similar structure and not be identifiable as an antenna tower. To ensure that a bell tower, steeple, spire or similar structure that supports antennas is fully camouflaged and appears to be a planned architectural element rather than an antenna tower, the design of the bell tower, steeple, spire or similar structure must replicate the unique design features of the place of assembly principal building structure, must be constructed of materials and use colors that complement and effectively integrate it with the principal structure and must not be a replication of a similar structure that supports antennas at another site within the city. The number of bell towers, steeples, spires or similar structures on an individual site must be compatible with the design of the principal structure. If more than one bell tower, steeple, spire or similar structure is present on a site, each must be architecturally coordinated with the other and they must appear as planned design elements.~~

~~(ii) Antenna visibility. The antennas, cables and associated mounting devices must be screened or otherwise concealed from view.~~

~~(iii) Equipment. The associated ground equipment must meet the setback requirements of the structure and must be fully screened by a wall or fence that is architecturally compatible with the principal structure.~~

~~(b) Screening. Where a place of assembly is adjacent to a residential use screening must be provided along the boundary adjacent to any property used for residential purposes. Such screening must consist of a solid fence or wall not less than five feet high, but may not extend within 15 feet of any street or driveway. Such screening will not be required along a public street. The provisions of § 21.301.15(d)(1) apply to place of assembly sites. This provision may be waived by the City Council at the time of approval of site plans if the Council finds that no adverse impact on adjacent properties will be created by such waiver, or if the Council finds that requiring such screening would have an adverse impact on adjacent residential properties.~~

~~(c) Expansion, alteration or addition. If a conditional use permit is granted for an expansion, addition or alteration to an existing place of assembly, the combination of the existing place of assembly and proposed development shall not exceed the following.~~

~~(1) The combined total building coverage will not exceed 15% of the place of assembly site.~~

~~(2) The required parking for the combined total building will not cover more than 70% of the place of assembly site.~~

~~(d) Columbaria. Columbaria are permitted as accessory uses to any freestanding place of assembly for worship subject to the following standards:~~

~~(1) Location. If located exterior to the principal structure, columbaria must satisfy the minimum setback requirements of the principal structure.~~

~~(2) Size. Columbaria, not counting landscaping, plazas or screening, may not exceed 600 square feet.~~

~~(3) Height. Columbaria may not exceed seven feet in height.~~

~~(4) Screening. If not themselves designed as a screen wall, columbaria must be fully screened from all adjacent residential properties during the entire year. If designed as a screen wall and not otherwise screened from adjacent residential properties, columbaria openings must not be visible from adjacent residential properties.~~

~~(5) Preserving redevelopment potential. Given that places of assembly for worship are sometimes redeveloped as other uses, given that such redevelopment is in the public interest when a place of assembly for worship site becomes vacant, and given that columbaria can create an impediment for redevelopment, the following additional standards apply.~~

~~(A) Columbaria must be removed from the site upon vacancy.~~

~~(B) Any agreement or lease signed with the legal representatives of columbaria occupants must specify that the remains be removed from the columbaria upon site vacancy, specify what will happen to the remains at that time and specify that the place of assembly for worship has authority to remove and dispose of the remains upon site vacancy if the legal representatives do not.~~

~~(C) Model agreements or leases must be submitted for city review in conjunction with the columbaria application.~~

~~(6) Approval process. Columbaria must receive final site and building plan approval prior to construction.~~

**~~§ 19.63.01 RESERVED.~~**

**~~§ 19.63.02 RESERVED.~~**

**~~§ 19.63.03 RESERVED.~~**

~~§ 19.63.04 RESERVED.~~

~~§ 19.63.05 TOWERS.~~

~~(a) Purpose. In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Council finds that these regulations are necessary in order to:~~

~~(1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;~~

~~(2) Minimize adverse visual effects of towers through careful design and siting standards;~~

~~(3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and~~

~~(4) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.~~

~~(b) Area specific requirements for towers and antennas.~~

~~(1) Towers outside the right-of-way in residential zoning districts. Towers shall be allowed only in the following residentially zoned areas:~~

~~(A) Towers supporting amateur radio antennas and conforming to all applicable provisions of this code shall be allowed only in the rear yard of residentially zoned parcels.~~

~~(B) Towers supporting commercial antennas and conforming to all applicable provisions of this code shall be allowed only in the following residentially zoned locations:~~

~~(i) Church sites, when the antenna support structure is fully camouflaged as a bell tower, steeple or similar structure;~~

~~(ii) Park sites, when compatible with the nature of the park; and~~

~~(iii) Government, school, utility and institutional sites.~~

~~(2) Antennas and towers in the public right-of-way. Wireless telecommunication facilities, towers and antennas in the city, county or state right-of-way are also subject to the requirements in Chapter 17, Article IV of this code.~~

~~(c) Co-location requirements. All commercial wireless telecommunication towers erected, constructed or located within the city shall comply with the following requirements.~~

~~(1) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the approving body finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius (one-half mile search radius for towers under 120 feet in height, one-quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:~~

~~(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;~~

~~(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost;~~

~~(c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; and/or~~

~~(d) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.~~

~~(2) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.~~

~~(d) *Tower construction requirements.* All towers erected, constructed, or located within the city, and all wiring therefor, shall comply with the requirements set forth of § 15.14 of this code.~~

~~(e) *Tower and antenna design requirements.* Proposed or modified towers and antennas shall meet the following design requirements.~~

~~(1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. The use of color or design features to attract attention to the tower is prohibited.~~

~~(2) Commercial wireless telecommunication service towers shall be of a monopole design unless the approving body determines that an alternative design would better blend into the surrounding environment.~~



~~(f) *Tower setbacks.* Towers shall conform with each of the following minimum setback requirements.~~

~~(1) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.~~

~~(2) Towers shall be set back from the planned public rights-of-way as shown on the most recently adopted Master Street Plan of the city by a minimum distance equal to one-half of the height of the tower including all antennas and attachments.~~

~~(3) Towers shall not be located between a principal structure and a public street, with the following exceptions:~~

~~(a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street;~~

~~(b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street; and~~

~~(c) Temporary towers erected to support special events and news truck towers may be placed between a principal structure and a public street subject to the time limits of subsection (r) below.~~

~~(4) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the approving body, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.~~

~~(5) Towers erected on protected residential property as defined in § 19.03 of this code are also subject to the setback provisions of § 15.14(d)(8) of this code.~~

~~(g) *Tower height.* All proposed towers shall meet the height restrictions set forth in § 21.301.10 of this chapter.~~

~~(h) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.~~

~~(i) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. Towers must not be colored or designed in a manner meant to draw attention.~~

~~(j) *Associated equipment.* Ground equipment associated with a tower or wireless telecommunications facility shall be screened by vegetative or other screening compatible with the surrounding environment if deemed necessary by the Planning~~



~~Manager or designee. When associated ground equipment is housed in a building or structure, that building or structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum tower setback requirements as outlined in § 19.63.05(f). Ground equipment associated with a wireless telecommunications facility may be located on residentially used property only within a utility easement adjacent to the public right-of-way and in conformance with the limitations discussed in § 17.70(d)(3), except in the multi-family zoning districts (R-4, RM-12, RM-24 and RM-50) where ground equipment associated with a wireless telecommunications facility may also be located within a code-complying building or structure after receiving the approvals required by this code.~~

~~(k) *Discontinued or unused towers or portions of towers.* Discontinued or unused towers or portions of towers shall be removed as follows.~~

~~(1) All discontinued or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Manager. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.~~

~~(2) Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.~~

~~(l) *Antennas mounted on roofs, walls and existing towers.* The placement of wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Planning Manager, provided the antennas meet the requirements of this code, after submittal of: 1) a final site and building plan as specified by § 21.501.01 of this code; and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment must be indicated. Antennas must be mounted on the facade of the building or penthouse structure unless the Planning Manager or designee determines that another antenna mounting location decreases the visual impact of the antennas. All roof-mounted equipment must be screened from view in accordance with § 21.301.18 of this code.~~

~~(m) *Reserved.*~~

~~(n) *Additional submittal requirements.* In addition to the information required elsewhere in this code, development applications for towers shall include the following supplemental information:~~

- ~~(1) A report from a qualified and licensed professional engineer which:~~
- ~~(A) Describes the tower height and design including a cross section and elevation;~~
  - ~~(B) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas ;~~
  - ~~(C) Describes the tower's capacity, including the number and type of antennas that it can accommodate;~~
  - ~~(D) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;~~
  - ~~(E) Includes an engineer's stamp and registration number; and~~
  - ~~(F) Includes other information necessary to evaluate the request.~~
- ~~(2) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use; and~~
- ~~(3) Before the issuance of a building permit, the following supplemental information shall be submitted:~~
- ~~(A) Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and~~
  - ~~(B) A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.~~
- ~~(4) A design plan and/or route for backhaul facilities, signed by a qualified and licensed professional engineer.~~
- ~~(e) Violations. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.~~
- ~~(p) Maintenance. Tower and antenna finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint or other blemish.~~
- ~~(q) Antenna design and mounts. Applicants shall use antenna designs and mounts that minimize visual impact.~~
- ~~(r) Variances. The following standards apply to variance requests for towers, antennas or wireless telecommunication facilities.~~
- ~~(1) The approving body shall consider the following issues in addition to the variance findings required in § 2.85.04.~~

~~(A) The viability of code-complying alternative locations for the proposed tower, antenna or wireless telecommunication facility;~~

~~(B) The impacts of the tower, antenna or wireless telecommunication facility at the proposed site relative to the impacts of the tower, antenna or wireless telecommunication facility at a code-complying alternative location;~~

~~(C) The extent to which there is a significant gap in coverage surrounding the proposed tower, antenna or wireless telecommunication facility or other evidence of inadequate service due to antenna location;~~

~~(D) The extent to which the proposed tower, antenna or wireless telecommunication facility is the least intrusive, lowest impact design available;~~

~~(E) The extent to which the height of the proposed tower, antenna or wireless telecommunication facility could be reduced and still provide adequate coverage;~~

~~(F) The extent to which the size of the proposed accessory equipment could be reduced; and~~

~~(G) The feasibility of placing the proposed accessory equipment underground.~~

~~(2) The applicant shall pay the reasonable cost of the city retaining a qualified, independent radio frequency engineer to provide a professional opinion to the approving body if the Planning Manager or designee determines that an independent radio frequency engineer is needed to assist in consideration of subsections (q)(1)(A) through (q)(1)(G) above.~~

~~(s) Temporary towers. The following standards apply to structures that meet the definition of "tower" that are not intended to be permanent structures.~~

~~(1) Emergencies. Temporary towers erected in response to emergencies may be approved for up to three months by the Planning Manager. Emergency temporary towers must meet all city code requirements applicable to permanent towers.~~

~~(2) News truck towers. Towers temporarily erected from vehicles for no more than 24 hours do not require prior approval. News truck towers must meet parking requirements.~~

~~(3) Special events. Temporary towers erected to support special events may be approved for up to seven days by the Planning Manager. Temporary towers erected to support special events must meet all city code requirements applicable to permanent towers.~~

~~(4) Other temporary towers. All other temporary towers must meet all city code requirements and follow the approval process applicable to permanent towers.~~

~~(t) *Conflict with state statutes.* To the extent that standards in this section are in conflict with applicable provisions in state statutes, the applicable state statute provisions supersede the standards in this section.~~

### ~~§ 19.63.06 TENTS AND CANOPIES.~~

~~(a) *Intent.* The purpose of this section is to establish standards for tents and canopies for special events. The use of tents and canopies for the purpose of housing motor or recreational vehicles or storage is prohibited.~~

~~(b) *Where allowed.* Tents and canopies are permitted in all zoning districts with the following exceptions:~~

~~(1) Outdoor tents and canopies are allowed within the CX-2 Zoning District only when:~~

~~(A) A determination has been made by the City Engineer or designee that the tent or canopy will not adversely interfere with parking needs or traffic flow.~~

~~(c) *Permit required.* Permits are required for tents and for canopies having an area in excess of 400 square feet. When an interim use permit is issued for an event that includes a tent or canopy, Fire Marshal review of the proposed tent or canopy is required but a separate tent or canopy permit is not required. Tent and canopy permits are issued by the Community Development Department.~~

~~(d) *Performance standards.* Tents and canopies must comply with the following performance standards:~~

~~(1) Tents and canopies must conform with the provisions of the Fire Prevention Code, Chapter 6, Article II of this code.~~

~~(2) Tents and canopies must be set back at least ten feet from any property line. The issuing authority may require tents and canopies to be set back an additional distance from property lines when adjacent to an incompatible land use.~~

~~(3) Unless entirely surrounded by buildings, tents and canopies shall not be erected for more than 25 days per year per site. The Planning Commission may extend the allowed time period after holding a public hearing and finding that the proposed tent or canopy will not be injurious to the neighborhood or otherwise detrimental to the public welfare.~~

~~(4) Adequate parking and traffic circulation must be preserved and the health, safety and welfare of the community must not be adversely impacted by the proposed tent or canopy.~~

~~(e) *Conditions of approval.* Conditions of approval may be attached to a tent or canopy permit by the issuing authority or the Planning Commission to ensure adequate parking and traffic circulation, to minimize impacts on adjacent property, to ensure~~



~~adequate setbacks from property lines, and to otherwise protect the health, safety and welfare of the community.~~

~~(f) *Findings.* Tent and canopy permits will be issued only when the issuing authority or the City Council finds the following:~~

~~(1) The tent or canopy will not adversely impact adjacent property;~~

~~(2) The tent or canopy will not disrupt traffic circulation or otherwise create a safety hazard;~~

~~(3) Adequate parking levels will be preserved when the tent or canopy is on-site; and~~

~~(4) The tent or canopy will not adversely impact the health, safety and welfare of the community.~~

~~(g) *Appeal.* An applicant may appeal a tent or canopy permit denial, any conditions of approval for a tent or canopy permit, or a time extension request denial to the City Council within 30 days of the denial or approval with conditions. The appeal must be submitted in writing to the Director of Community Development and must specify the issue or condition being appealed and the basis of appeal. The appeal must be filed at least ten days prior to the meeting of the City Council.~~

#### **~~§ 19.63.07 AUTOMOBILE RENTAL AGENCY PERFORMANCE STANDARDS.~~**

~~—(a) *Intent.* The purpose of this section is to establish standards for businesses providing short-term rental of automobiles to the general public. These regulations shall apply to businesses operating as permitted, conditional or interim uses in zoning districts where they are allowed. It is the intent of these regulations to restrict such businesses to neighborhood and community service. It is not the intent to allow such businesses to service metropolitan, regional or interstate clients.~~

~~—(b) *Scope of operations.* Automobile rental agencies allowed under this code shall be restricted to these activities:~~

~~—(i) Office uses;~~

~~—(ii) Storage of rental vehicles; and~~

~~—(iii) One interior space for the cleaning and normal maintenance of rental vehicles.~~

~~—(c) *Site and building standards.*~~

~~—(i) The automobile rental agency must be located in an office of at least 1,000 square feet, excluding vehicle service areas. In the Regional Commercial (CR-1)~~



~~District, the agency must be located in a multiple tenant building containing at least 20,000 square feet of floor area.~~

~~—(ii) The site and building shall comply with the screening and landscaping requirements of this code.~~

~~—(iii) Vehicle access to the interior vehicle cleaning area shall be limited to the side or rear of the building. The car service space shall be located at the side or rear of the building, shall not front on any arterial or collector street, nor shall it face a residential zone or use.~~

~~—(iv) Parking spaces allocated for rental vehicle storage shall be located in a contiguous area not used by other businesses. They shall be designated and identified in a manner approved by the issuing authority.~~

~~—(v) The number of parking spaces used for storage of rental vehicles shall be in excess of the number of spaces required for all other uses on the site.~~

~~—(d) Operational requirements:~~

~~—(1) Vehicle cleaning and maintenance:~~

~~—(i) Only automobiles continuously owned by the automobile rental agency will be stored or cleaned on the property;~~

~~—(ii) All cleaning and maintenance shall occur inside and completely enclosed within the building in which the rental agency is located, or off-site; and~~

~~—(iii) Cleaning and maintenance shall be limited to washing, vacuuming and fluid changes and refills. No mechanical repair, body repair or painting shall be permitted.~~

~~—(2) Vehicles used and stored at the automobile rental agency shall not be older than two model years.~~

~~—(3) Vehicles used and stored at the automobile rental agency shall not be towed to and from the site nor shall they be transported by truck or trailer. No towing vehicles shall be parked at the site.~~

~~—(4) No vehicles shall be displayed or located above the elevation of the parking lot area, or on a display raised platform, a berm, planting island or any landscaped portion of the property.~~

~~—(5) No vehicles shall be displayed or stored in the public right-of-way of any city, county or state highway, nor shall they be displayed or stored in any location not designated for such storage as approved by the issuing authority.~~

~~—(6) No trucks, trailers or commercial vehicles, other than rental automobiles shall be rented by the automobile rental agency or stored on the property.~~

~~—(7) The vehicles stored on the property shall not be utilized for display purposes, nor shall such vehicles have rental information displayed on the windows or any other part of the vehicles.~~

~~—(8) No flags, balloons, banners, signs, pennants, ribbons, streamers or whirling devices shall be attached to vehicles.~~

~~—(9) Notwithstanding other provisions of this code, no vehicle sales shall be permitted in conjunction with the automobile rental agency. The city shall not approve an application for a license for sale of vehicles issued by the state.~~

~~—(e) Motor vehicle rental accessory to Class I motor vehicle sales. The following standards apply to motor vehicle rental uses accessory to Class I motor vehicle sales uses.~~

~~—(1) The rental of the vehicles must be clearly incidental and accessory to the primary use of the property as a Class I motor vehicle sales dealership.~~

~~—(2) Only those makes and models of vehicles that the Class I dealership sells as new may be rented.~~

~~—(3) The rental operation must be owned and operated by the Class I dealership or a unit of the parent company of which the dealership is part.~~

~~—(4) No exterior signage for the vehicle rental business is allowed.~~

~~—(5) The rental vehicles must not be parked or stored in parking spaces required by this code to serve the customers and employees of the dealership. Rental vehicles must be parked in approved and designated on-site spaces.~~

~~—(6) Rental vehicles must not be used for display purposes, must not have any rental information displayed on them, nor have any type of banners, flags, pennants, streamers or other attention-getting devices attached to them.~~

### **§ 19.63.08 EXTERIOR MATERIALS AND FINISH.**

~~(a) Purpose. The City Council finds that it is necessary to regulate the exterior finish and appearance of all primary and accessory buildings and structures that are erected in all of the primary nonresidential zoning districts in the city in order to ensure the consistency in quality, compatibility and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and human-made forces over time and a safe environment for those occupants, equipment and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood. A quality exterior finish also provides for improved health, safety and welfare of occupants and enclosed goods or equipment by providing increased protection through durability, strength, security, damage resistance and stability.~~

~~(b) The following regulations apply to all nonresidential primary and accessory buildings and their additions in the following zoning districts:~~

~~Single Family Residential R-1 Districts~~

~~Single Family Residential R-1A Districts~~

~~Large Lot Single Family Residential RS-1 Districts~~

~~Townhouse Residential R-3 Districts~~

~~Multiple Family Residential R-4 Districts~~

~~Multiple Family Residential RM-12 Districts~~

~~Multiple Family Residential RM-24 Districts~~

~~Conservation SC District~~

~~(1) Coating of exterior walls. No existing uncoated exterior wall finish material approved by the City Council as part of a development approval process shall be coated after the effective date of this section except for the following:~~

~~(A) As approved in subsections (f), (g), and (h) below;~~

~~(B) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(C) Secondary materials may be coated or sealed; and~~

~~(D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include, sealing and recoating, in a manner appropriate to that wall finish~~

~~material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority.~~

~~(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:~~

~~Multiple-Family Residential RM-50 Districts~~

~~Multiple-Family Residential RM-100 Districts~~

~~Neighborhood Office B-1 District~~

~~General Commercial B-2 District~~

~~Neighborhood Commercial Center B-4 District~~

~~Freeway Office and Service C-1 District~~

~~Freeway Commercial C-2 District~~

~~Freeway Commercial Center C-3 District~~

~~Freeway Office C-4 District~~

~~Freeway Mixed Use C-5 District~~

~~Regional Commercial CR-1 District~~

~~Freeway Development FD-2 District~~

~~Commercial Service CS-0.5 and CS-1 Districts~~

~~Commercial Office CO-1 District~~

~~Residential Office RO-24 District~~

~~High Intensity Mixed Use with Residential HX-R District~~

~~Lindau Mixed Use LX District~~

~~Innovation and Technology IT District~~

~~Transitional Industrial TI District~~

~~(1) *Exterior wall finish.* Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete (excluding tilt-up panel construction unless faced with code-compliant material), metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:~~



~~(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and~~

~~(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.~~

~~(2) Coating of exterior walls. No existing uncoated exterior wall finish material regulated by this section shall be coated after the effective date of this section except for the following:~~

~~(A) As approved in subsections (f), (g), and (h) below;~~

~~(B) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(C) Secondary materials as listed in subsection (c)(3) below may be coated or sealed;~~

~~(D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(E) Murals are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.~~

~~(3) Secondary materials. Up to 15% of the exterior wall surface of a building elevation may be secondary materials, such as, wood, metal, exterior insulation finish system (EIFS) or other equivalent material as approved by the issuing authority.~~

~~(4) Canopies and awnings. Up to 15% of the exterior wall surface of a building elevation may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of this section and, depending on the wall surface material, count as secondary materials. Canopies and awnings must meet all applicable building code requirements to ensure proper installation.~~

~~(d) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:~~

~~Industrial Park I-1 District~~



Limited Industrial I-2 District

General Industrial I-3 District

Industrial Park IP District

~~(1) Exterior wall finish.~~

~~(A) Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, architectural concrete masonry units, metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:~~

~~(i) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and~~

~~(ii) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.~~

~~(B) Buildings which do not currently comply with the exterior wall finish materials regulated by this section may be expanded using identical exterior wall finish materials with the approval of the issuing authority, provided that:~~

~~(i) More than 50% of the total exterior wall surface area of the existing building, excluding secondary materials as listed in subsection (d)(3) below, does not comply with the exterior wall finish materials regulated by this section;~~

~~(ii) The noncomplying exterior wall finish materials are used in compliance with the State Building Code, current edition; and~~

~~(iii) The total floor area of the addition does not exceed 50% of the total floor area of the building existing on the effective date of this section.~~

~~(2) Coating of exterior walls. No existing uncoated exterior wall finish material regulated by this section shall be coated after the effective date of this section, except for the following:~~

~~(A) The application of a clear, gas permeable coating on architectural concrete masonry units at the time of construction only upon certification of such recommendation or requirement by the manufacturer of the units when presented to and approved by the issuing authority. Maintenance shall be allowed thereafter, consistent with the recommendations or requirements of the unit manufacturer;~~

~~(B) As approved in subsections (f), (g), and (h) below;~~

~~(C) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(D) Secondary materials as listed in subsection (d)(3) below may be coated or sealed;~~

~~(E) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(F) Murals are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.~~

~~(3) Secondary materials. Up to 15% of the exterior wall surface of a building elevation may be secondary materials, such as, wood, metal, exterior insulation finish system (EIFS), or other equivalent material as approved by the issuing authority.~~

~~(4) Canopies and awnings. Up to 15% of the exterior wall surface of a building elevation, not counting secondary materials, may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of this section and, depending on the wall surface material, count as secondary materials. Canopies and awnings must meet all applicable building code requirements to ensure proper installation.~~

~~(e) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:~~

~~Mixed Use CX-2 District.~~

~~(1) Exterior wall finish. Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. An exterior insulation finish system (EIFS) may also be used for exterior wall finish material provided that such system is utilized no lower than 18 feet above grade level. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:~~

~~(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and~~

~~(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.~~

~~(2) Coating of exterior walls. No existing uncoated exterior wall surface material regulated by this section shall be coated after the effective date of this section except for the following:~~

~~(A) As approved in subsections (f), (g), and (h) below;~~

~~(B) Those portions of foundation walls above finished grade may be coated or sealed;~~

~~(C) Secondary materials as listed in subsection (e)(3) below may be coated or sealed;~~

~~(D) All exterior wall surfaces and secondary materials that were coated prior to the effective date of this section or allowed to be coated after that date by reason of the granting of development approval, administrative approval or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the issuing authority; and~~

~~(E) Murals are counted as a secondary material. To protect the integrity and durability of exterior building materials, murals may not be applied directly to the surface of a building elevation. Murals may be applied to separate materials and attached to the building elevation.~~

~~(3) Secondary materials. Up to 15% of the exterior wall surface of a building elevation may be secondary materials, such as, wood, metal, exterior insulation finish system (EIFS) when less than 18 feet above grade level, or other equivalent material as approved by the issuing authority.~~

~~(4) Canopies and awnings. Up to 15% of the exterior wall surface of a building elevation, not counting secondary materials, may be covered by canopies and/or awnings intended to provide aesthetic embellishment, shade or weather protection. Exterior wall surface materials covered by canopies or awnings must meet the applicable requirements of this section and, depending on the wall surface material, count as secondary materials. Canopies and awnings must meet all applicable requirements to ensure proper installation.~~

~~(f) Administrative appeal.~~



~~(1) Relief from the coating restriction of this section can be sought through an application for administrative approval of revised plans unless such relief is contrary to the action of the City Council. The administrative process can only be used for the purpose of allowing the application of a coating to an existing uncoated exterior wall finish material regulated by this section for the following purposes:~~

~~(A) Application of a coating to address a building maintenance or exterior wall finish material condition; or~~

~~(B) Application of a graffiti-resistant coating.~~

~~(2) The application for administrative approval shall be filed by the property owner and, in addition to the documentation normally required for such application, shall include the following documentation as may be applicable to the purpose of the coating:~~

~~(A) For resolution of a building maintenance or exterior wall finish material condition:~~

~~(i) Certification by an architect, engineer or other qualified professional of the existence of a building maintenance or exterior wall finish material condition that requires the application of a coating to the exterior wall finish material; and~~

~~(ii) Certification by an architect, engineer or other qualified professional that the application of a coating to the exterior wall finish material is part of a comprehensive solution to correct the identified condition.~~

~~(B) For application of a graffiti-resistant coating:~~

~~(i) Certification that the coating is specifically designed for that purpose and is either sacrificial or permanent in nature; and~~

~~(ii) Certification that the coating is a clear coating which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking or sealant material, and has a performance guarantee.~~

~~(C) General documentation:~~

~~(i) That the coating to be applied is specially formulated for the exterior wall finish material to which it is to be applied and is warranted to protect that surface;~~

~~(ii) That the coating to be applied does not reduce or void the exterior wall finish material warranty; and~~

~~(iii) That the coating shall be applied strictly in accordance with the instructions of both the coating manufacturer and the exterior wall finish material manufacturer.~~

~~(g) *Variance to coating restriction.* Relief from the coating restriction of this section can be sought through the variance process as set forth in Chapter 2 of this code, unless contrary to previous specific action by the City Council, in order to allow the~~

~~application of a coating to an existing uncoated exterior wall finish material regulated by this section for any purpose. The application shall be filed by the property owner and, in addition to the documentation normally required for such application, shall include without limitation that of the following documentation as may be applicable:~~

~~(1) Certification by an architect, engineer or other qualified professional of the existence of a building maintenance or exterior wall finish material condition that requires the application of a coating to the exterior wall finish material;~~

~~(2) Certification by an architect, engineer or other qualified professional that the application of a coating to the exterior wall finish material is part of a comprehensive solution to correct the identified condition;~~

~~(3) Certification that a proposed graffiti-resistant coating is specifically designed for that purpose and is either sacrificial or permanent in nature;~~

~~(4) Certification that a graffiti-resistant coating is a clear coating which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking or sealant material, and has a performance guarantee;~~

~~(5) That the coating to be applied is specially formulated for the surface material to which it is to be applied and is warranted to protect that surface;~~

~~(6) That the coating to be applied does not reduce or void the surface material warranty; and~~

~~(7) That the coating shall be applied strictly in accordance with the applicable instructions of both the coating and the exterior wall surface manufacturers.~~

~~(h) *Acrylic finishes.* Acrylic finish coatings may be applied over portland cement plaster (stucco) when the following requirements are met:~~

~~(1) The applicator complete and submit the installation certification form.~~

~~(2) The surface must be smooth, flat and prepared in accordance with a manufacturer's specifications prior to applying the acrylic finish.~~

~~(3) Brush or roll-on application of the acrylic finish is not permitted.~~

~~(4) The acrylic finish must be comprised of sufficient acrylic solids and aggregate to be troweling consistency.~~

~~(5) The following minimum required surface related test criteria must be met in accordance with the testing standards in the exterior materials policy: Accelerated weathering, freeze thaw, salt spray resistance, tensile bond adhesion, water resistance, surface burning, water vapor permeability, mildew, abrasion resistance, and pull-off strength of coatings using portable adhesion testers.~~



~~(6) For newly applied stucco, the portland cement plaster basecoat must be allowed to cure for a minimum of seven days before the acrylic finish may be applied. The applicator or contractor must notify the issuing authority when the brown coat has been completed.~~

~~(7) Acrylic finish must not be applied to an exterior with existing acrylic finish until:~~

~~(A) An architect or engineer licensed by the State of Minnesota or certified applicator of the acrylic finish certifies that the application of additional acrylic finish on the existing acrylic finish will not compromise the structural integrity of the wall;~~

~~(B) Certification by an architect, engineer, or certified applicator of the acrylic finish that the acrylic finish will be applied strictly in accordance with the applicable manufacturer's and ASTM standards.~~

~~(i) Severability. The provisions of this section are declared to be separate and severable. If any section, subsection, sentence, clause or phrase of this section or the application thereof to any person or circumstance, is held to be invalid, such decision shall not affect the validity of the remaining portions of this section, or the validity of its application to other persons or circumstances. The City Council hereby declares that it would have adopted the section and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.~~

~~§ 19.63.09 RESERVED.~~

~~§ 19.63.10 SEVERABILITY.~~

~~If any section, subsection, sentence, clause or phrase of this Article V is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article V. The City Council hereby declares that it would have adopted the Article V in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.~~

~~19.63.11 PENALTY.~~

~~Violation of the standards set forth in this Article V shall be enforceable in all of the following manners, without limitation: civil injunctive action; the assessment of civil administrative fines and penalties that are assessable against the property; as well as criminal misdemeanor prosecution.~~

**ARTICLE VI: RESERVED**

**ARTICLE VII: RESERVED**

## **ARTICLE VIII: ANTI-BLIGHT REGULATIONS**

### **§ 19.80 PURPOSE.**

~~—The purpose of this Article VIII of the city code is to control, through zoning regulations, certain land uses that have a direct and detrimental effect on the character of the city's residential and commercial neighborhoods.~~

### **§ 19.81 FINDINGS OF THE CITY COUNCIL.**

~~—The City Council makes the following findings regarding the effect sexually-oriented businesses have on the character of the city's neighborhoods. In making the findings, the City Council accepts the recommendations of a staff committee that has studied the experiences of other urban areas in the nation where sexually-oriented businesses have located.~~

~~—(a) Sexually-oriented businesses can exert a dehumanizing influence on persons attending places of assembly for worship; children attending state-licensed family day care homes, state-licensed group family day care homes and state-licensed child care centers; students attending schools; and people using public parks and libraries.~~

~~—(b) Sexually-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law-enforcement services.~~

~~—(c) Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area in which such businesses are located, thereby exacerbating the shortage of affordable and habitable housing for city residents.~~

~~—(d) The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually-oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating. Other businesses move out of the vicinity and residents flee from the area. Declining real estate values, which can result from the concentration of such businesses, erode the city's tax base and contribute to overall urban blight.~~

### **§ 19.82 CONCLUSIONS OF THE CITY COUNCIL.**

~~—In order to minimize the detrimental effect sexually-oriented businesses have on adjacent land uses, the City Council adopts the following land-use regulations,~~

recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods.

### **§ 19.83 DEFINITIONS.**

~~—The following words and terms, when used in this Article VIII, shall have the following meanings unless the context clearly indicates otherwise.~~

~~—**ADULT BODY PAINTING STUDIO.** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas as defined herein.~~

~~—**ADULT BOOK STORE.** An establishment that has 40% or greater of its current store stock in merchandise, videos, books, magazines and/or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as herein defined.~~

~~—**ADULT CAR WASH.** A wash facility for any type of motor vehicle that allows employees, agents, independent contractors or persons to appear in a state of partial or total nudity in terms of specified anatomical areas as defined herein.~~

~~—**ADULT COMPANIONSHIP ESTABLISHMENT.** A companionship establishment which excludes minors by reason of age, or which provides the service for a fee of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.~~

~~—**ADULT ENTERTAINMENT FACILITY.** A building or space wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.~~

~~—**ADULT MINI-MOTION PICTURE THEATER.** A building or space with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas herein defined, for observation by patrons therein. The phrase **USED FOR** in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.~~

~~—**ADULT MODELING STUDIO.** An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing~~

~~sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities as defined herein or display specified anatomical areas as defined herein while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.~~

~~—**ADULT MOTION PICTURE THEATER.** A building or space with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase **USED FOR** in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.~~

~~—**ADULT SAUNA.** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.~~

~~—**DWELLING UNIT.** One or more rooms arranged for residential use containing cooking, living, sanitary and sleeping facilities and physically separated from any other rooms or dwelling units which may be in the same structure.~~

~~—**MINOR.** Any natural person under the age of 18 years.~~

~~—**NUDITY.** The showing of the human male or female genitals or pubic area with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the covered male genitals in a discernibly turgid state.~~

~~—**PUBLIC LIBRARY.** Any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds and is organized under the provisions of M.S. Chapter 134, as it may be amended from time to time.~~

~~—**PUBLIC PARK.** A park, reservation, open space, playground, beach or recreation center in the city owned, leased or used, wholly or in part, by a city, county, state, school district or federal government for recreation purposes.~~

~~—**PLACE OF ASSEMBLY FOR WORSHIP.** A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.~~



~~—**SCHOOL.** A building or space that is principally used as a place where 25 or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational technical college, shall not be deemed a school for purposes of this Article VIII.~~

~~—**SIGN.** A name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, project, place, activity, person, institution, organization or business. However, a **SIGN** shall not include any display of official court or governmental office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A **SIGN** shall not include a sign located completely within an enclosed building unless the context shall so indicate. Each display surface of a sign shall be considered a **SIGN**.~~

~~—**SINGLE-FAMILY DWELLING.** A residential building containing one dwelling unit as herein defined including detached, semi-detached and attached dwellings.~~

~~—**STATE-LICENSED FAMILY DAY CARE HOME, STATE-LICENSED GROUP FAMILY DAY CARE HOME, STATE-LICENSED CHILD CARE CENTER.** A facility holding a license from the state pursuant to M.S. Chapter 245A, as it may be amended from time to time, and/or Minnesota Rules Chapter 9502 or Chapter 9503, as amended.~~

~~—**SEXUALLY-ORIENTED BUSINESS.** An adult book store, adult body painting studio, adult companionship establishment, adult motion picture theater, adult entertainment facility, adult modeling studio, adult mini-motion picture theater, adult car wash or adult sauna as herein defined.~~

~~—**SPECIFIED ANATOMICAL AREAS.**~~

~~—(a) Less than completely and opaquely covered:~~

~~—(1) Human genitals, pubic region or pubic hair;~~

~~—(2) Buttock;~~

~~—(3) Female breast or breasts below a point immediately above the top of the areola; or~~

~~—(4) Any combination of the foregoing.~~

~~—(b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.~~

~~—**SPECIFIED SEXUAL ACTIVITIES.** Include the following:~~

~~—(1) Human genitals in a discernible state of sexual stimulation or arousal;~~

~~—(2) Acts of human masturbation, sexual intercourse, or sodomy;~~

~~—(3) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock, or female breast or breasts; or~~



~~—(4) Any combination of the foregoing.~~

### **~~§ 19.84 ZONING REGULATIONS.~~**

~~—(a) Sexually-oriented businesses shall be prohibited in all of the city's use districts detailed in § 19.24 of this code, except the following use districts, where such businesses shall be a permitted use, provided the conditions in subsection (b) below are met:~~

- ~~—Industrial Park I-1 District~~
- ~~—Limited Industry I-2 District~~
- ~~—General Industry I-3 District~~
- ~~—Industrial Park IP District~~

~~—(b) In use districts in which sexually-oriented businesses are permitted uses, the following conditions shall be met prior to a sexually-oriented business being allowed:~~

~~—(1) No sexually-oriented business shall be located closer than 500 feet from any other sexually-oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually-oriented business.~~

~~—(2) No sexually-oriented business shall be located closer than 500 feet from any single-family dwelling, place of assembly for worship, school, public park, state-licensed family day care home, state-licensed group family day care home, public library or state-licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual premises used as a single-family dwelling, place of assembly for worship, school, park or state-licensed family day care home, state-licensed group family day care home or state-licensed child care center.~~

~~—(3) No sexually-oriented business shall be located closer than 500 feet from any of the following residential use districts. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest boundary of the residential use district:~~

- ~~—Single-Family Residential R-1A District~~
- ~~—Single-Family Residential R-1 District~~
- ~~—Townhouse Residential R-3 District~~

~~—— Multiple Family Residential R-4 District~~

~~—— Multiple Family Residential RM-12 District~~

~~—— Multiple Family Residential RM-24 District~~

~~—— Multiple Family Residential RM-50 District~~

~~—— Multiple Family Residential RM-100 District~~

~~—— Apartment Park R-5 District~~

~~—— Large Lot Single Family RS-1 District~~

~~—— (4) A sexually oriented business must comply with the licensing requirements of Chapter 14 of this code.~~

~~—— (5) The operation or maintenance of more than one of the following uses in the same building or structure shall be prohibited:~~

~~—— Adult body painting studio~~

~~—— Adult book store~~

~~—— Adult car wash~~

~~—— Adult companionship establishment~~

~~—— Adult entertainment facility~~

~~—— Adult modeling studio~~

~~—— Adult sauna~~

~~—— Adult motion picture theater~~

~~—— Adult mini-motion picture theater~~

#### **~~§ 19.85 SIGN RESTRICTIONS.~~**

~~—— In order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding sexually oriented businesses, the following~~

~~sign regulations shall apply to all sexually-oriented businesses in the city notwithstanding any other provision of this code.~~

~~—(a) All signs shall be flat wall signs. No signs shall be freestanding, located on the roof or contain any flashing lights, moving elements, or electronically or mechanically changing messages.~~

~~—(b) The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street not to exceed 80 square feet.~~

~~—(c) No merchandise, photos or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the sexually-oriented business is located.~~

~~—(d) No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.~~

#### **~~§ 19.85.01 PENALTY.~~**

~~—A violation of this Article VIII shall be a misdemeanor under state law.~~

#### **~~§ 19.86 SEVERABILITY.~~**

~~—If any section, subsection, sentence, clause or phrase of this Article VIII is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article VIII. The Council hereby declares that it would have adopted the Article VIII and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.~~

### **~~ARTICLE IX: SHORE AREA REGULATIONS~~**

#### **~~§ 19.87.01 PURPOSE.~~**

~~—The purpose of this Article IX is to implement regulations concerning the use, development and alteration of certain shore areas in the city in compliance with the directives and requirements of M.S. § 103F.221, subd. 1, as it may be amended from time to time, and regulations adopted pursuant thereto. These regulations are adopted in order to protect the natural characteristics of such shore areas and adjacent water areas, to prevent the pollution of surface and ground waters, to minimize flood damage, to manage the effects of shore area crowding and development and to maintain shore area property values.~~

### **~~§ 19.87.02 APPLICABILITY; RELATIONSHIP TO OTHER REGULATIONS.~~**

~~—(a) The provisions of this Article IX shall apply to all "shore areas" of the city, as defined in § 19.87.03.~~

~~—(b) Unless specifically stated to the contrary, the provisions of this Article IX shall be in addition to, and not in derogation of, other statutes, regulations or ordinances, affecting shore areas. If both these regulations and other regulations impose similar restrictions upon shore areas, the more restrictive regulation shall apply.~~

### **~~§ 19.87.03 DEFINITIONS.~~**

~~—The following words and terms, when used in this Article IX, shall have the ascribed meanings unless the context clearly indicates otherwise.~~

~~—**ACCESSORY STRUCTURE.** A subordinate structure the use of which is incidental and customary to that of the principal structure.~~

~~—**BACKYARD APPURTENANT STRUCTURE.** Children's recreational equipment (such as a swing set or sandbox); clotheslines; arbors and trellises; outdoor fireplaces or grills; permanent benches; utility wires or poles; other public sewer, water and gas utility appurtenances; flag poles; walls and fences less than six feet in height; landscaping retaining walls; or dog enclosures.~~

~~—**BEST MANAGEMENT PRACTICES.** The methods and practices described in the State Pollution Control Agency's *Protecting Water Quality in Urban Areas*, commonly known as *Best Management Practices In Minnesota* (October 1989).~~

~~—**DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to the principal use of the site.~~

~~—**DNR.** Minnesota Department of Natural Resources.~~

~~—**EXOTIC SPECIES.** Flora and fauna that are not indigenous to the state, as determined by the DNR, the city or other public agency.~~

~~—**FLOODWAY.** The channel of the watercourse of a creek or river and those portions of the adjoining floodplains (as that term is defined in city code § 19.03) which are reasonably required to carry and discharge the regional flood (as that term is defined in city code § 19.03).~~



—~~**GARDEN.** An area used for the noncommercial growing of vegetables, flowers or other plants.~~

—~~**IMPERVIOUS SURFACE.** Any surface which prevents absorption of storm water into the soil.~~

—~~**NOXIOUS WEED.** Those weeds so defined in M.S. § 18.77, subd. 8, as it may be amended from time to time, or any plant which is identified and placed by the county on its noxious weed list.~~

—~~**ORDINARY HIGH WATER LEVEL (OHWL).** The boundary of public waters, which is the elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. The OHWL's for those public waterbodies under this Article IX which are lakes, are as shown in Table 1 at the end of this section. For watercourses, the **OHWL** is the elevation of the top of the bank of the channel.~~

—~~**PAVED AREA.** Any impervious ground surface area created by means of concrete, asphalt, brick, mortar or other materials.~~

—~~**PUBLIC WATERBODY.** Each of the wetlands, lakes, creeks or rivers listed in Table 1 at the end of this section.~~

—~~**SHORE AREA.** All land in the city lying within the distances described in Table 1 at the end of this section, from the given public waterbody, as measured from the ordinary high water level (OHWL).~~

—~~**SHORE AREA IMPACT ZONE.** All land in the city lying within the distances described in Table 1 at the end of this section, from the given public waterbody, as measured from the ordinary high water level (OHWL).~~

—~~**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

—~~**UTILITY SHED.** An enclosed accessory structure no larger than 120 square feet in area or 12 feet in height which is used for the storage of equipment and materials which are not water-oriented in nature.~~

—~~**VEGETATION.** Flora of any variety, including trees, shrubs, plants and grass.~~

~~— **WATERCRAFT LANDING FACILITY.** A dock, ramp or other structure used to land watercraft.~~

~~— **WATERCRAFT LIFT OR STORAGE FACILITY.** An unenclosed structure designed and used solely to raise watercraft out of the water or for the storage of watercraft and related equipment.~~

~~— **WATER-ORIENTED ACCESSORY STRUCTURE.** An accessory structure which, because of its relationship to the public waterbody, reasonably needs to be located within the shore area. Excluded from the definition of a water-oriented accessory structure are stairways, stairway landings, pedestrian lifts, watercraft landing facilities, watercraft lift or storage facilities, backyard appurtenant structures and utility sheds.~~

**TABLE 1**

<i><b>Public Waterbody</b></i>	<i><b>Public Waterbody ID Number or Section/Township /Range Description</b></i>	<i><b>Public Waterbody Ordinary High Water Level (OHWL)</b></i>	<i><b>“Shore Area”- Distance from OHWL of Public Waterbody</b></i>	<i><b>“Shore Area Impact Zone”- Distance from OHWL of Public Waterbody</b></i>
1. Oxboro Lake	27-11P	803.7 feet	75 feet	37-1/2 feet
2. Upper Penn Lake	27-4P	811.5 feet	75 feet	37-1/2 feet
3. Lower Penn Lake	27-4P	807.0 feet	75 feet	37-1/2 feet
4. Bush Lake	27-47P	833.2 feet	75 feet	37-1/2 feet
5. Anderson Lake	27-62P	839.0 feet	75 feet	37-1/2 feet
6. Hyland Lake	27-48P	817.9 feet	150 feet	75 feet
7. Nine Mile (Coleman) Lake	27-13P	700.0 feet	150 feet	75 feet
8. Long Meadow Lake	27-2P	695.5 feet	150 feet	75 feet
9. Nine Mile Creek	From § 16-116-21 to § 28-27-24	Top of bank of channel	50 feet	25 feet
10. Nine Mile Creek - South Fork	From § 18-116-21 to § 17-116-21	Top of bank of channel	50 feet	25 feet

11. <del>Minnesota River— I-494 to I-35W</del>	From <del>§ 28- 27-24 to § 5- 27-23</del>	Top of bank of channel	100 feet	50 feet
12. <del>Minnesota River— I-35W to western city boundary</del>	From <del>§ 6- 115-21 to § 28-27-24</del>	Top of bank of channel	150 feet	75 feet]

**~~§ 19.87.04 USE, DEVELOPMENT AND ALTERATION OF SHORE AREAS; PERMITS.~~**

~~—(a) *Generally.* The use, development and alteration of shore areas shall be subject to the regulations and permitting requirements of this section. The use, development and alteration of the lands lying between the shore areas and the existing waterline are subject to the regulation and control of the DNR.~~

~~—(b) *Shore area alteration.*~~

~~—(1) *Removal or alteration of vegetation.*~~

~~—(A) No removal or alteration of vegetation within the shore areas shall occur without a shore area permit, except that no permit shall be required:~~

~~—(i) For the removal of dead, diseased, hazardous or storm-damaged vegetation, or for the mowing of turf;~~

~~—(ii) For the periodic pruning of woody vegetation up to four inches in diameter (as measured at the base) of the cut provided the roots are left intact;~~

~~—(iii) For removal of exotic species, noxious weeds or other public nuisances;~~

~~—(iv) For the creation of a garden located outside of the shore area impact zone;~~

~~—(v) For the creation of a garden located within the shore area impact zone and more than ten feet inland from the OHWL, provided that the only vegetation which will be removed for the garden is lawn turf;~~

~~—(vi) For removals or alterations for purposes of the construction of backyard appurtenant structures located more than ten feet inland from the OHWL; or~~

~~—(vii) For the maintenance of existing gardens.~~

~~—(B) A shore area permit for the removal or alteration of vegetation may be granted only for the following purposes:~~

~~———— (i) To construct the improvements permitted pursuant to subsections (b)(2)(C)(vii); (c); (d); (e); or (f) below; or~~

~~———— (ii) To create a garden located within the shore area impact zone and more than ten feet inland from the OHWL; to create an access path to the water; to create a watercraft access area; to create public park, beach and marina facilities or to provide a view to the water from the principal dwelling site.~~

~~———— (C) No shore area permit for the removal or alteration of vegetation shall be issued unless:~~

~~———— (i) The removal or alteration is the minimum reasonably required for the permitted activity;~~

~~———— (ii) The existing vegetative screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf on conditions, is substantially maintained; and~~

~~———— (iii) Along rivers, existing shading of water surfaces is substantially preserved, assuming summer, leaf on conditions.~~

~~———— (D) Use of fertilizers in a shore area is prohibited.~~

~~———— (E) No gardens shall be created within ten feet of the OHWL.~~

~~———— (2) Grading and filling.~~

~~———— (A) No grading or filling within the shore areas shall occur without issuance of a shore area permit by the city.~~

~~———— (B) Before any permit may be issued to grade or fill, the applicant must provide evidence that all provisions of federal, state and local law pertaining to wetlands and shore area (including, but not limited to, the Wetland Conservation Act, Watershed District regulations, United States Corps of Engineers regulations, DNR protected waters regulations and city floodplain, steep slope and bluff regulations) have been satisfied.~~

~~———— (C) All shore area permits for grading shall be subject to the following conditions:~~

~~———— (i) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed and is exposed for the shortest time possible;~~



~~———— (ii) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;~~

~~———— (iii) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;~~

~~———— (iv) Altered areas must be stabilized to acceptable erosion control standards consistent with best management practices;~~

~~———— (v) Fill or excavated material must not be placed in a manner that creates an unstable slope;~~

~~———— (vi) Alterations of topography may be allowed only if accessory to uses allowed by this section and does not adversely affect adjacent or nearby properties;~~

~~———— (vii) Placement of natural rock rip rap, including associated grading and placement of a filter blanket, is permitted only if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the OHWL (as measured along the ground surface), and the height of the rip rap above the OHWL does not exceed three feet; and~~

~~———— (viii) Such other conditions as are reasonable and necessary under the circumstances.~~

~~———— (D) Excavations where the intended purpose is connection to a public waterbody (such as boat slips, canals, lagoons and harbors) shall not be allowed without the approval of the DNR.~~

~~—(c) Structures.~~

~~———— (1) Permits. No structures shall be constructed within the shore areas without a shore area permit, except that no permit shall be required for the construction of backyard appurtenant structures located more than ten feet inland from the OHWL.~~

~~———— (2) Types of structures permitted.~~

~~———— (A) Only the following types of structures may be constructed in shore areas:~~

~~———— (i) Stairways, stairway landings and pedestrian lifts;~~

~~———— (ii) Watercraft landing facilities;~~

~~—— (iii) Watercraft lift or storage facilities;~~

~~—— (iv) Water-oriented accessory structures;~~

~~—— (v) Utility sheds;~~

~~—— (vi) Decks, but only to the extent that the deck is a detached, water-oriented accessory structure, or, is attached to a principal structure that exists on the effective date of this section and the following criteria are met:~~

~~—— (aa) No reasonable location exists for the deck outside of the shore area;~~

~~—— (bb) The deck encroachment toward the OHWL does not exceed 15% of the existing setback of the principal structure from the OHWL or does not encroach into the shore area impact zone, whichever is more restrictive; and~~

~~—— (cc) The deck is constructed primarily of wood, and is not enclosed, roofed or screened, and does not result in the creation of an impervious surface.~~

~~—— (vii) Backyard appurtenant structures; and~~

~~—— (viii) Public park, beach and marina facilities and other public improvements.~~

~~—— (B) Nothing herein is intended to permit private watercraft landing facilities or other private water access where such rights have been acquired by the public.~~

~~—— (3) *Limits on number of structures.*~~

~~—— (A) The shore area lying within any given parcel of land may contain no more than one watercraft landing facility, one watercraft lift or storage facility, and either one water-oriented accessory structure or one utility shed.~~

~~—— (B) Such shore area may also contain any stairways, stairway landings and pedestrian lifts reasonable and necessary for pedestrian access to the water, backyard appurtenant structures, and any decking which is a permitted addition to a structure pursuant to subsection (c)(2)(A)(vi) above.~~

~~—— (C) Nothing herein shall be interpreted to allow more than the one accessory building per residential lot otherwise permitted under the City Zoning Code.~~

~~—— (4) *Location of structures.*~~

~~—— (A) All water-oriented accessory structures and backyard appurtenant structures shall be located at least ten feet inland from the OHWL of the public waterbody, shall be located so as to minimize the impact upon existing vegetation, and shall be located whenever reasonable in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody, assuming summer, leaf-on conditions.~~

~~—— (B) Utility sheds shall only be located outside of the shore area impact zone; shall be located as to minimize the impact upon existing vegetation, and shall be located whenever reasonable in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody, assuming summer, leaf-on conditions.~~

~~—— (C) Stairways, stairway landings, pedestrian lifts, watercraft landing facilities and watercraft lifts or storage facilities shall be located whenever reasonable in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody, assuming summer, leaf-on conditions.~~

~~—— (D) Fencing and walls may not be located within a floodway.~~

~~—— (5) Construction and design.~~

~~—— (A) Stairways, stairway landings and pedestrian lifts.~~

~~—— (i) Stairways and pedestrian lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties and planned developments where more than one lot or more than four dwelling units are served.~~

~~—— (ii) Landings for stairways and pedestrian lifts on residential lots must not exceed 32 square feet in area. Landings not exceeding 60 square feet may be used for commercial properties, public open-space recreational properties and planned developments where more than one lot is served.~~

~~—— (iii) Canopies or roofs are not allowed on stairways, stairway landings or pedestrian lifts.~~

~~—— (iv) Stairways, stairway landings and pedestrian lifts 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.~~

~~—— (B) Water-oriented accessory structures, utility sheds, backyard appurtenant structures or other permitted facilities.~~

~~—— (i) The structure or facility must not exceed 12 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet; provided that utility sheds shall not exceed 120 square feet in area. Detached decks must not exceed eight feet above grade at any point.~~

~~—— (ii) The structure or facility must be treated to reduce visibility as viewed from the public waterbodies and adjacent shore areas by vegetation, topography, increased setbacks, color or other approved means, assuming summer, leaf-on conditions.~~

~~—— (iii) A roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.~~

~~—— (iv) The structure or facility must not be designed or used for human habitation, must not contain water or sewer facilities, and must not be located within a floodway.~~

~~—— (v) Decks shall be constructed primarily of wood and shall not be constructed so as to create an impervious surface.~~

~~—(d) *Roads, driveways and parking areas.*~~

~~—— (1) No roads, driveways, parking areas or other paved areas shall be constructed within shore areas without a shore area permit.~~

~~—— (2) No shore area permit for the construction of such surface improvements shall be issued unless:~~

~~—— (A) No reasonable alternative outside of the shore area exists for location of the surface improvement, and~~

~~—— (B) The surface improvement design takes advantage of natural vegetation and topography to achieve maximum screening of view from the public waterbody; limitations on the removal or alteration of vegetation are met, the improvement is designed so as to minimize and control erosion to the public waterbody consistent with best management practices, and it is designed so as to minimize adverse impacts to the shore area.~~

~~—(e) *Water and sewage facilities.*~~

~~—— (1) No new water wells or on-site sewage treatment systems may be constructed within shore areas without a shore area permit.~~

~~—— (2) No shore area permit for the construction of water wells or on-site sewage treatment systems shall be issued unless:~~



~~— (A) There is no city water or sewer utility (as applicable) available to the property;~~

~~— (B) There is no reasonable alternative location outside of the shore area of the property for the well or sewage treatment system (as applicable);~~

~~— (C) The well or sewage treatment system (as applicable) meets all state and local standards; and~~

~~— (D) The well or sewage treatment system (as applicable) is separated from the public waterbody and from sources of contamination by the distances required by Minnesota Rules parts 4725.4350 and 4725.4450.~~

~~— (3) All lots containing shore areas shall be connected to the public water and sanitary sewer systems in accordance with the provisions of §§ 11.03 and 11.26(c) of this code, and old sewer and water systems shall be abandoned in conformance with state law and city ordinances.~~

~~— (f) Storm water.~~

~~— (1) Impervious surface coverage of the shore area of lots shall not exceed 10% of said area.~~

~~— (2) When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and detain storm water runoff before discharge to public waters.~~

~~— (3) Development and construction must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected using methods and facilities designed and installed consistent with best management practices.~~

~~— (4) When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and human-made materials and facilities.~~

~~— (5) When constructed facilities are used for storm water management, they must be designed and installed consistent with best management practices.~~

~~—(6) New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.~~

~~—(g) *Agricultural use standards.*~~

~~—(1) If otherwise allowed under the Zoning Code, general cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted in the shore area of a property if it is maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts of the United States Soil Conservation Service.~~

~~—(2) Use of fertilizers in the shore area is prohibited.~~

~~—(h) *Shore area permits.*~~

~~—(1) Whenever a given activity within the shore area requires more than one shore area permit pursuant to this section, only a single shore area permit fee shall be required to be paid.~~

~~—(2) The fee for a shore area permit shall be as set forth in City Code Appendix A, except that a double fee may be required by the city in instances where work or an activity has been initiated without the required permit.~~

~~—(3) The obtaining of a shore area permit for a given activity shall not abrogate the need to obtain any other permits required for the activity under the city code or other federal, state or local laws.~~

~~—(4) Applications for a shore area permit shall be filed with the Building and Inspection Division of the city and shall contain information necessary and relevant to the review and analysis of the application, as determined by the city. Such information may include a scaled plan showing some or all of the following:~~

~~—(A) Existing and proposed contour lines with two-foot intervals and ground elevations;~~

~~—(B) The OHWL;~~

~~—(C) Existing vegetation and proposed removals;~~

~~—(D) Existing and proposed improvements and utilities;~~

~~—(E) Location of wells and private septic systems;~~

~~— (F) Easements;~~

~~— (G) Wetlands;~~

~~— (H) Lot lines;~~

~~— (I) Adjacent streets and right-of-way;~~

~~— (J) Shore area and shore area impact zone; and~~

~~— (K) Other information relevant to the application, as determined by the city.~~

~~— (5) Whenever another development application (e.g. final site and building plans, planned developments) on the same project is required, both the shore area permit and development application may occur concurrently through their respective review process.~~

#### **~~§ 19.87.05 EXISTING USES.~~**

~~— Except for wells and on-site sewage treatment systems whose use must be discontinued pursuant to § 19.87.04(e), existing uses and improvements within shore area may be maintained in accordance with the provisions and limitations of § 21.504 of this code.~~

#### **~~§ 19.87.06 VARIANCES.~~**

~~— Variances from the provisions of this Article IX may be permitted in accordance with city code § 2.85.04.~~

#### **~~§ 19.87.07 VIOLATION.~~**

~~— Violation of any of the provisions of city code §§ 19.87.01 through 19.87.06 shall be a misdemeanor, punishable by up to \$700 or 90 days in jail, or both.~~

#### **~~§ 19.87.08 NOTIFICATION OF DNR.~~**

~~— The DNR shall be notified by the city at least ten days in advance of any public hearing involving the proposed use, development, subdivision, or rezoning of a shore area within the city or the amendment of this Article IX.~~

**ARTICLE X: RESERVED]**

Section 14. That Chapter 21 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

## **CHAPTER 21: ZONING AND LAND DEVELOPMENT**

### **ARTICLE I: INTRODUCTION AND ESTABLISHMENT**

#### **§ 21.101 PURPOSE.**

The provisions of Chapter 21 have been enacted in order to protect and promote the public health, safety and general welfare of the people of the city. Specifically, the provisions are designed to achieve amongst others the following objectives:

- (1) Adequate light, air and safety from fire for occupants of structures;
- (2) Conservation of the value of land and buildings;
- (3) A balanced tax base as between residential, commercial and industrial uses;
- (4) Avoidance of business failures through improper location;
- (5) A minimum of congestion in the public streets;
- (6) Compatibility between different land uses; and
- (7) Reasonable standards to which structures and uses shall conform.

#### **§ 21.102 RESERVED.**

#### **§ 21.103 TITLE.**

Chapter 21 may be referred to as the “zoning ordinance” or “Zoning Code” of the city.

#### **§ 21.104 RESERVED.**

#### **§ 21.105 RESERVED.**

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#### **§ 21.108 RESERVED~~[RELATIONSHIP BETWEEN CHAPTERS 19 AND 21.~~**

~~—The city is in the process of updating and reorganizing its zoning and land development standards. As reorganization occurs, standards will be shifted from Chapter 19 to Chapter 21. Until reorganization has concluded, both Chapters 19 and 21 will collectively serve as the zoning ordinance of the city. After reorganization has concluded, Chapter 21 will serve as the zoning ordinance of the city and Chapter 19 will be reserved. Any reference that collectively refers to Chapter 19 must be interpreted to also refer collectively to Chapter 21 and vice versa.]~~



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## ARTICLE II: DISTRICTS AND USES

### DIVISION A: ~~[RESERVED]~~ ESTABLISHMENT

#### § 21.201 ESTABLISHMENT OF ZONING DISTRICTS.

(a) Zoning districts. For the purpose of this code, the city is hereby organized into the following primary zoning districts:

(1) Single-Family Residential Districts:

Single-Family Residential R-1 District. All of the city except those parts described as lying within one of the following primary zoning districts established by this section

Single-Family Residential R-1A District

Large Lot Single-Family RS-1 District

(2) Multiple-Family Residential Districts:

Townhouse Residential R-3 District

Multiple-Family Residential R-4 District

Multiple-Family Residential RM-12 District

Multiple-Family Residential RM-24 District

Multiple-Family Residential RM-50 District

Multiple-Family Residential RM-100 District

(3) Neighborhood Commercial Districts:

Neighborhood Office B-1 District

General Commercial B-2 District

Neighborhood Commercial Center B-4 District

(4) Freeway Commercial Districts:

Freeway Office and Service C-1 District

Freeway Commercial C-2 District

Freeway Commercial Center C-3 District

Freeway Office C-4 District

Freeway Mixed Use C-5 District

Regional Commercial CR-1 District

(5) Industrial Districts:

Industrial Park I-1 District

Limited Industry I-2 District

General Industry I-3 District

Industrial Park IP District

Innovation and Technology IT District

Transitional Industrial TI District

Freeway Development FD-2 District

(6) Mixed Use Districts:

Mixed Use CX-2 District

High Intensity Mixed Use With Residential HX-R District

Lindau Mixed Use LX District

(7) Commercial Service Districts:

Commercial Service CS-0.5 District

Commercial Service CS-1 District

(8) Commercial Office Districts:

Commercial Office CO-1 District

(9) Reserved.

(10) Residential Office District:

Residential Office RO-24 District

(11) Conservation SC District.

(b) *Overlay districts.* For the purpose of this code, the city is hereby organized into the following overlay zoning districts:

(1) Planned Development PD Overlay District;

(2) Flood Hazard FH Overlay District;

(3) Bluff Protection BP Overlay District;

(4) Reserved;

(5) Airport Runway (AR-17) Overlay District; and

(6) Airport Runway (AR-22) Overlay District.

(c) Rules in establishing zoning districts. The purpose of this section is to establish a framework and uniform rules for location and boundaries of zoning districts established by this chapter.

(1) Unless otherwise determined by the City Council the zoning district boundary lines will be established as follows:

(A) Zoning districts abutting municipal boundaries must utilize those boundaries:

(B) When an existing roadway, alley or railroad right-of-way or centerline is a zoning district boundary line and that right-of-way is vacated or legally discontinued, the zoning district boundary line will remain in place;

(C) When a channel centerline of a river, stream or water course is a zoning district boundary line and there is a natural change in the location of the channel centerline, the zoning district boundary will be considered to have moved with the channel centerline;

(D) District boundary lines for the Conservation SC, Flood Hazard FH Overlay, and Bluff Protection BP Overlay Districts may also be described as following a specific datum elevation contour above mean sea level between specified reference points. District boundary areas for the Bluff Protection BP Overlay District may also be described as steep slopes of 18 percent or greater over a horizontal distance of 25 feet or longer; and

(E) Where a dimensioned zoning district boundary line coincides approximately but not exactly with a lot line which did not exist on the effective date of incorporation of the zoning district boundary line into the zoning district map, the lot line will be the zoning district boundary line at that location.

(F) Ponds, lakes and other submerged areas:

(i) When entirely within or enclosed by a primary zoning district, the pond, lake or submerged area will have the same primary zoning unless otherwise described;

(ii) When a pond, lake or other submerged area abuts two or more primary zoning districts and is not located entirely within one of them nor described in a separate district, the boundaries of each abutting primary zoning district will be extended in a straight line across the pond, lake or submerged area until intersection with another district boundary; and

(iii) Primary zoning district boundaries shown as following the shorelines of any pond, lake, or submerged area will be considered to follow the ordinary high water line and, in event of a natural change in the ordinary high water line, will be considered to have moved with the ordinary high water line.

(2) Wherever a direction and distance is given as a zone boundary, it is intended and must be construed to mean a line parallel to the physical feature such as street centerline or right-of-way line last described.

(3) Wherever a strip of land is referred to, it is intended and must be construed to mean abutting upon the last described physical feature.

### **§ 21.202 ZONING DISTRICT MAP.**

(a) Zoning district map. The location and boundaries of the primary and overlay zoning districts must be legally described in ordinances adopted by the City Council. Such zoning district descriptions must be reflected in an official zoning district map that is established and maintained as provided herein. In the event of a conflict between an ordinance adopting or amending a zoning district and the zoning district map, the ordinance will control.

(b) Zoning district map. The location and boundaries of the primary and overlay zoning districts established by this chapter of the city code will be set forth on the zoning district map of the city in accordance with the ordinances describing those districts, and the zoning district map will be effective as of the date of adoption of these ordinances. The zoning district map and all notations, references and other information shown thereon are hereby made a part of this chapter by reference and will have the same force and effect as if such map and all notations, references and other information shown thereon were fully set forth or described herein. The format of the zoning district map will be determined by the Department of Community Development.

(c) Location of zoning district map. The zoning district map will be kept permanently on file in the office of the Department of Community Development of the city and will be available for inspection by the public during normal business hours.

(d) Amendments to the zoning district map. Amendments to the zoning districts in this code and zoning district boundaries as shown in the zoning district map must be by ordinance adopted by the City Council in accordance with the procedures set forth in § 21.501.07.

(e) Maintenance of zoning district map. The Department of Community Development will be responsible for maintaining and updating the zoning district map. Any amendments to the zoning district map must be recorded on the appropriate map(s) within 30 days of adoption by the City Council.

## **DIVISION B: RESIDENTIAL ZONING DISTRICTS**



## § 21.203 RESIDENTIAL ZONING DISTRICTS.

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(b) General standards. Development in all Residential Zoning Districts must comply with the following standards:

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(7) Occupancy. Single family dwelling units, accessory dwelling units and individual units within multiple family dwellings, townhouses, and two-family dwellings may be occupied by no more than one family as defined in § ~~[19-03]~~21.601).

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### § 21.203.10 RESIDENTIAL OFFICE DISTRICT RO-24.

(a) Intent. It is the purpose of this district to provide for a mix of uses appropriate to a high-density residential environment. It is intended that this district provide an arrangement of land uses which incorporates office and commercial activities which are interrelated to the principal residential use. This district is to be applied only to areas with direct access to arterial or collector streets in proximity to high-intensity employment areas and adjacent to public open space.

While special attention to design is needed to blend multiple uses on an individual site, the unique character of sites suitable for this district will provide convenience and amenities not immediately available in most neighborhoods.

(b) Permitted principal uses.

(1) Multi-family dwellings;

(2) Public uses;

(3) Transit stations;

(4) Accessory uses customarily incidental and clearly subordinate to permitted principal uses;

(5) Entertainment and recreation special events;

(6) Farmers market subject to standards set forth in Chapter 14, Article IX;

(7) Arts and crafts festival subject to standards set forth in Chapter 14, Article X;

(8) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18; and

(9) Public utility facility, general.

(c) Provisional uses. If the following uses are within a building devoted to a permitted principal or conditional use and if the total area of all provisional uses does not exceed 10 percent of the building area of the principal or conditional use, they are permitted in the RO Districts:

(1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines and apparel;

(2) Personal-service establishments including barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores and similar personal services;

(3) Athletic and recreation facilities, separate from those provided for residents;

(4) Nurseries, kindergartens and day care centers;

(5) Restaurants without drive-up facilities, provided their access for customers and service is separate from access for residential uses;

(6) Offices within a multi-family residential building; and

(7) Type I home businesses pursuant to standards as set forth in § 21.302.13.

(d) Conditional uses.

(1) Offices within a multi-family residential building, not to exceed 30 percent of the building area of the multi-family residential use;

(2) Freestanding offices in lieu of a permitted principal use;

(3) Product design, development, and testing;

(4) Public utility facility, limited;

(5) Towers. For related provisions see §§ 15.14, 21.302.37 and 21.301.10;

(7) Type II home businesses pursuant to standards as set forth in § 21.302.13; and

(8) Manufactured home parks pursuant to standards as set forth in § 21.302.10.

(e) Interim uses.

(1) Temporary Pandemic, Epidemic, or Emergency Service Facility.

(f) Minimum and maximum gross density. The maximum density will be 24 dwelling units per acre.

(g) Dimensional requirements.

Minimum lot area	80,000 square feet
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<u>Minimum lot width</u>	<u>200 feet</u>
<u>Minimum setback, front</u>	<u>60 feet from arterial or collector streets, 40 feet from local streets</u>
<u>Minimum setback, side</u>	<u>10 feet plus 0.25 foot for each one foot of structure height in excess of 20 feet</u>
<u>Minimum setback, rear:</u>	<u>Same as side setback, but in no instance less than 30 feet</u>
<u>Maximum structure height:</u>	<u>As regulated by § 21.301.10</u>
<u>Maximum structure lot coverage:</u>	<u>30%</u>
<u>Maximum structure floor area ratio</u>	<u>0.30 for nonresidential uses in the RO-24 District, except as these standards may be modified by the provisions of subsection (h) below</u>
<u>Minimum usable open space for dwelling unit</u>	<u>400 square feet</u>

(h) Special provisions.

(1) Reserved.

(2) The provision of private balconies and porches directly accessible by individual dwelling units creates usable open space more beneficial to the residents of multi-family dwelling units than open space situated away from their units. Such balconies and porches will be counted as contributing to the usable open space requirement according to the following bonuses. The minimum area and width for a balcony or porch to qualify for a bonus is 80 square feet of area and eight feet of width.

<u><b>Balcony or Porch Area</b></u>	<u><b>Counts as Usable Open Space of</b></u>
<u>First 80 square feet</u>	<u>200 square feet</u>
<u>Each additional one square foot to 180 square feet</u>	<u>2.0 square feet</u>

(3) Reserved.

(4) Reserved.

(5) Reserved.

(6) Exterior materials: the exterior materials and finish of all buildings erected on lands within Residential Office RO-24 Zoning District will be in conformance with the applicable requirements of § 21.301.24.

(7) In the RO-24 District, the maximum structure floor area ratio for nonresidential uses may be increased to 0.50 FAR when the majority of the parking is located in the building or within a multi-level structure.

(i) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.

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## **DIVISION D: FREEWAY COMMERCIAL ZONING DISTRICTS**

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### **§ 21.205.06 REGIONAL COMMERCIAL (CR-1) DISTRICTS.**

(a) Intent. This district is intended to provide for the development of regional and community scale integrated retail, office, business services, personal services and services to the traveling public near freeway interchanges. The provisions of this district are intended to:

(1) Promote and properly manage high-intensity development;

(2) Allow for the provision of other services related to principal uses;

(3) Promote an integrated site and building design framework;

(4) To avoid traffic hazard and congestion by careful location of accesses to public streets;

(5) Protect future roadway improvements; and

(6) Create a visual identity for the district while allowing reasonable identity for individual uses in scale with the size of use.

(b) Permitted principal uses.

(1) Retail shopping uses;

(2) Office buildings;

(3) Banks and financial institutions;

(4) Medical and dental offices;

(5) Theaters and cinemas, except drive-in theaters;

(6) Hotels and motels;

(7) Public uses;



(8) Automobile rental agencies with an on-site inventory of ten or fewer rental vehicles, subject to performance standards set forth in § 21.302.38;

(9) Transient merchant sales as an accessory use in hotel interiors only;

(10) Entertainment and recreation special events;

(11) Firearm sales, incidental, subject to standards set forth in § 21.302.11;

(12) Farmers market subject to standards set forth in Chapter 14, Article IX;

(13) Arts and crafts festival subject to standards set forth in Chapter 14, Article X;

(14) Restaurant without drive through and rooftop seating;

(15) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18;

(16) Public utility facility, general;

(17) Brewpub;

(18) Taproom/cocktail room; and

(19) Craft and micro-brewery/distillery/winery.

(c) *Provisional uses.* The uses described below are permitted uses, provided that:

(1) The following uses are located in a structure containing a permitted principle use, or are located in a structure meeting the minimum floor area requirement of the CR-1 District:

(A) Catering businesses, major and minor;

(B) Personal service establishments, including licensed therapeutic massage enterprises, beauty and barber shops, exercise and health facilities, dry cleaning drop-off and pick-up stations, laundering, repair of household items and similar personal services;

(C) Business services, including copying and printing businesses and similar services;

(D) Commercial recreation facilities;

(E) Licensed day care facilities;

(F) Instructional center; and

(G) Licensed body art establishments.

(2) The following uses are adjacent to and integrated by means of orientation, parking, pedestrian and vehicular circulation, access and design with a permitted principal use:

(A) Class I motor vehicle sales;

(B) Convenience facility with fuel sales; and

(C) Automobile repair businesses.

(3) Accessory uses which are customarily incidental and are clearly subordinate to permitted principal uses:

(4) Class II motor vehicle sales accessory to Class I motor vehicle sales;

(5) Repair of motor vehicles accessory to Class I motor vehicle sales;

(6) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 21.302.38(e);

(7) Beekeeping; and

(8) Hotel manager dwelling unit which is customarily incidental and clearly subordinate to the permitted principal use of a hotel.

(d) Conditional uses.

(1) New motor vehicle sales;

(2) Restaurants with drive through (including drive-in) or rooftop seating;

(3) Reserved;

(4) Public utility facility, limited;

(5) Hotel airport parking;

(6) Towers. For related provisions see §§ 15.14, 21.302.37 and 21.301.10;

(7) Automobile rental agencies with an on-site inventory more than ten but no more than 35 rental vehicles, subject to performance standards set forth in § 21.302.38;

(8) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 21.302.38(e);

(9) Reserved; and

(10) Major commercial golf facility.

(e) Interim uses.

(1) Temporary Pandemic, Epidemic, or Emergency Service Facility.

(f) Minimum floor area requirements. The minimum floor area of any building within the CR-1 District must be 6,000 square feet for restaurants and 20,000 square feet for all other uses, except that there is no minimum floor area where the proposed use is listed as a provisional use in subsection (c)(2) above.

(g) Maximum floor area ratio. The maximum floor area ratio within the CR-1 District must be one square foot of gross floor area for each one square foot of net lot area.

(h) Dimensional requirements.

<u>Minimum district area</u>	<u>10 acres</u>
<u>Minimum lot size</u>	<u>2 acres</u>
<u>Minimum lot width</u>	<u>120 feet</u>
<u>Setback requirements</u>	
<u>Front yard</u>	<u>65 feet</u>
<u>Side yard</u>	<u>25 feet</u>
<u>Rear yard</u>	<u>25 feet</u>
<u>Side or rear adjacent to a public street</u>	<u>65 feet</u>
<u>Maximum structure lot coverage</u>	<u>30 %</u>

(i) Special provisions.

(1) Reserved.

(2) The City Council may waive the minimum lot size required for any use, provided that the use and building is integrated, or, where adjacent property is undeveloped may be shown to be reasonably integrated, by means of orientation, parking, access, circulation and design with other adjacent conforming development in the CR-1 District.

(3) Reserved.

(4) A parking structure or the portion of any structure used for parking will not be counted as building floor area or structure coverage for the purpose of calculating building floor area and percentage of site coverage by structures.

(5) No loading docks may be on any street frontage or facing a residential district, unless completely screened by a wall constructed of materials equivalent to that of the structure.

(6) Exterior materials. The exterior materials and finish of all buildings erected on lands within Regional Commercial CR-1 Zoning Districts must be in conformance with the applicable requirements of § 21.301.24.

- (7) All refuse storage must comply with the requirements of § 21.301.17.
- (8) In instances where second-level pedestrian connections are made across public streets or to adjacent properties, setbacks may be reduced to 20 feet for a width not to exceed 100 feet.
- (9) Reserved.
- (10) Structure height will be regulated pursuant to § 21.301.10.
- (11) Reserved.
- (i) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.

**§ 21.205.07 COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.**

(a) Intent. These districts are intended to provide for the development of service use near freeway interchanges or in proximity to intense land uses where the development of support services is appropriate. Provision of food, lodging, automotive service, motor vehicle fuel and other goods and services is the principal use within this district; however, other uses which are interrelated to these uses are appropriate in these districts. The provisions of these districts are intended to allow for the convenient provision of services without creating unreasonable traffic congestion and hazards in areas of high volume traffic movement.

(b) Permitted principal uses.

- (1) Hotels;
- (2) Offices;
- (3) Cinema and theaters;
- (4) Transit stations;
- (5) Public uses;
- (6) The following accessory uses :
  - (i) Uses customarily incidental and clearly subordinate to permitted principal uses.
  - (ii) Beekeeping.
  - (iii) Retail sales of computers when accessory to a computer training facility in the CS-0.5 District.
- (7) Transient merchant sales as an accessory use in hotel interiors only;
- (8) Entertainment and recreation special events;



- (9) Farmers market subject to standards set forth in Chapter 14, Article IX;
- (10) Arts and crafts festival subject to standards set forth Chapter 14, Article X;
- (11) Restaurants without drive through and rooftop seating;
- (12) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18;
- (13) Public utility facility, general;
- (14) Multi-family dwellings in the CS-0.5 District, provided they are developed in accordance with the provisions of the RO-24 District;
- (15) Parking structures as principal uses when included in a planned development;
- (16) Post-secondary educational institutions;
- (17) Brewpub;
- (18) Taproom/cocktail room; and
- (19) Craft and micro-brewery/distillery/winery.

(c) *Provisional uses.* If the following uses are developed as a related element to a development primarily devoted to a principal use, they are permitted within the CS Districts:

- (1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, apparel and similar retail stores;
- (2) Personal-service establishments including licensed therapeutic massage enterprises, barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores, and similar personal services;
- (3) Financial institutions;
- (4) Athletic and recreational facilities;
- (5) Automotive service facilities;
- (6) Catering businesses, major and minor;
- (7) Class II motor vehicle sales accessory to Class I motor vehicle sales;
- (8) Repair of motor vehicles accessory to Class I motor vehicle sales;
- (9) Type I home businesses pursuant to standards as set forth in § 21.302.13; and

- (10) Hotel manager dwelling unit.
- (d) Conditional uses.
  - (1) Reserved;
  - (2) Public utility facility, limited;
  - (3) Hotel airport parking;
  - (4) Uses requiring a maximum floor area ratio of above 1.0 within the CS-1 District and above one-half within the CS-0.5 District, subject to the provisions of subsection (i) below;
  - (5) Class I motor vehicle sales in the CS-0.5 District, when part of a planned development, pursuant to § 21.208.03;
  - (6) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 21.302.38(e);
  - (7) Reserved;
  - (8) Reserved;
  - (9) Reserved;
  - (10) Restaurants with drive through (including drive-in) or with rooftop seating;
  - (11) Reserved;
  - (12) Manufacturing and warehousing in the CS-0.5 District;
  - (13) Reserved;
  - (14) Reserved;
  - (15) Reserved;
  - (16) Towers. For related provisions see §§ 15.14, 21.302.37 and 21.301.10;
  - (17) Reserved;
  - (18) Secondary educational institutions (Grade 6-12);
  - (19) Type II home businesses pursuant to standards as set forth in § 21.302.13;
  - (20) Manufactured home parks pursuant to standards as set forth in § 21.302.10;
- and
- (21) Major commercial golf facility; and
- (22) Cannabis manufacturing in the CS-0.5 District.

(e) Interim uses.

(1) Car rental businesses in the CS-1 District, including storage of rental cars provided that such parking does not occupy space otherwise required by ordinance for other uses on the same site;

(2) Parking for an off-site use or as a primary use;

(3) Retail or wholesale use (not to include outdoor storage) of an existing structure, provided that:

(A) The site has approved plans in place for redevelopment to a use allowed under the Comprehensive Plan and zoning ordinance;

(B) The applicant has documented that the site owner is actively working toward redevelopment of the site as approved;

(C) Redevelopment of the site as approved is not likely to occur within the period of the interim use permit;

(D) The use will be compatible with the structure, site and area in which it will be located;

(E) The use will not create a nuisance for adjacent uses or the public;

(F) The use will not negatively impact public infrastructure;

(G) The use will require only minor alterations to the existing structure; and

(H) The cost of alterations to the existing structure is commensurate with an interim use.

(4) Temporary Pandemic, Epidemic, or Emergency Service Facility; and

(5) Reserved.

(f) Maximum floor area ratio. The maximum floor area ratio within the CS-1 District must be one square foot of floor area for each one square foot of lot area and the maximum floor area ratio within the CS-0.5 District must be one-half square foot of floor area for each one square foot of lot area, except as these standards may be modified by the provisions of subsection (i) below.

(g) Dimensional requirements.

<u>Minimum lot area</u>	<u>120,000 square feet</u>
<u>Minimum lot width</u>	<u>200 feet</u>
<u>Minimum setback, front</u>	<u>60 feet</u>

<u>Minimum setback, side</u>	<u>20 feet plus 0.25 feet for each one foot of structure height in excess of 60 feet</u>
<u>Minimum setback, rear</u>	<u>Same as side setback, but in no instance less than 30 feet</u>
<u>Maximum structure height</u>	<u>As regulated by § 21.301.10</u>
<u>Maximum structure lot coverage</u>	<u>30%</u>
<u>Maximum structure floor area ratio</u>	<u>CS-1 = 1.0 FAR, CS-0.5 = 0.5 FAR</u>

(h) Reserved.

(i) Special provisions.

(1) Reserved.

(2) The maximum floor area ratio in the CS-1 District may be increased to one and one-half square feet of floor area and in the CS-0.5 District to three-fourths square feet of floor area for each one square foot of lot area and maximum building coverage may be increased to 40 percent of lot area provided that peak period project trip generation is equal or less than trip generation from the same type of use with a 1.0 floor area ratio in the CS-1 District and 0.5 floor area ratio in the CS-0.5 District. A Tier I TDM Program in accordance with the requirements of § 21.301.09 and a development agreement is required for all uses exceeding the maximum floor area ratio in subsection (f) above.

(3) The minimum floor area for structures in the CS Districts must be 6,000 square feet for freestanding restaurants and 20,000 square feet for all other uses.

(4) In instances in which second-level pedestrian connections are made across public streets or to adjacent properties, setbacks may be reduced to zero feet for a width of 120 feet.

(5) Exterior materials: the exterior materials and finish of all buildings erected on lands within Commercial Service CS-0.5 and CS-1 Zoning Districts must be in conformance with the applicable requirements of § 21.301.24.

(j) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.

**§ 21.205.08 COMMERCIAL OFFICE DISTRICT CO-1.**

(a) Intent. The Commercial Office District is intended to provide areas where offices, compatible office-like businesses and high-density residential uses may be developed with the assurance that commercial uses with incompatible characteristics will not



impede or disrupt the establishment of an attractive and cohesive grouping of mixed yet interrelated uses. This district is to be applied only in areas adjacent to arterial or collector streets. Residential uses within this district is appropriate provided they are subsidiary to office uses on the site.

(b) Permitted principal uses.

(1) Offices;

(2) Public uses;

(3) Transit stations;

(4) The following accessory uses:

(i) Uses customarily incidental and clearly subordinate to permitted principal uses.

(ii) Beekeeping.

(5) Entertainment and recreation special events;

(6) Farmers market subject to standards set forth in Chapter 14, Article IX;

(7) Arts and crafts festival subject to standards set forth in Chapter 14, Article X;

(8) Restaurants, without drive through and without outdoor or rooftop seating;

(9) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18;

(10) Non-profit clubs in the CO-1 Zoning District;

(11) Post-secondary educational institutions;

(12) Brewpub;

(13) Taproom/cocktail room;

(14) Craft and microbrewery/distillery/winery;

(15) Research laboratories;

(16) Public utility facility, general; and

(17) Multi-family dwelling in the CO-1 District provided they are developed in accordance with the provisions of the C-4 District.

(c) Provisional uses. If the following uses are within a building primarily devoted to a permitted principal use, and if they have common indoor access to permitted principal uses, they are permitted within the CO-1 District:

(1) Retail stores for the sale of arts and crafts, gifts, flowers, plants, groceries, bakery goods, produce, dairy products, drugs, sundry items, books, newspapers, magazines, apparel and similar retail stores;

(2) Personal-service establishments including licensed therapeutic massage enterprises, barber and beauty shops, exercise and health activities, dry-cleaning drop-off and pick-up stations, laundering, repair services incidental to retail stores and similar personal services;

(3) Financial institutions;

(4) Athletic and recreation facilities;

(5) Catering businesses, major and minor;

(6) Sales and servicing of office equipment;

(7) Business services including printing and duplicating;

(8) Product design, development and testing; and

(9) Type I home businesses pursuant to standards as set forth in § 21.302.13.

(d) *Conditional uses.*

(1) Reserved;

(2) Manufacturing, provided that at least 75 percent of the floor area of structures on the site is devoted to a permitted principal use;

(3) Reserved;

(4) Automotive service facilities which form an integrated part of a larger development;

(5) Public utility facility, limited;

(6) Computer component manufacturing;

(7) Uses requiring a maximum floor area ratio above 1.0 within the CO-1 District, subject to the provisions of subsection (i) below;

(8) Air passenger and transit terminals;

(9) Reserved;

(10) Towers. For related provisions see §§ 15.14, 21.302.37 and 21.301.10;

(11) Reserved;

(12) Type II home businesses pursuant to standards as set forth in § 21.302.13;

- (13) Places of assembly in the CO-1 Zoning District;
- (14) Manufactured home parks pursuant to standards as set forth in § 21.302.10;
- (15) Major commercial golf facility; and
- (16) Restaurants with drive through (including drive-in) or rooftop seating; and
- (17) Cannabis testing facility.

(e) Interim uses.

(1) Uses. The following uses are allowed on an interim basis in accordance with the provisions of this section.

(A) Short-term storage of rental car inventory for rental by the public at the Minneapolis/St. Paul International Airport and short term parking of personal vehicles by auto rental employees and construction related employees working at the Minneapolis/St. Paul International Airport;

(B) Car rental businesses, including storage of rental cars provided that such parking does not occupy space otherwise required by ordinance or other uses on the same site;

(C) Temporary Pandemic, Epidemic, or Emergency Service Facility; and

(D) Parking for an off-site use or as a primary use.

(2) Standards. In addition to standards in § 21.501.05, the following standards also apply to interim uses in the Commercial Office District CO-1.

(A) Any buildings or other site improvements associated with the interim use will be of nominal value or portable. Temporary buildings are allowed only to support the proposed use. Temporary buildings are exempt from the requirements of subsection (i) below, but must be designed and constructed in a manner assuring safety for occupants and others affected, as determined by the issuing authority.

(f) Maximum floor area ratio. The maximum floor area ratio for nonresidential uses within the CO-1 District will be one square foot of floor area for each one square foot of lot area.

(g) Dimensional requirements.

<u>Minimum lot area</u>	<u>120,000 square feet</u>
<u>Minimum lot width</u>	<u>200 feet</u>
<u>Minimum setback, front</u>	<u>60 feet</u>
<u>Minimum setback, side</u>	<u>20 feet plus 0.25 foot for each one foot of structure height in excess of 60 feet</u>

<u>Minimum setback, rear</u>	<u>Same as side setback, but in no instance less than 30 feet</u>
<u>Maximum structure height</u>	<u>As regulated by § 21.301.10</u>
<u>Maximum structure lot coverage</u>	<u>30%</u>
<u>Maximum structure floor area ratio</u>	<u>CO-1 = 1.0 FAR for nonresidential uses</u>

(h) Reserved.

(i) Special provisions.

(1) Reserved.

(2) In the CO District, the floor area of residential uses will not exceed 50 percent of the floor area of nonresidential uses in a particular development.

(3) The maximum floor area ratio in the CO-1 District may be increased to one and one-half square feet of floor area and maximum building coverage may be increased to 40 percent of lot area provided that peak period project trip generation is equal or less than trip generation from the same type of use with a 1.0 floor area ratio in the CO-1 District. A Tier I TDM Program in accordance with the requirements of § 21.301.09 and a development agreement is required for all uses exceeding the maximum floor area ratio in subsection (f) above.

(4) In instances in which second-level pedestrian connections are made across public streets or to adjacent properties, setbacks may be reduced to zero feet for a width of 120 feet.

(5) Exterior materials: the exterior materials and finish of all buildings erected on lands within Commercial Office CO-1 Zoning District will be in conformance with the applicable requirements of § 21.301.24.

(j) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.

**DIVISION E: INDUSTRIAL ZONING DISTRICTS**

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**§ 21.206.01 INDUSTRIAL PARK (I-1) DISTRICT.**

\*\*\*

(c) *Standards.* Development in the I-1 District must comply with the following standards:

\*\*\*

(4) *Exterior materials.* See § 21.301.24[19.63.08] for applicable standards.



\*\*\*

**§ 21.206.02 LIMITED INDUSTRY (I-2) DISTRICT.**

\*\*\*

(c) *Standards.* Development in the I-2 District must comply with the following standards:

\*\*\*

(4) *Exterior materials.* See § 21.301.24~~[19.63.08]~~ for applicable standards.

**§ 21.206.03 GENERAL INDUSTRY (I-3) DISTRICT.**

\*\*\*

(c) *Standards.* Development in the I-3 District must comply with the following standards:

\*\*\*

(4) *Exterior materials.* See § 21.301.24~~[19.63.08]~~ for applicable standards.

**§ 21.206.04 INDUSTRIAL PARK (IP) DISTRICT.**

\*\*\*

(c) *Standards.* Development in the IP District must comply with the following standards:

\*\*\*

(4) *Exterior materials.* See § 21.301.24~~[19.63.08]~~ for applicable standards.

\*\*\*

**§ 21.206.05 FREEWAY DEVELOPMENT (FD-2) DISTRICT.**

\*\*\*

(c) *Standards.* Development in the FD-2 District must comply with the following standards:

\*\*\*

(4) *Exterior materials.* See § 21.301.24~~[19.63.08]~~ for applicable standards.

\*\*\*

**§ 21.206.06 INNOVATION AND TECHNOLOGY (IT) DISTRICT.**

\*\*\*

(c) *Standards.* Development in the IT District must comply with the following standards:

\*\*\*

(3) *Structure height.* Structures in the IT District must meet the height limitations of §§ 21.301.10 and 21.208.04~~[19.38.03]~~.

(4) *Additional building design standards.* In addition to the requirements of § 21.301.03(a), buildings in the IT District must comply with the following:

(A) *Exterior materials.* The exterior materials and finish of all buildings and structures in the IT District must comply with the applicable requirements of § 21.301.24~~[19.63.08 of this code]~~.

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### **§ 21.206.07 TRANSITIONAL INDUSTRIAL (TI) DISTRICT.**

\*\*\*

(c) *Standards.* Development in TI District must comply with the following standards:

\*\*\*

(4) *Exterior materials.* See § 21.301.24~~[19.63.08]~~ for applicable standards.

\*\*\*

(7) *Street enclosure.* It is the intent of the TI District to foster a more urban character along Lyndale Avenue by establishing clearly defined street edges enclosed by buildings and other vertical elements. A combination of building frontage and other vertical elements may be used to enclose and define the edge of Lyndale Avenue as follows:

At least 50% of the frontage of each site along Lyndale Avenue must be enclosed by buildings. An additional 20% must be enclosed by buildings and/or other vertical elements located along the minimum building setback line. Vertical elements may consist of trees, shrubs, walls, fences, and sculptural elements. Both buildings and vertical elements must comply with the Clear View Triangle area as defined in § ~~[19.03]~~21.601~~[of this Code]~~. Vertical elements over four feet in height must be consistent with the Crime Prevention Through Environmental Design (CPTED) objectives in the Planning Manager's Landscaping and Screening Policies and Procedures document, as it may be amended from time to time.

\*\*\*

(12) *Structure design.* New structures and building additions in the TI District must comply with design standards shown below in subsections (A) through (D), in addition to the requirements of ~~[described in]~~ § 21.301.03(a). The following design standards are

meant to create an attractive street-level environment that promotes pedestrian activity, comfort, and public safety in the TI District. The highest design standards must be provided on the street front intended for the highest pedestrian-orientation; this is the primary façade. The issuing authority will determine which elevation is considered to be the primary façade. All other street frontages are considered secondary façades. Building fronts facing Harriett Avenue and Halsey Lane are exempt from the standards shown below in subsections (A) through (D).

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(D) *Canopies and awnings.* First floor canopies and awnings are encouraged in order to promote a pedestrian-oriented environment and add visual interest to a building elevation. Canopies and awnings must meet the requirements of § 21.301.24~~[19.63.08]~~.

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## DIVISION F: SPECIALIZED ZONING DISTRICTS

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### **§ 21.207.03 HIGH INTENSITY MIXED USE WITH RESIDENTIAL (HX-R) DISTRICT.**

(a) Intent. It is the purpose of this district to provide for high intensity employment-oriented, tourist-oriented and residential uses in areas close to frequent transit service. The provisions of this district are intended to:

(1) Promote high intensity development;

(2) Avoid under-utilization of the small supply of land in the city that lies within one-half mile of high frequency mass transit service;

(3) Require the creation of a significant high density residential node to diversify housing options available in the city and create a live-work-recreation environment;

(4) Reduce vehicle trips and vehicle miles traveled relative to the same level of development in other areas by allowing residences in close proximity to employment and services, by allowing intense development in close proximity to high frequency transit service, and by encouraging multi-purpose trips, walking trips, carpool trips and transit trips;

(5) Reduce overall costs and impacts of parking by making shared parking feasible where peak parking demand times vary among uses;

(6) Maximize return on public utility and transportation infrastructure investments by requiring high intensity development;

(7) More efficiently use public and private infrastructure by taking advantage of peak demand time variations for infrastructure (roads, transit, sewer, water, electricity, phone) among land uses. By becoming a source of trip origins as well as trip

destinations, roadway and transit systems can be used in a more efficient bi-directional manner;

(8) Ensure that residential development is compatible with the surrounding noise levels;

(9) Provide a pedestrian oriented environment; and

(10) Provide floor area ratio bonuses to encourage development characteristics that advance citywide and district specific objectives, including accessory and limited retail and service uses, below grade parking, parks or plazas, affordable housing, public art and sustainable design.

(b) Permitted principal uses.

(1) Offices;

(2) Hotels;

(3) Multiple-family dwellings;

(4) Transit stations;

(5) Public uses;

(6) Cinema and theaters;

(7) Medical offices and clinics;

(8) Conference, exposition and meeting facilities;

(9) Entertainment and recreation special events;

(10) Farmers market subject to standards set forth in Chapter 14, Article IX;

(11) Arts and crafts festival subject to standards set forth in Chapter 14, Article X; and

(12) Mobile food units pursuant to standards set forth in Chapter 14, Article V and S 21.302.18.

(c) Permitted limited and accessory uses.

(1) Limited uses. The following uses are permitted as limited uses:

(A) Retail uses for the sale of groceries, bakery goods, drugs, sundry items, gifts, books, recorded music, arts and crafts, plants and similar items;

(B) Personal and business service establishments including dry-cleaners, exercise and health activities, beauty and barber shops, copying services, photo



developing, picture framing, licensed therapeutic massage, travel agencies and similar establishments;

(C) Restaurants without drive-up facilities;

(D) Financial institutions without drive-up facilities;

(E) Day care facilities;

(F) Fuel sales physically integrated within a structured parking facility;

(G) Beekeeping;

(H) Brewpub;

(I) Taproom/cocktail room; and

(J) Craft and micro-brewery/distillery/winery.

(2) Accessory uses. The following uses are permitted as accessory uses:

(A) Type I home businesses pursuant to standards as set forth in § 21.302.13;

(B) Hotel manager dwelling unit;

(C) Transient merchant sales in hotel interiors only; and

(D) Other uses customarily incidental and clearly subordinate to a permitted principal or conditional use. Drive through uses are prohibited.

(d) Conditional uses.

(1) Expansion of electric substation or electric transmission line facilities in existence prior to January 1, 2005, subject to the provisions of subsection (p) below;

(2) Type II home businesses pursuant to standards as set forth in § 21.302.13;

(3) Expansion of hotel facilities in existence prior to January 1, 2005, subject to the provisions of subsection (p) below; and

(4) Manufactured home parks pursuant to standards as set forth in § 21.302.10.

(e) Interim uses.

(1) Remote airport parking, subject to the provisions of subsection (p) below; and

(2) Temporary Pandemic, Epidemic, or Emergency Service Facility.

(f) Residential uses required.

(1) *Minimum density.* Development within the HX-R Zoning District must include at least 30 residential dwelling units per acre of gross site area, with the following exceptions.

(A) Residential uses are prohibited in areas forecast to have average future aircraft noise levels at or above 70 dB DNL.

(B) For the purposes of calculating the required number of residential dwelling units for a site within the HX-R Zoning District, the land area, as calculated by city staff, of the site forecast to be exposed to average future aircraft noise levels at or above 70 dB DNL will be subtracted from the overall site area.

(C) On sites in which over two-thirds of the site area is forecast to be exposed to average future mitigated aircraft noise levels at or above 70 dB DNL, residential uses in the area with less than 70 dB DNL are allowed but not required.

(D) Forecast aircraft noise levels will be determined based on the highest noise level shown on either the most recent annual noise contour map published in the Minneapolis St. Paul International Airport Annual Noise Contour report or the noise level forecast for the most distant year included in the most recent comprehensive plan or environmental documents adopted by the Minneapolis-St. Paul International Airport by the Metropolitan Airports Commission.

(2) *Phased developments.* When a mixed use development is constructed in phases, it is the intent of the HX-R Zoning District that the residential components of the development not be set aside until the final development phase(s). Therefore, when residential uses are required on a site, final development plans may not be approved for a structure or structures that would increase the total nonresidential floor area on the site to over 50 percent of the total nonresidential floor area on the site approved in the preliminary development plan unless:

(A) Construction has commenced on at least 50 percent of the total number of residential dwelling units on the site approved in the preliminary development plan;

(B) The structure or structures include both nonresidential and residential uses and its construction would bring the number of residential dwelling units on the site to at least 50 percent of the total number of residential dwelling units on the site approved in the preliminary development plan; or

(C) The City Council determines that the approval satisfies the intent of the HX-R Zoning District.

(g) *Floor area ratio.*

(1) The minimum floor area ratio required for development within the HX-R Zoning District is 1.5.

(2) Floor area ratio calculations include all residential and nonresidential development on a site but exclude structured or underground parking.

(3) In cases where development on a site occurs in phases, each individual development phase must comply with the floor area ratio requirements of this subsection (g) on its own or in conjunction with previous phases if previous phases exceeded floor area ratio requirements. The overall development must also comply with the floor area ratio requirements of this subsection (g).

(4) The maximum floor area ratio for development within the HX-R Zoning District is 2.0, but may be increased through the following bonus provisions:

(A) *Retail and service use bonus.* Developments including limited use retail and service uses are eligible for bonus floor area. Two square feet of additional floor area is allowed per square foot of limited use retail and service use floor area. In no case may the retail and service use floor area ratio bonus exceed 0.50.

(B) *Below grade parking bonus.* Developments including below grade parking are eligible for bonus floor area. Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area. To qualify for the bonus, parking must be fully below the finished final grade on all sides. In no case may the below grade parking floor area ratio bonus exceed 0.75.

(C) *Plaza or park bonus.* Developments not subject to park donation requirements as specified in § 22.10 that include publicly accessible plaza or park areas are eligible for bonus floor area. One square foot of additional floor area is allowed per square foot of publicly accessible plaza or park area meeting the following requirements.

(i) Land used to satisfy park dedication requirements is not eligible for park or plaza bonus floor area.

(ii) The plaza or park must include at least 5,000 square feet of contiguous area.

(iii) To avoid long and narrow spaces, the length of the plaza or park must not exceed three times the width of the plaza or park.

(iv) At least 25 percent of the perimeter of the plaza or park must abut a public or private street.

(v) At least 30 percent of the plaza or park area must consist of landscaping or water features.

(vi) The plaza or park must be easily accessible via sidewalk.

(vii) The plaza or park must be designed to encourage public use through the provision of seating, tables, trash receptacles, water features and areas for public entertainment or public display of art or cultural exhibits. Seating must be provided at a

rate of not less than one seat per 200 square feet of plaza or park area for the first 10,000 square feet.

(viii) The site development agreement, or other appropriate agreement, must include provisions ensuring that the plaza or park is open to the public every day between 7:00 a.m. and 9:00 p.m. and maintained in good order.

(ix) In no case may the park or plaza floor area ratio bonus exceed 0.25.

(x) The site development agreement must include provisions ensuring the installation, preservation, maintenance and replacement, if necessary, of plaza or park features.

(xi) The plaza or park must include pedestrian lighting at an illumination level of at least 2.0 foot candles.

(D) *Affordable housing bonus.* Developments including affordable housing as defined by the Metropolitan Council are eligible for bonus floor area. Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area subject to the following requirements.

(i) The site development agreement must include provisions ensuring that rental units receiving the bonus will continue to remain affordable for 30 years.

(ii) The site development agreement must include provisions ensuring that owned units receiving the bonus will initially be sold at an affordable level and that mechanisms are in place to ensure that the owned units receiving the bonus will continue to remain affordable when resold in the future.

(iii) In no case may the affordable housing floor area ratio bonus exceed 1.0.

(E) *Public art bonus.* Developments committing funds to on-site public art are eligible for bonus floor area. One square foot of additional floor area is allowed per \$50 committed to on-site public art, subject to the following requirements.

(i) In no case can the public art floor area ratio bonus exceed one-half.

(ii) Developments requesting the public art bonus must submit a plan, to be approved by the City Council, documenting the type of public art to be commissioned, the budget, location, schedule and artist selection process. To qualify for the bonus, the City Council must approve the plan.

(iii) Works of art must be placed outside of a building at a location clearly visible and freely accessible to the public.

(iv) The site development agreement must include provisions ensuring the installation, preservation, maintenance and replacement, if necessary, of the public art.



(v) To ensure that public art is installed as proposed, a performance security in an amount equal to the bonus level approved must be submitted prior to issuance of building permits for a building on a site receiving a public art bonus. The security may consist of a bond, irrevocable letter of credit, cash deposit or other instrument that provides an equal performance guarantee to the city.

(F) *Sustainable design bonus.* Developments designed to minimize negative impacts on the environment as measured by the LEED (Leadership in Energy and Environmental Design) Green Building Rating System® are eligible for bonus floor area. The LEED Rating System® is a voluntary national standard administered by the United States Green Building Council. Bonuses are subject to the following provisions.

(i) One quarter square foot of additional floor area is allowed per square foot of floor area within a building that receives LEED certification at the certified or silver award level. One-half square foot of additional floor area is allowed per square foot of floor area within a building that receives LEED certification at the gold or platinum award level.

(ii) In no case may the sustainable design floor area ratio bonus exceed 1.0. The sustainable design floor area ratio bonus applies only to the phase of development that includes a building receiving LEED certification and cannot be carried forward to future project phases.

(iii) Applications for development wishing to use the sustainable design bonus must include a report from a LEED certified architect or engineer that includes a statement of the anticipated LEED certification level, a copy of the most recent version LEED scorecard and a summary of how and/or why each LEED credit can or cannot be achieved.

(iv) A building permit for a building using the sustainable design bonus will not be issued until an independent, LEED certified inspector, architect or engineer under the supervision of the city and paid for by the applicant verifies that the construction plans include the elements necessary to receive LEED certification at the level for which the bonus was granted. In the event that the LEED certification level for which the bonus was granted cannot be verified during the building permit plan review process, the applicant must either modify the construction plans to achieve the verification or forfeit the bonus by amending the final development plans to remove the bonus floor area.

(v) A final certificate of occupancy for a building using the sustainable design bonus will not be issued until the city receives verification from the United States Green Building Council that the building has been granted LEED certification at the award level for which the bonus was granted.

(vi) The site development agreement must acknowledge that building permits and final certificates of occupancy will not be issued unless LEED certification at the level for which the bonus was granted can be verified.

(h) Dimensional requirements.

(1) Building placement. HX-R Zoning District building placement requirements are intended to promote intensity, to maximize design flexibility, to facilitate pedestrian movement and to create an active pedestrian environment.

(A) There is no minimum building setback required from property lines fronting public streets.

(B) The minimum building setback along a lot line not adjacent to a public street is ten feet, unless the lot line separates two portions of the same site, in which case no minimum building setback from the internal lot line is required.

(C) Buildings must not encroach into public easements.

(D) To create an active pedestrian level environment, at least one public entrance to buildings with ground level retail and service uses must be located within 20 feet of a public street, internal private street or major pedestrian way. The City Council may approve an alternative location for buildings with ground level retail and service uses provided the alternative location better serves the goal of creating an active pedestrian level environment.

(E) Skyways, tunnels and similar pedestrian connection structures have no setback requirements from property lines for a width of 120 feet.

(2) Minimum site area. The minimum site area within the HX-R Zoning District is 120,000 square feet. Parcels with areas below 120,000 square feet may be created as part of a planned development, provided the area of the overall planned development is at least 120,000 square feet.

(3) Maximum structure height. Maximum structure height is set forth in § 21.301.10.

(i) Parking.

(1) Number of parking spaces. The number of motor vehicle parking spaces provided within a development must not exceed 130 percent of the citywide requirements set forth in § 21.301.06, unless the City Council determines that additional motor vehicle parking levels are warranted based on the results of a motor vehicle parking study, prepared by an independent traffic engineering professional under the supervision of the city and paid for by the applicant.

(2) Location of motor vehicle parking. In order to more efficiently use available land, improve aesthetics and create a pedestrian-oriented environment that promotes walking, biking and transit use, the location of motor vehicle parking is restricted within the HX-R Zoning District.

(A) Motor vehicle parking must be located below grade, within structured ramps, or in individual on-street spaces parallel with and adjacent to low volume streets. At-

grade motor vehicle parking areas are prohibited with the exception of small, short-term visitor parking areas near structures. At-grade visitor parking areas, if provided, may include no more than one motor vehicle parking space per 20,000 square feet of floor area in the associated building.

(B) For phased developments where at grade motor vehicle parking already exists, the overall number of at grade motor vehicle parking spaces on-site must be proportionally reduced with each phase of development so that compliance with limitations on at grade parking is achieved prior to or in conjunction with the final phase of construction.

(3) *Bicycle parking.* Bicycle parking facilities commensurate with anticipated demand must be provided near building entrances.

(i) *Building design.*

(1) *Entrances.* Buildings adjacent to and within 100 feet of public streets must include at least one public entrance clearly visible and directly accessible from an adjacent public street. The public entrance may include security controls.

(2) *Windows.* First floor building facades facing and within 100 feet of public or private streets or major pedestrian corridors must meet the following window standards on those facades in order to promote a pedestrian oriented environment and add visual interest.

(A) For residential uses, a minimum of 25 percent of the area of the first floor building facade must be composed of windows or entrances.

(B) For nonresidential uses, a minimum of 50 percent of the area of the first floor building facade must be composed of windows or entrances. No more than 25 percent of the total window area and eye level window area may be obscured by signs, film coverings, product displays or similar covering. Blinds, curtains and similar temporary coverings for privacy or sunlight control are permitted.

(C) To count toward window area requirements, windows must be transparent.

(3) *Blank facades.* Blank building facades or walls must not exceed 20 feet in length. A building facade or wall is considered to be blank if it is uninterrupted by windows, doors, ornamentation, decoration, articulation or other architectural detailing.

(4) *Exterior materials.* The exterior materials and finish of all buildings and structures erected within the HX-R Zoning District must conform with the applicable requirements of § 21.301.24.

(5) *Canopies and awnings.* First floor canopies and awnings are encouraged on buildings in order to promote a pedestrian oriented environment and add visual interest.



Canopies and awnings must not extend above the first floor of a building or more than 15 feet above the finished grade.

(6) *Parking structures.* Given the anticipated intensity of development within the HX-R Zoning District, above grade parking structures are likely to be common features within the district. The following standards are intended to ensure that parking structures complement the visual character, pedestrian orientation and overall attractiveness of the area.

(A) *Placement.*

(i) Above grade parking structures must not front on either American Boulevard or 34th Avenue within 200 feet of the point at which the applicable site's property lines that front on both streets would intersect if extended.

(ii) To the extent feasible, parking structures should be placed in locations where their visibility from active areas is reduced.

(iii) Establishing retail and service uses on the ground floor of parking structures and partially wrapping the parking structure with active building space is encouraged.

(B) *Architecture and materials.* Parking structure facades visible from public streets, private streets or transit corridors must architecturally complement the building or buildings the parking structure serves through the use of exterior materials, architectural elements and color.

(i) Parking structure exterior materials must meet the requirements of § 21.301.24.

(ii) Parking structure exterior material color must complement the color of the building or buildings the parking structure serves.

(iii) Parking structures must include architectural elements that enhance the structure, break up its mass and complement the building or buildings the parking structure serves. Examples of specific architectural elements that may assist in meeting this requirement include decorative piers and pilasters, banding, reveals, architectural accents, wall plane articulation, decorative artwork, ornamental grillwork, recessed window openings, facade treatment variations and locating tenant signs on the side of parking ramps.

(iv) Parking structure access points must be architecturally articulated to add visual interest.

(v) Parking structures must be designed to block the visibility of vehicle headlights from outside the parking structure.

(k) *Pedestrians and bicycles.* Achieving the intent of the HX-R Zoning District will require high quality, linked sidewalks and bikeways.



(1) Development must provide sidewalks and bikeways that support movement throughout the Airport South District and are consistent with the Airport South sidewalk and bikeway plan.

(2) Site design for new development must promote pedestrian circulation and the principles of Crime Prevention Through Environmental Design (CPTED).

(3) Development must provide sidewalks and, where appropriate, bikeways along all public and private streets unless the City Council determines that an alternative sidewalk or bikeway location better serves the development and surrounding area.

(4) Development must provide sidewalks between building entrances and the streetside or areawide system.

(5) Development must provide for direct and continuous pedestrian and bicycle connections to adjacent sites, where links to existing, proposed or potential development are appropriate.

(6) Development sites that contain a transit station must provide direct and continuous sidewalk and bikeway connections between the transit station and buildings on-site as well as to adjacent sites, where links to existing, proposed or potential development are appropriate.

(7) To support street level retail uses, pedestrian movement between adjacent buildings and sites is encouraged to take place at grade rather than through skyways or tunnels. Grade separated pedestrian crossings over arterial and collector streets are encouraged.

(8) Sidewalk width requirements.

(A) Sidewalks adjacent to public streets, major sidewalks internal to sites and sidewalks adjacent to retail and service storefronts must have an unobstructed, walkable width of at least eight feet. Additional width is encouraged in appropriate areas to accommodate outdoor seating, benches, landscaping, light posts, trash receptacles, bicycle parking and similar pedestrian oriented infrastructure.

(B) All other sidewalks must have an unobstructed, walkable width of at least six feet.

(C) The City Council may require greater sidewalk widths through condition of approval when greater widths are deemed necessary to meet anticipated pedestrian needs or state aid standards.

(l) *Open space and landscaping.*

(1) Landscaping must conform with the requirements of § 21.301.15 and other applicable requirements of this code.

(2) Development must conform with any applicable district streetscape or open space plan.

(3) Each development site subject to park donation requirements as specified in § 22.10 must include at least one on-site plaza or park that meets the following requirements.

(A) The plaza or park must include at least 5,000 square feet of contiguous area. The first 5,000 square feet of plaza or park area qualifies as a credit toward the park donation requirements of § 22.10. Additional plaza or park land area above 5,000 square feet may qualify as a credit toward the park donation requirements of § 22.10 if the city determines that additional land is needed on the site to meet the park and recreation needs of area workers and residents.

(B) To avoid long and narrow spaces, the length of the plaza or park must not exceed three times the width of the plaza or park.

(C) The plaza or park must be reserved for public use through a permanent easement and must be open to the public every day between 7:00 a.m. and 9:00 p.m.

(D) At least 30 percent of the plaza or park must consist of landscaping or water features.

(E) The plaza or park must include pedestrian lighting at an illumination level of at least 2.0 foot candles.

(F) At least 25 percent of the perimeter of the plaza or park must abut a public or private street.

(G) The plaza or park must be easily accessible via sidewalk.

(H) The plaza or park must be designed to encourage public use through the provision of seating, tables, trash receptacles, water features and areas for public entertainment or public display of art or cultural exhibits. Seating must be provided at a rate of not less than one seat per 200 square feet of plaza or park area for the first 10,000 square feet.

(I) The plaza or park must be maintained in good order.

(J) The site development agreement must include provisions ensuring public access as well as the installation, preservation, maintenance and replacement, if necessary, of plaza or park features.

(m) Reserved.

(n) Reserved.

(o) Public art. The provision and exterior display of public art creates visual interest within the HX-R Zoning District and helps to facilitate a pedestrian oriented environment.

(1) Preliminary and final development plans for new development in the HX-R Zoning District must designate potential future locations for public art near high volume pedestrian corridors. At least one potential future public art location must be designated per two and one-half acres of site area. The HX-R Zoning District does not require the provision of public art but does offer floor area ratio bonuses for public art subject to the provisions of subsection (g)(4)(D) above.

(p) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.

(q) Construction or expansion not in compliance with HX-R District standards. Where construction or expansion not in compliance with HX-R District residential use and minimum floor area ratio requirements is allowed to occur through issuance of a conditional use permit or interim use permit, such construction or expansion is subject to the following provisions.

(1) The new or expanded use is not required to comply with HX-R District residential use and minimum floor area ratio requirements. The new or expanded use must meet all other applicable requirements of the district and city code, including parking requirements.

(2) Expansion of an existing use not in compliance with HX-R District residential use and minimum floor area ratio requirements must be contained within the parcel currently occupied by the existing use.

(3) Additional requirements for nonconformities are set forth in § 21.504.

#### **§ 21.207.04 CONSERVATION DISTRICT SC.**

(a) Intent. It is intended that this district provide areas within the city for habitat protection and wildlife management. The Conservation District may be applied to either public or private land where preservation of natural resources is appropriate. The designation of a Conservation District not only will regulate land use within its boundaries, but will assure that adjacent land in other districts will not significantly impact the natural areas it is designed to protect.

(b) Permitted principal uses.

(1) Public and private natural areas, conservation areas and wildlife management areas;

(2) Public recreation uses;

(3) The following accessory uses :

(i) Uses customarily incidental and clearly subordinate to permitted principal uses.

(ii) Beekeeping.

(4) Transient merchant sales as an accessory use in a park or government building interior, where incidental and clearly subordinate to a special event;

(5) Entertainment and recreation special events;

(6) Farmers market subject to standards set forth in Chapter 14, Article IX;

(7) Arts and crafts festival subject to standards set forth in Chapter 14, Article X; and

(8) Mobile food units pursuant to standards set forth in Chapter 14, Article V and § 21.302.18.

(c) Provisional uses. Single-family dwelling uses in existence at the time of application of this zoning district to the property.

(d) Conditional uses.

(1) Nature centers and administrative buildings;

(2) Utility uses;

(3) Quarrying of sand, gravel, soil or minerals;

(4) Other public uses;

(5) Parking lots serving public and quasi-public recreation or conservation uses;

(6) Reserved; and

(7) Reserved.

(e) Interim uses.

(1) Temporary Pandemic, Epidemic, or Emergency Service Facility.

(f) Dimensional requirements.

<u>Minimum district area</u>	<u>40 acres</u>
<u>Minimum district width</u>	<u>200 feet</u>

(g) Minimum off-street parking. As specified in § 21.301.06.

(h) Special provisions.

(1) Reserved.



(2) In the review of final site and building plans in the SC District, or in any district bordering the SC District in instances in which the City Council determines that protection of natural features warrants additional protection over the applicable setback, buffering and development standards; the City Council may, by motion and majority vote, require that structures, parking areas or storage areas be set back up to 100 feet from the SC District boundary, that landscaping be provided for habitat protection and wildlife management, and that additional development standards be applied to assure that proposed development is appropriately related to the natural environment and meets the intent of the SC District.

(3) Public recreation uses will constitute no more than 20 percent of the land area of any unit of land zoned SC.

(i) Sign regulations. Refer to Chapter 21, Article III, Division D, the sign code.

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## **DIVISION G: OVERLAY ZONING DISTRICTS**

### **§ 21.208 OVERLAY ZONING DISTRICTS.**

(a) *Purpose.* Overlay zoning districts provide use limitations and standards to those in primary zoning districts to further the public interest.

(b) *Establishment of districts.* The following overlay districts are hereby established:

(1) Flood Hazard (FH);

(2) Bluff Protection (BP);

(3) Planned Development (PD);

(4) Airport Runway (AR-17) Overlay District; and

(5) Airport Runway (AR-22) Overlay District.

~~[(c) *Conflicts.* In the case of a conflict between the provisions of a primary zoning district, the provisions of the more restrictive standard will take precedence and govern.]~~

(c) *Applicability and interpretation.* All provisions of the Zoning Code shall apply to the overlay zoning districts; however, in any instance where the provisions of an overlay zoning district will conflict with the provisions of a primary zoning district, the provisions of the overlay zoning district shall take precedence and govern.

(d) *Designation.* All overlay districts shall be designated on the zoning district map of the city.

### **§ 21.208.01 FLOOD HAZARD (FH) OVERLAY DISTRICT.**

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(h) *Reserved.*~~[Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.]~~

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(dd) *Variances.*

(1) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and § 21.501.10~~[2.85.04 of the zoning ordinance]~~.

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(gg) *Penalties and Enforcement.*

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(3) *Enforcement.* Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of § 21.506.50~~[49.21 of the City Code]~~. In responding to a suspected ordinance violation, the Planning Manager or designee and the Bloomington City Council 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 City of Bloomington 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.

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## **21.208.02 BLUFF PROTECTION (BP) OVERLAY DISTRICT**

(e) *Standards.* In addition to the provisions of the primary zoning district, the following provisions further regulate all development within the Bluff Protection Overlay District:

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(7) *Single-Family Zoning Districts.* The following additional standards apply to sites that are zoned R-1, RS-1 or R-1A:

(A) Impervious surface area within the Bluff Protection Overlay District must not exceed 20% of the lot area within the Bluff Protection Overlay District. This standard applies in conjunction with the impervious surface regulations of the underlying zoning district defined in § 21.301.01 and any applicable impervious surface regulations in § 21.303.04~~[49.57.04]~~.

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**§ 21.208.03 PLANNED DEVELOPMENT (PD) OVERLAY DISTRICTS.**

(a) Intent. The purpose of the Planned Development Overlay District is to promote creative and efficient use of land by providing design flexibility in the application of development standards. The planned development provisions are also intended to create both private and public benefit by:

- (1) Allowing improved site and structure design;
- (2) Allowing development on multiple lots to function as one coordinated site;
- (3) Ensuring coordination of phased development;
- (4) Allowing the location of structures, facilities and lot lines on a site to be adjusted to protect natural features; and
- (5) Allowing the shared use of facilities, including, but not limited to, parking, access and storm water management infrastructure.

(b) Uses. All uses allowed in the underlying zoning district are also allowed in the Planned Development Overlay District subject to any necessary approvals including, but not limited to, conditional uses and interim uses. Uses not allowed in the underlying zoning district are also not allowed in the Planned Development Overlay District.

(c) Flexibility in standards. Within the Planned Development Overlay District, the City Council may grant flexibility on development standards through the approval of preliminary and final development plans, subject to the following limitations and when such flexibility provides public benefit and meets the intent of the overlay district. Flexibility may not be granted that:

- (1) Exceeds maximum structure coverage of a site by more than 50 percent of the applicable district provision;
- (2) Exceeds maximum density or floor area ratio by more than 20 percent of the applicable district provision;
- (3) Reduces minimum lot area and lot width by more than 25 percent of the applicable district provision;
- (4) Reduces minimum setback in an industrial zoning district from a property line adjoining a residential zoning district;
- (5) Does not conform to the requirements of the shore area regulations of § 21.303.01;
- (6) Deviates from any of the requirements of Chapter 21, Article III, Division D, the sign code, except:
  - (A) The location of freestanding signs on the site;

(B) In Class II, III, and V sign districts, not more than 20 percent of the sign area allowed on any wall may be applied to increase the allowed sign area on any other wall, provided that the increased signage on any wall does not exceed the permitted area of signage by more than 40 percent of the area allowed on that wall by the regulations for the sign district; and

(C) In Class II, III, IV, and V sign districts, the number of freestanding signs may be increased so long as the total area of the proposed signs does not exceed the total area of the freestanding signs of the same type permitted in the sign district.

(7) Reduces minimum floor area ratio requirements by more than 20 percent of the applicable zoning district provision. This subsection does not apply to minimum non-residential floor area ratio requirements of § 21.302.02(b); and

(8) Reduces minimum residential density requirements by more than 20 percent of the applicable zoning district provision.

(d) *Procedures.* The zoning district map must not be amended to establish a new Planned Development Overlay District unless the City Council has also concurrently reviewed and approved an associated preliminary development plan for the site (see §§ 21.501.02 and 21.501.03). No permit for development within a Planned Development Overlay District may be granted unless the City Council or Planning Commission has approved a final development plan for the site (see § 21.501.03).

#### **§ 21.208.04 AIRPORT RUNWAY OVERLAY DISTRICTS.**

(a) *Purpose and intent.* The Airport Runway Overlay Districts are established to implement the 2004 Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) zoning ordinance (hereinafter 2004 MSP zoning ordinance). The 2004 MSP zoning ordinance, pursuant to the provisions and authority of M.S. § 360.063, as it may be amended from time to time, takes precedent within areas of the city regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Minneapolis-St. Paul International Airport. The 2004 MSP zoning ordinance creates zones and establishes boundaries that extend into the city.

It is the purpose of the Airport Runway Overlay Districts to protect the public health, safety, order, convenience, prosperity and general welfare and to promote the most appropriate use of land by preventing the creation or establishment of Airport Hazards subject to the 2004 MSP zoning ordinance and Minnesota Statutes.

(b) *Creation of districts and applicability.* The Airport Runway Overlay Districts will apply to all land within the city designated as Safety Zone A and Safety Zone B in the 2004 MSP zoning ordinance. The following overlay districts are hereby established as follows: