



City of Blaine

City Council Workshop

September 6, 2023 | 5:30 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

AGENDA

NOTICE OF WORKSHOP MEETING

In accordance with the provisions of Section 3.01 of the Blaine City Charter, a Council Workshop meeting is scheduled for the following purpose:

- 1. Call to Order**
- 2. New Business**
 - 2.1.** 2023-386 Zoning Discussion for 8643 Central Avenue NE.
Sponsors: Sheila Sellman, City Planner
 - 2.2.** 2023-385 Zoning Ordinance Discussion for Northtown Redevelopment Area (Part 1)
Sponsors: Sheila Sellman, City Planner
- 3. Other Business**
- 4. Adjournment**



City of Blaine Staff Report

File Number: 2023-386

Agenda Date	Status
September 6, 2023	
In Control	File Type
City Council	Workshop Item

New Business - Sheila Sellman, City Planner

Agenda Item # 2.1

Zoning Discussion for 8643 Central Avenue NE.

Background

The subject site is comprised of three parcels that contain a commercial building (Uram Insurance) and vacant land. The existing building was built in 1972.

The three properties are under the same ownership. One property (8628 Central Avenue) is zoned R-1 (Single Family Residential) and guided Low Density Residential in the Comprehensive Plan. The property does not have street frontage and is only developable when combined with the parcel that fronts the Central Avenue frontage road. The property at 8634 Central Avenue is split between two zoning classifications, B-2 (Community Commercial) and R-1, but is entirely guided Community Commercial. The third property abuts the Central Avenue frontage road and is zoned B-2 and guided Community Commercial. The property to the north is developed with a multi-tenant commercial building (Batteries Plus and a salon) and the parcel to the south is also developed with a commercial building (Caliber Collision). The parcels to the west are single-family residential. Attached is the zoning ordinance for the B-2 Community Commercial zoning district which identifies the permitted and conditionally permitted uses in the district.

In 2017/2018, the city was working with the property owner to develop the land where Caliber Collision is located along with his property. The EDA owned the land where Caliber is. A project that involved multiple properties didn't come to fruition and the EDA sold land to Caliber Collision. The autobody use is conditionally permitted in the B-2 Community Commercial zoning district and a conditional use permit was granted for the project. There is mention in the applicant's narrative about setbacks and architectural standards not being met. Below are excerpts from the staff report for the conditional use permit approval in 2018:

The B-2 Zoning District does have specific standards for major auto repair businesses. One of the requirements is to provide a 75-foot setback between any residentially zoned property and the major auto repair facility. The property to the west of this site is

zoned R-1 (Single Family), so the building setback on that side of the property is 100 feet according to the normal setback requirements of the B-2 section of the Zoning Ordinance. The site has two front yards (south and east) because of the curve in the service road making this effectively a corner lot, and two side yards (north and west) as defined by the Zoning Ordinance. The City's buffer yard flexibility landscaping requirements allows a reduction (no variance required) in the side yard 100-foot setback in 5 foot increments, all the way down to 25 feet. In this instance, the 75-foot setback is being met based on this use, so the buffer yard flexibility landscaping requirements will be applied to this area for the reduction in the 100-foot setback to 75 feet. This will require additional landscaping to be placed in this buffer area. All other B-2 setbacks are being met as well for the building and parking areas.

The building will consist of split face block, EIFS, brick, glass and metal. The site needs to meet the Highway 65 Overlay District requirements for building materials. This ordinance states that 50% of the building must consist of upgraded materials such as brick, stone, glass, stucco (EIFS) or other similar materials. It appears as though the building meets this requirement, however as part of the site plan approval process, the applicant will need to provide percentages of the materials used on the building to ensure this requirement is being met. There are no overhead doors on the east, north or west sides of the building as all overhead doors face the south. The building requirements were confirmed with the site plan approval.

Additionally, the narrative references one of the parcels owned by the applicant being landlocked as a result of the EDA selling property. The property lines did not change for the Caliber Collision project and the parcel referenced in the narrative never had street frontage. It can be combined with other parcels owned by the applicant and incorporated into a development.

The properties are currently listed for sale. On March 13, 2023, the property was discussed at a city council workshop due to various inquiries that staff were receiving regarding multi-family housing (apartments). The city council provided direction that there was no interest in rezoning or changing the land use to allow for multi-family housing. This information was shared with the listing agent and property owner. The narrative states that a multi-family proposal would not have staff support. However, this direction was given by the city council at a workshop.

In June/July 2023, staff was provided a concept redevelopment plan by the owner which would redevelop the whole site with an office, car wash and storage facility. The property owner was informed that a storage facility is not allowed in the B-2, Community Commercial zoning district and that it was unlikely the city council would support a change to allow the use. In 2020, the city council completed significant changes to the zoning ordinance, which included eliminating storage facilities from all commercial zoning districts and only permitting them in the I-2A Heavy Industrial zoning district. In general, the city council at that time felt that these types of facilities were not appropriate along Highway 65 and the Northtown area, which are predominately zoned commercial. Staff informed the owner that if they desired this use, it would require a zoning code amendment to allow storage facilities. The other option would be to rezone this property to Development Flex, which would be specific to the property. For these types of requests, the project is presented to the city council in a workshop to gauge interest before a formal application is submitted.

Since receiving the proposal and scheduling this item on the workshop calendar, the city council has discussed placing a moratorium on car washes in the city. The first reading occurred for the moratorium at the August 21, 2023 regular meeting. The 2nd reading is being considered at the September 6, 2023 regular meeting. If the moratorium is adopted, it would prevent an application for a car wash from being submitted until the city council has studied the issue and determined if there are changes to the zoning code.

Given the inconsistent zoning and land use designation of the three properties as referenced in the narrative, if/when a formal development proposal is submitted, staff would recommend the zoning and land use be consistent for all three parcels. This change can be considered at the time of proposed development or done prior to development.

Staff Recommendation

Discuss the request and provide direction to staff/property owner.

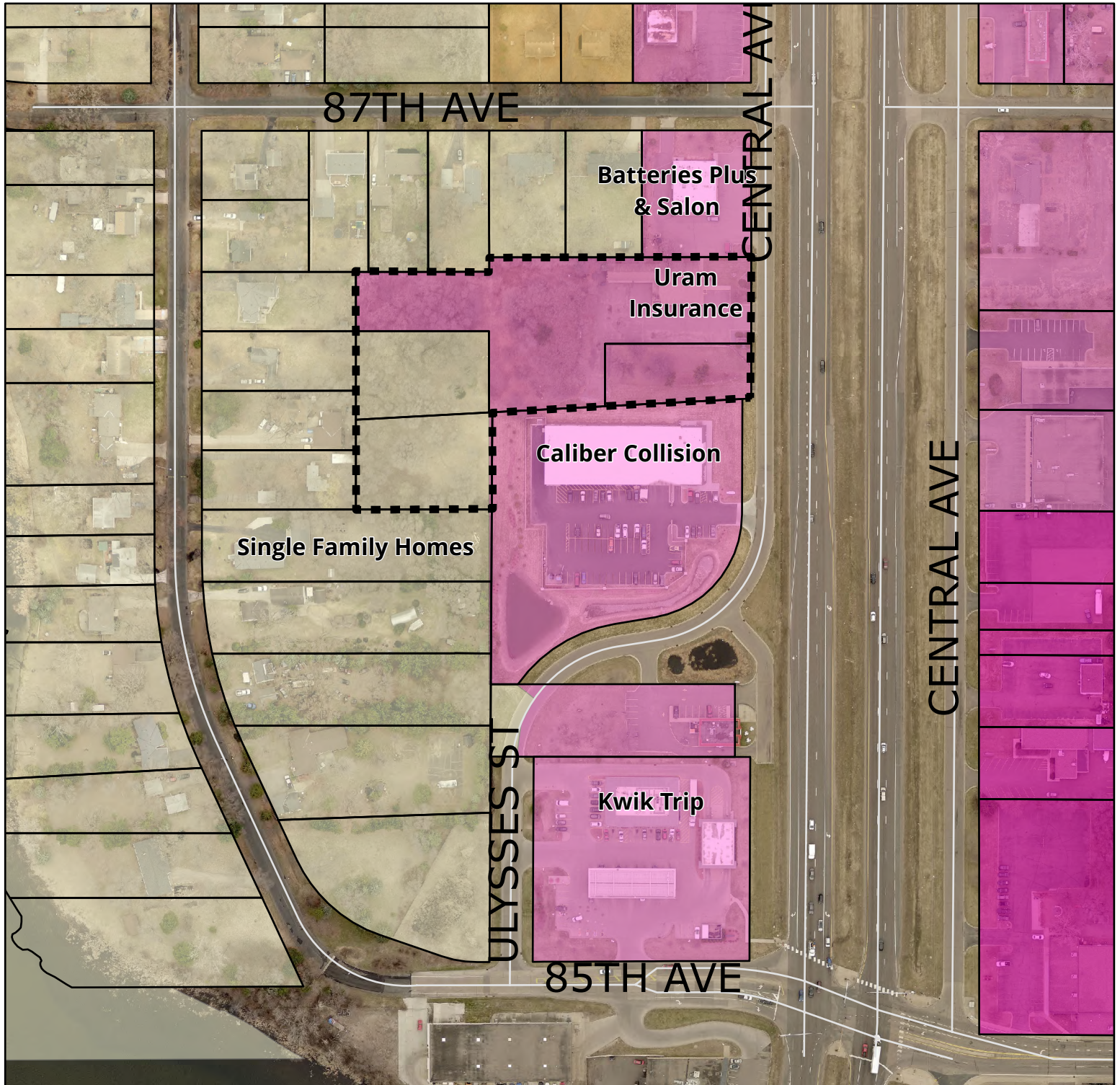
Questions for Council

Is the city council interested in allowing a storage facility on this property?

Attachment List

1. Attachments
2. Uram Development Narrative
3. Site plan
4. B-2 Community Commercial Zoning

8634 Central Ave

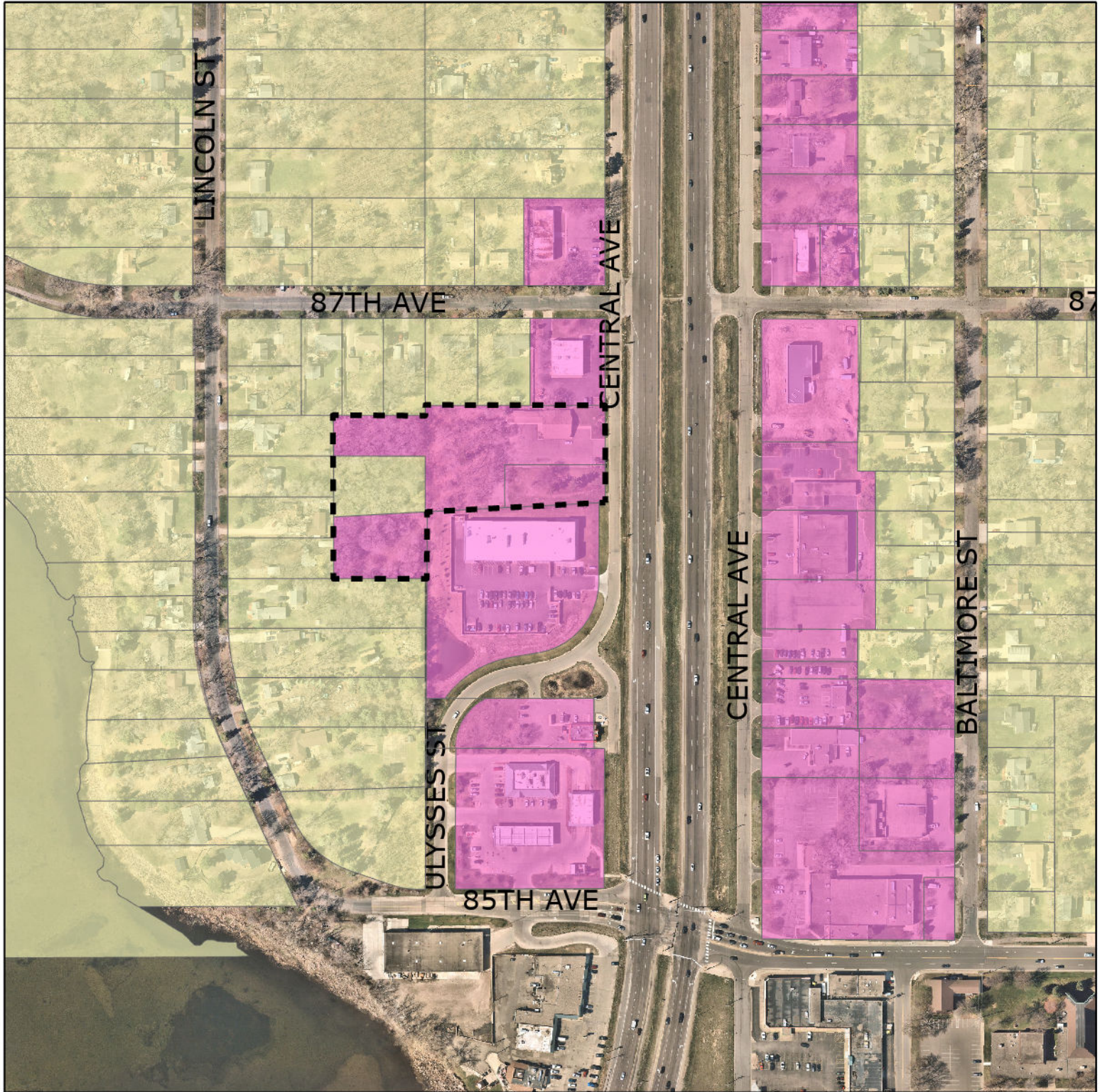


Zoning

- | | |
|--|---|
|  B-2 - Community Commercial |  R-1 - Single Family |
|  B-3 - Regional Commercial |  R-2 - Two Family |

8634 Central Avenue

Land Use Designations



Land Use Designation

Low Density
Residential

Community
Commercial

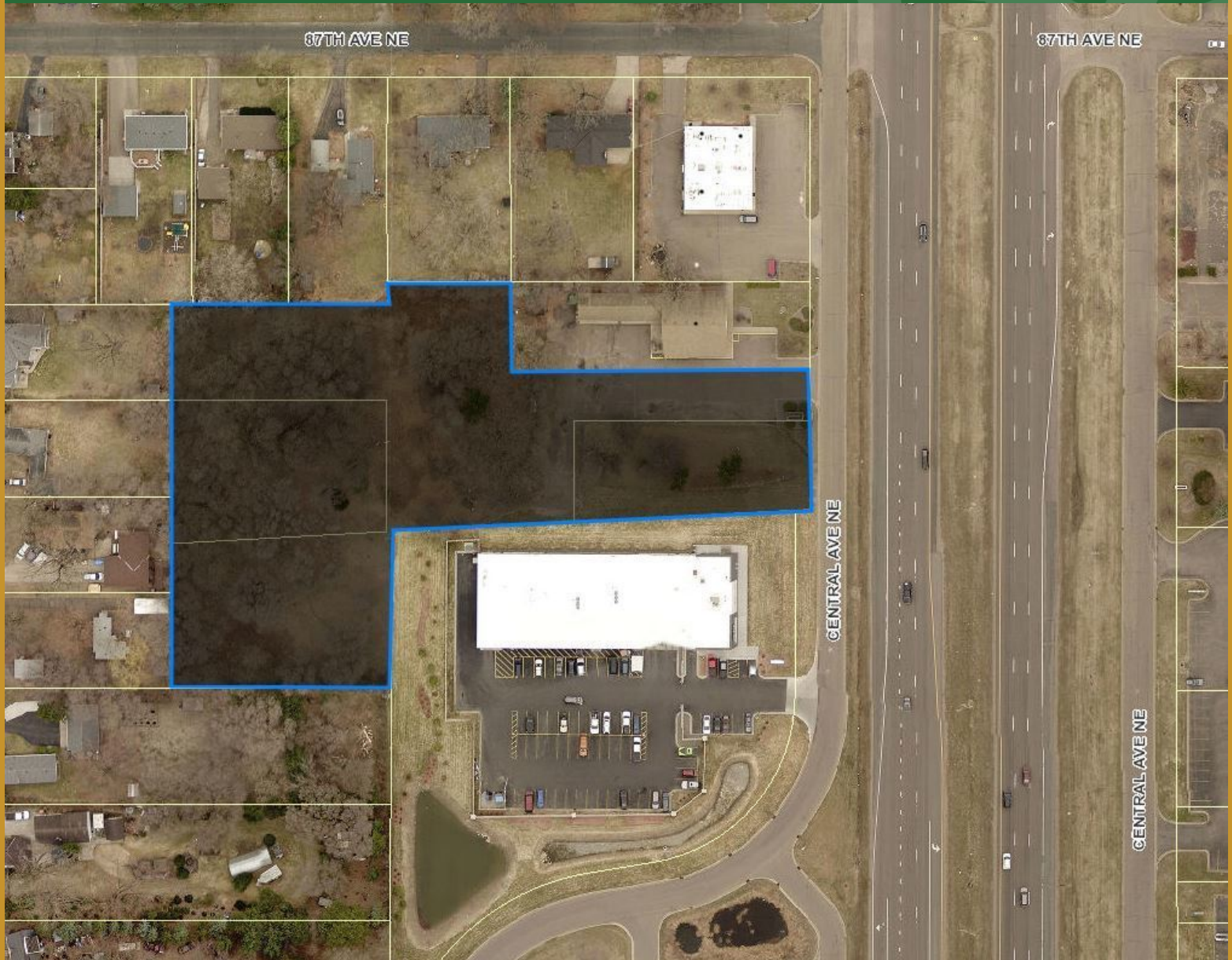
FOR SALE - NEGOTIABLE

GAUGHAN

8634 CENTRAL AVE NE

BLAINE, MN 55434

Commercial Property on Central Ave in Blaine



TOM OPSAHL

VP of Sales & Leasing

651.255.5569

tomopsahl@gaughancompanies.com

EXECUTIVE SUMMARY

BLAINE, MN 55434



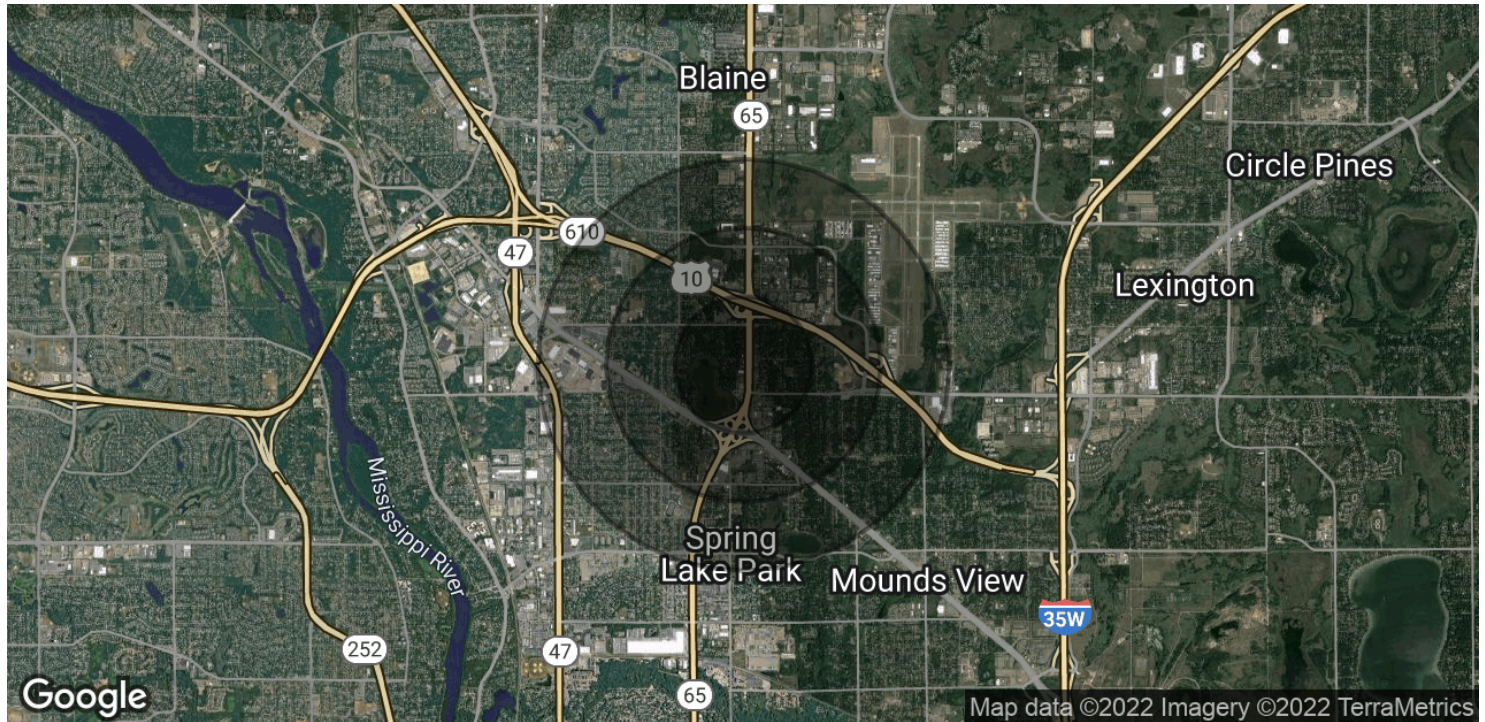
OFFERING SUMMARY	
Sale Price:	Negotiable
Lot Size:	2.5 Acres

PROPERTY OVERVIEW
Excellent High Traffic Location in Blaine, 34,822 VPD

- PROPERTY HIGHLIGHTS**
- Great Location
 - 34,822 Vehicles Per Day
 - Excellent Visibility on Hwy 65
 - Large 2.5 Acre Site
 - Site Rezoning Potential

DEMOGRAPHICS MAP & REPORT

BLAINE, MN 55434

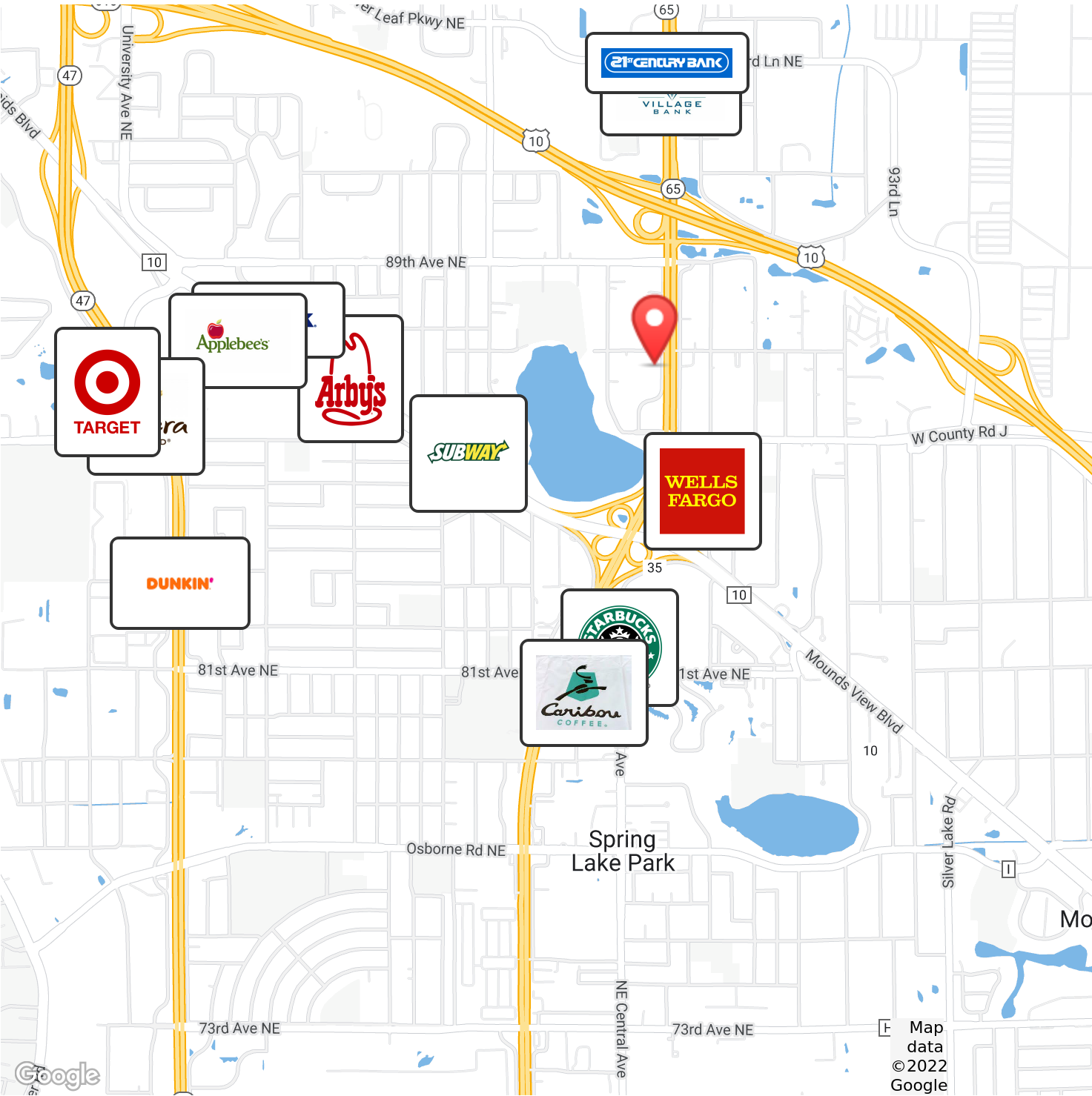


POPULATION	0.5 MILES	1 MILE	1.5 MILES
Total Population	1,111	5,913	13,777
Average Age	43.5	42.7	41.5
Average Age (Male)	42.6	39.7	38.2
Average Age (Female)	43.4	43.7	44.1
HOUSEHOLDS & INCOME	0.5 MILES	1 MILE	1.5 MILES
Total Households	476	2,433	5,560
# of Persons per HH	2.3	2.4	2.5
Average HH Income	\$83,597	\$81,513	\$78,914
Average House Value	\$677,281	\$287,975	\$289,406

* Demographic data derived from 2020 ACS - US Census

RETAILER MAP

BLAINE, MN 55434



Land For Sale

8634 Central Ave NE

ADDITIONAL PHOTOS

BLAINE, MN 55434



TOM OPSAHL

VP of Sales & Leasing

651.255.5569

tomopsahl@gaughancommercial.com Page 11 of 99

measure

DATE: August 17, 2023
TO: Sheila Sellman
FROM: Josh McKinney, PLA
SUBJECT: 8634 Central Avenue Re- Development

Summary:

Scott Uram, property owner of 3 connected parcels totaling approximately 3.13 acres located at 8634 Central Avenue is seeking feedback for a proposed zoning text amendment which would allow the council to approve self storage as a Conditional Use within the B-2 Community Commercial District.

The owner believes such a zoning text amendment is appropriate based on the information provided herein:

Site History:

This site has a colorful recent history that contributes to the current hardship experienced by the property owner.

The Blaine EDA owned an 2.46 acre adjacent parcel located at 8620 Central Avenue and was marketing this site in 2017 and 2018. Mr. Uram was working on a separate development deal on his property at that same time, and in fact was actively working with the EDA to pursue a joint development including the EDA parcel along with his own land.

According to City emails, the City abruptly left those discussions to sell to the Current owner, which sought and received a Conditional use permit for their collision center structure. The construction of this building, which does not meet required setbacks or architectural standards of the B2 District along with the limited nature of viable development opportunities on the subject parcels leaves the owner with limited options to pursue, and also landlocked one of the parcels owned by Mr. Uram.

Additionally, in 2020 the City Council amended the zoning code to only allow storage in I-2 Industrial districts.

Other uses which have been reviewed and deemed economically unfeasible include:

- Hotel
- Medical Office
- Taproom/Brew Pub
- Restaurants
- Retail

Mr. Uram has also considered a re-zoning & re-guidance to allow for a multifamily apartment building, but was told that use would not have staff support.

Existing Zoning & Comprehensive Plan Guidance

There is a need for zoning and comprehensive plan changes to facilitate any development on this parcel. There are parcels which likely should have been re-guided during the last comprehensive plan development cycle and make this site difficult to develop by right.

Zoning

- The subject site has two parcels zoned B-2 Community Commercial, and one parcel zoned R-1 Single Family. The Single Family Parcel does not have ROW frontage and will need to be rezoned to support any commercial use.

Comprehensive Plan

- The subject site has one parcel guided for Community Commercial, one parcel guided for Low Density Residential and the largest parcel split by both Community Commercial and Low Density Residential.

Proposed Project Example

Car Wash / Storage Concept

- The proposed concept would combine a car wash use on the main level, with a self storage use above. Additionally, a small area for an on site office for an insurance agency would also occupy the main level.
- Architecturally, this use would be consistent with what the council has approved in the adjacent collision center.
- A market study has deemed there to be a significant need for storage within the Blaine area.
- This use would still allow for a buffer area to the adjacent homes while still allowing for all of the parcels to be utilized to what our team believes is the highest and best use for this site.



CITY ZONING
B-2 - Community Commercial

FRONT SETBACK - 50'
SIDE - 20'
SIDE @ CORNER LOT - 50'
SIDE @ RESIDENTIAL - 100'

REAR - 20'
REAR @ RESIDENTIAL - 100'

PARKING SETBACKS
FRONT / CORNER - 30'
SIDE - 10'
REAR - 10'

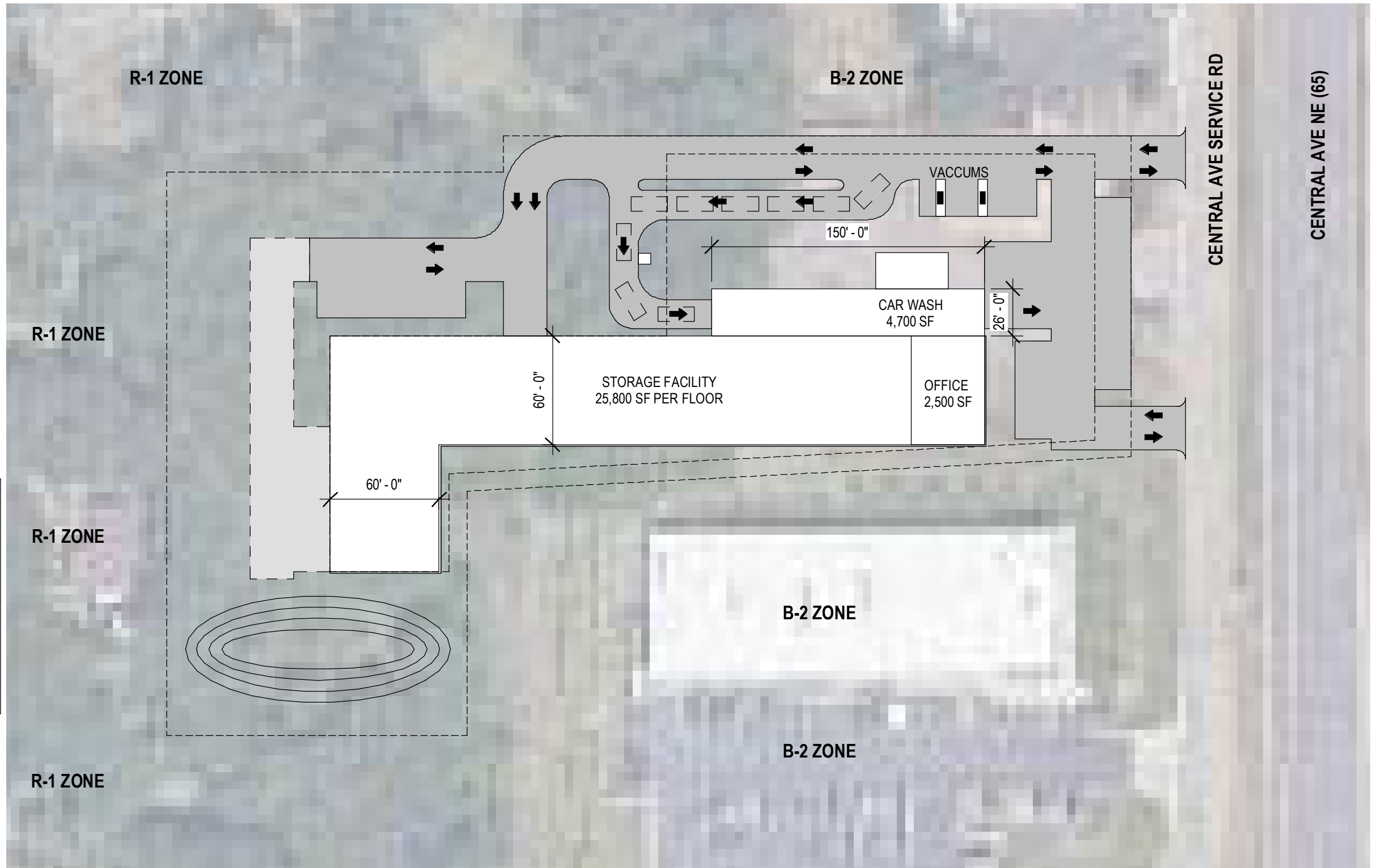
MAX BUILDING HEIGHT - 3 STORIES OR 50 FT

PARKING

BUSINESS AND PROFESSIONAL OFFICES OR
PUBLIC ADMINISTRATION BUILDINGS: AT
LEAST ONE (1) PARKING SPACE FOR EACH
TWO-HUNDRED-FIFTY (250) SQUARE FEET OF
FLOOR AREA

SELF STORAGE FACILITY: MINIMUM OF FIVE
(5) SPACES

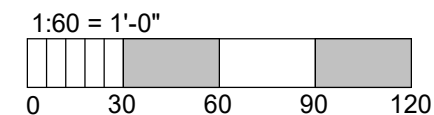
AUTOMOBILE REPAIR: FOUR (4) PARKING
SPACES

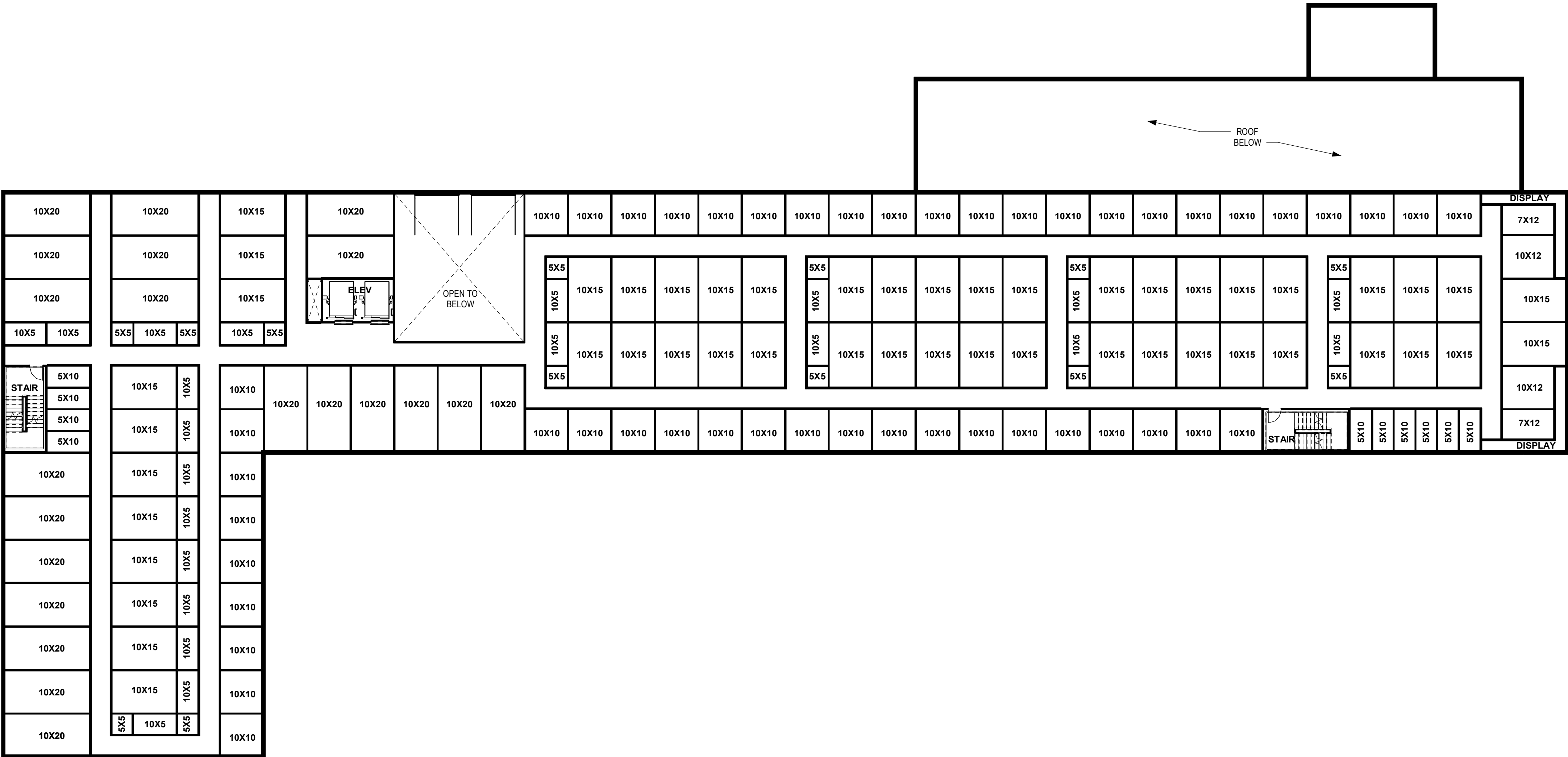


BLAINE MIXED-USE

8634 CENTRAL AVE NE
BLAINE, MN 55434

1
1-0 SITE CONCEPT
1" = 60'-0"





1 SECOND FLOOR
1/16" = 1'-0"

PROJECT UNIT MIX		
UNIT SIZE	COUNT	UNIT TYPE PERCENTAGE
5X5	32	7.13%
5X10	20	4.45%
7X12	4	0.89%
10X5	56	12.47%
10X10	132	29.40%
10X12	4	0.89%
10X15	107	23.83%
10X20	91	20.27%
10X30	3	0.67%
Grand total: 449		

I hereby certify that the plans, specifications, or drawings herein are the work of me or a duly licensed Architect under the laws of the state of Minnesota.

Signature: Conrad J. Brunton
Reg. No.: 26338
Date: xxxx/2023

Consultant:

BLAINE MIXED-USE
8634 CENTRAL AVE NE
BLAINE, MN 55434

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REVISION:

No. : --- Date: xx-xx-xx

Drawn: Author Checked: Checker

Project Manager: CAB

Project Status: PROGRESS SET

Sheet Title:

SECOND FLOOR PLAN

Sheet No.:

1-2

NOT FOR CONSTRUCTION

30.10 COMMUNITY COMMERCIAL (B-2)

30.11 Intent.

Intended to provide retailing and services of both a convenience and durable nature to shoppers, such as apparel, furniture, food, banking and financial services for a trade area of nearby residential neighborhoods.

(Ord. No. 20-2447 , 7-20-2020)

30.12 Permitted uses.

- (a) General retail, except when specifically listed elsewhere in the ordinance
- (b) Banks.
- (c) Restaurants.
- (d) Brew Pubs.
- (e) Personal services, including massage, hair salons, and similar businesses.
- (f) Dry cleaning and laundry.
- (g) Repair services, excluding repair of vehicles and small engines.
- (h) Business and professional offices, including medical offices.
- (i) Personalized instructional services and fitness centers, total floor area limited to 4,000 square feet without a conditional use permit. (Ord. No. 22-2514 , 12-19-2022)
- (j) Portrait or art studio.
- (k) Medical cannabis dispensary.
- (l) Taproom. (Ord. No. 22-2514 , 12-19-2022)

(Ord. No. 20-2447 , 7-20-2020; Ord. No. 22-2514 , 12-19-2022)

30.13 Accessory uses.

Signs as regulated in Section 34.07(c).

(Ord. No. 20-2447 , 7-20-2020)

30.14 Conditional uses.

- (a) Animal hospitals.
- (b) Amusement and recreation.
- (c) Fitness center not meeting the requirements of subsection 30.12(i). (Ord. No. 22-2514 , 12-19-2022)
- (d) Gasoline station.

-
- (e) Minor auto repair.
 - (f) Car wash.
 - (g) Construction and contractor's offices.
 - (h) Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)
 - (i) Educational uses not meeting the requirements of 30.12 (i).
 - (j) Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility. (Ord. No. 95-1575, amended 9-21-1995)
 - (k) Meeting/assembly halls.
 - (l) Motels/hotels.
 - (m) Open sales lot.
 - (n) Private clubs.
 - (o) Restaurants with live entertainment or outdoor dining. (Ord. No. 95-1573, amended 9-21-1995)
 - (p) Theaters.
 - (q) Vocation, technical, and trade schools.
 - (r) Zero lot line splits with shared parking and/or access.
 - (s) Off-Sale Liquor Stores. (Ord 86-928, amended 2-20-1986)
 - (t) Two (2) or more buildings on same lot. (Ord. No. 88-1087, amended 6-16-1988)
 - (u) Churches. (Ord. No. 91-1266, amended 10-3-1991)
 - (v) Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
 - (w) Domestic animal indoor kennel and training facilities. (Ord. No. 93-1479, amended 11-18-1993)
 - (x) Major automobile repair for passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)
 - (y) Funeral Homes. (Ord. No. 03-1983, added 6-26-2003; Ord. No. 03-1990, Amended 8-21-2003)
 - (z) Vehicle Rental Agency with up to 15 vehicles on site. (Ord. No. 05-2063, added 10-20-2005; Ord No. 18-2407, amended 6-21-2018)
 - (aa) Pawn shop. (Ord. No. 09-2179, added 2-19-2009)
 - (bb) Indoor vehicle sales associated with and on the same property as major automobile repair.
(Ord. No. 14-2295, added 10-16-2014; Ord. No. 20-2447 , 7-20-2020; Ord. No. 22-2514 , 12-19-2022)

30.15 Standards.

- (a) Reserved. (Ord. No. 22-2514 , 12-19-2022)
- (b) Front yard setback—Fifty (50) feet. (Ord. No. 93-1491, amended 12-16-1993)
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; corner lot fifty (50) feet; when adjacent to residential districts—One hundred (100) feet. (Ord. No. 93-1491, amended 12-16-1993)

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- (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 , Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)
 - (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; when adjacent to residential districts—One hundred (100) feet.
 - (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986; Ord. No. 22-2514 , 12-19-2022)
 - (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
 - (f) Maximum building height shall not exceed three (3) stories, or fifty (50) feet in height, whichever is less.
 - (g) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet.
 - (2) Side yard 10 feet.
 - (3) Rear yard 10 feet.(Ord. No. 95-1553, amended 4-20-1995)

When a B-2 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.
 - (h) Off-street loading—Refer to Section 33.15.
 - (i) Major Automobile Repair Standards. (Ord. No. 94-1534, amended 9-1-1994)
 - (1) No outside storage of vehicle that have exterior damage or are dismantled.
 - (2) No air quality or noise impact to adjacent properties shall be permitted.
 - (3) Additional screening as determined by the Zoning Administrator.
 - (4) A seventy-five-foot landscaped buffer between a major automobile repair facility and all residential zoning districts.

(Ord. No. 94-1539, amended 11-17-1994; Ord. No. 20-2447 , 7-20-2020; Ord. No. 22-2514 , 12-19-2022)

30.16 Landscaping.

- (a) All open areas of any lot not used for parking, driveways, or storage, shall be landscaped with trees, shrubs, berms, and planted ground covers.
- (b) It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- (c) All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- (d) All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site. This yard shall have a minimum width of not less than ten (10) feet.
- (e) For additional landscaping requirements, refer to Section 33.07.

-
- (f) Underground irrigation shall be required for all yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 88-1075, amended 3-17-1988; Ord. No. 89-1177, added 1-4-1990; Ord. No. 20-2447 , 7-20-2020)

30.17 Screening.

On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence made of maintenance free materials.

(Ord. No. 20-2447 , 7-20-2020)

30.18 Storage.

- (a) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (b) No outdoor storage of any materials is permitted except as provided for in Section 30.19. (Ord. No. 02-1948, amended 6-20-2002)
- (c) Employee service vehicles with a maximum of 10,000 GVW, associated with a commercial retail business that is specifically mentioned in this zoning district, may be parked outside under conditions as approved by the Zoning Administrator. Vehicles associated with a commercial retail business specifically mentioned in this zoning district greater than 10,000 GVW may be parked in a loading area with at least one overhead door approved by the Zoning Administrator and meeting the requirements of 33.14 of the Zoning Code. (Ord. No. 91-1267, amended 10-3-1991)

(Ord. No. 20-2447 , 7-20-2020; Ord. No. 22-2494 , 1-19-2022)

30.19 Outside display.

Outside display in B-2 retail sites is allowed provided the following standards are met:

- (a) Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet of area for buildings under 40,000 square feet and not to exceed 400 square feet for buildings larger than 40,000 square feet. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.
- (b) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than fifty (50) inches.
- (c) Outside display shall not exceed a height of sixty (60) inches.
- (d) Vending machines or cabinets for items such as beverages, ice and propane are exempt from the height and area restrictions provided they are limited to a maximum of three (3) machines or cabinets per frontage.
- (e) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six (36) inches is the minimum width required to maintain pedestrian access.

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- (f) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.
 - (g) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.
 - (h) Products shall be able to be sold from the display.

(Ord No. 02-1948, added 6-20-2002; Ord. No. 20-2447 , 7-20-2020)

30.191 Architectural control.

- (a) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (1) Brick.
 - (2) Natural or cultured stone.
 - (3) Glass.
 - (4) Stucco or EIFS.
 - (5) Cementitious siding.
 - (6) Architectural metal.
 - (7) Integrally colored rock faced block.
- (b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (d) All buildings to incorporate four sided design.
- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.

(Ord. No. 20-2447 , 7-20-2020)



City of Blaine Staff Report

File Number: 2023-385

Agenda Date	Status
September 6, 2023	
In Control	File Type
City Council	Workshop Item

New Business - Sheila Sellman, City Planner

Agenda Item # 2.2

Zoning Ordinance Discussion for Northtown Redevelopment Area (Part 1)

Background

The City Council has discussed land use in the Northtown area at various workshop meetings this year. The land use plan guides at a high level the type of development (commercial, residential, mixed use, etc), and the zoning ordinance specifically identifies what uses are allowed and the bulk zoning requirements (setbacks, height, etc).

The adopted Northtown Redevelopment Vision Plan provides actions steps. One of the short-term action steps (1-5 years) is to "Change Zoning to Mixed-Use" and states "Existing zoning in the study area is predominately defined as Regional Commercial (B-3). The city should act to change the zoning in the district to allow a greater mix of land uses, including residential, commercial, and civic."

The discussion at this workshop should focus around uses and some development parameters so staff can draft a new mixed use district for the Northtown Area.

The following are permitted uses in the B-3 district, which is the predominate current zoning for the area:

- (a) General retail, except when specifically listed elsewhere in the ordinance.
- (b) Banks.
- (c) Restaurants.
- (d) Brew Pubs.
- (e) Personal services, including massage, hair salons, and similar businesses.
- (f) Dry cleaning and laundry.
- (g) Repair services, excluding repair of vehicles and small engines.
- (h) Business and professional offices, including medical offices.
- (i) Personalized instructional services and fitness centers, total floor area limited to 4,000 square feet without a conditional use permit.
- (j) Portrait or art studio.

- (k) Medical cannabis dispensary. (Medical card cannabis, not general selling of cannabis)
- (l) Taproom.

The following are conditional uses in the B-3 district:

- (a) Animal hospitals.
- (b) Amusement and recreation.
- (c) Fitness center not meeting the requirements of 30.12(i).
- (d) Vehicle sales lot, for passenger vehicles only subject to the following standards.
 - (1) Minimum lots size shall be four (4) acres.
 - (2) Minimum building size shall be twenty five thousand (25,000) square feet.
 - (3) Site shall incorporate extensive berming along street frontages.
 - (4) Vehicle storage and display areas to have minimum twenty-five (25) foot setback from all interior property lines and forty (40) foot setback from any public right-of-way.
- (e) Gasoline station.
- (f) Minor auto repair.
- (g) Indoor vehicle sales.
- (h) Boat sales and display areas.
- (i) Bowling alleys.
- (j) Car wash.
- (k) Construction and contractor's offices.
- (l) Dance Hall.
- (m) Day care centers—Commercial.
- (n) Educational uses.
- (o) Meeting/assembly halls.
- (p) Manufactured home sales lots.
- (q) Hotels.
- (r) Private clubs.
- (s) Recreational vehicle sales lots and showrooms.
- (t) Restaurants with live entertainment or outdoor dining.
- (u) Skating rinks.
- (v) Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility.
- (w) Theaters.
- (x) Vocational, technical, and trade schools.
- (y) Zero lot line split with shared access and/or parking.
- (z) Off-Sale Liquor Stores.
 - (aa) Two (2) or more buildings on same lot.
 - (bb) Churches.
 - (cc) Adult Uses—Principal. As defined and licensed under Article VI—Blaine Municipal Code.
 - (dd) Domestic animal indoor kennel and training facilities.
 - (ee) Major automobile repair for passenger vehicles.
 - (ff) Funeral homes.
 - (gg) Vehicle Rental Agency with up to 15 vehicles on site.
 - (hh) Pawn shop.

At the workshop, staff will go through the various uses and pose the following questions to the City Council:

1. Of the uses listed above, what would the council like to remove/prohibit?
2. What uses listed above should stay within the new district?
3. What other uses should be allowed or prohibited?
4. Residential uses will be incorporated into the zoning district based on land use approvals.
5. Residential uses will be incorporated into the zoning district consistent with the comprehensive plan changes that are ultimately adopted by the city council.

Staff met with the new mall owner, 4th Dimension Properties, on August 18, 2023. The ownership group owns approximately 20 malls throughout the country. The owner is not a developer and desires to keep the existing mall intact, however change some of the tenant mix and look at development opportunities on excess parking areas around the mall. Some potential ideas have included quick service and sit-down restaurants, general retail, a convenience store with an accessory carwash (no gas), hotel, and a school inside the mall.

The owner is not opposed to multi-family, however does not envision that being the primary focus of the mall property. While contemplating uses for the new district, council should consider these types of commercial uses and determine if they are appropriate for the district. The new owner will be introduced at the October 9, 2023, workshop. The owner is working on creating a concept plan for the property to present at the workshop.

Based on the discussions earlier this year, a comprehensive land use plan amendment for the overall area will be considered by the Planning Commission and City Council this fall. The comprehensive plan changes will occur prior to zoning changes. During the land use discussions, the unknown status of the mall's ownership and future, made land use decisions difficult for the mall property.

Staff is proposing to remove land use decisions on the mall property from the comprehensive plan amendments occurring this fall. It would remain Community Commercial. Zoning changes can still occur on the mall property to prevent commercial uses the City Council does not want to see. Once the mall's plans are more refined, land use changes can occur based on the desires of the City Council and ownership group. Given the minimal desire for multi-family by the ownership group, identifying the entire mall property for High Density Residential/Community Commercial is not likely necessary. This should appease some concern the Council expressed during the land use discussions regarding the mall property redeveloping to primarily residential use.

A second discussion on zoning is scheduled for the September 11 workshop. This discussion will finalize allowed uses and introduce bulk zoning requirements (setbacks, height, etc.). The desire is to take the outcomes of the September 6 and 11 workshops and create a draft zoning ordinance for the City Council to review this fall.

The new zoning ordinance and rezoning will be considered before the end of the year, potentially into early 2024. The current moratorium for the area expires on November 1, 2023 and will need to be extended while this work is completed.

Attached are the current B-3 Zoning District, B-5 Zoning District, 105th Redevelopment District, City of Minnetonka's I-394 Ordinance that regulates Ridgedale Mall, and the City of Burnsville Mixed Use District that regulates Burnsville Center. These are provided to demonstrate other mixed use zoning requirements.

Staff Recommendation

Provide feedback on uses for the new zoning district.

Questions for Council

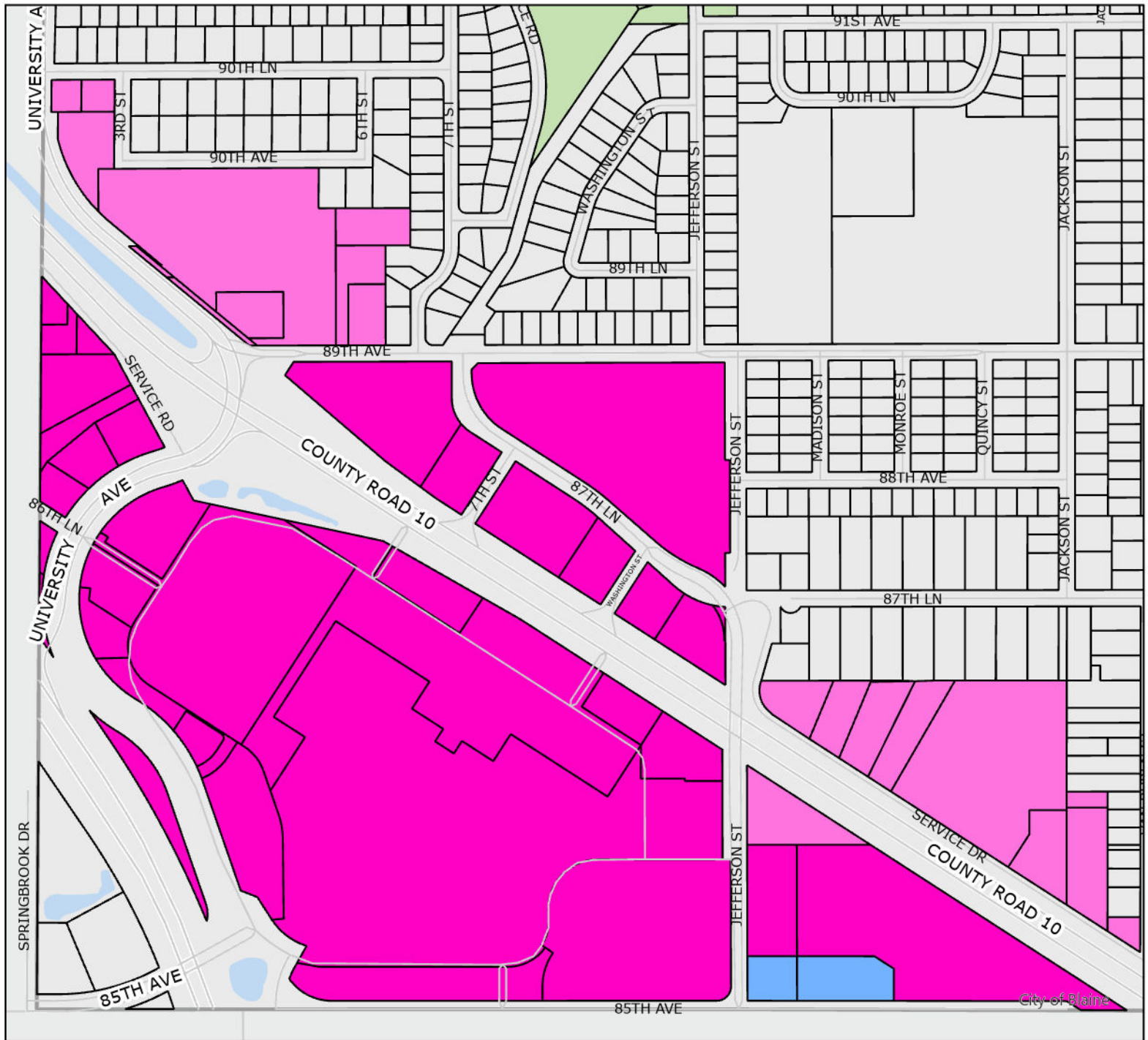
1. What uses do you want to allow in the Northtown Area?
2. What uses do you want to prohibit?

Attachment List

1. Northtown Zoning
2. Regional Commercial (B-3)
3. 30.80 Town Commercial (B-5)
4. 105th Avenue Redevelopment District (RD)
5. Minnetonka-Ridgedale Ordinance
6. Burnsville Mixed Use



Northtown Area Zoning



Legend

-  B-2 - Community Commercial
-  B-3 - Regional Commercial
-  RF - Residential Flex

0 0.05 0.1 0.2 Miles





Zoning Ordinance

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Blaine

30.20 - REGIONAL COMMERCIAL (B-3)

30.21 - Intent.

Intended to provide retailing and services of both a convenience and durable nature to shoppers, such as apparel, furniture, food, banking and financial services for a regional trade area.

(Ord. No. 93-1491, amended 12-16-1993; Ord. No. 20-2447, 7-20-2020)

30.22 - Permitted uses.

- (a) General retail, except when specifically listed elsewhere in the ordinance.
- (b) Banks.
- (c) Restaurants.
- (d) Brew Pubs.
- (e) Personal services, including massage, hair salons, and similar businesses.
- (f) Dry cleaning and laundry.
- (g) Repair services, excluding repair of vehicles and small engines.
- (h) Business and professional offices, including medical offices.
- (i) Personalized instructional services and fitness centers, total floor area limited to 4,000 square feet without a conditional use permit.
- (j) Portrait or art studio.
- (k) Medical cannabis dispensary.
- (l) Taproom

(Ord. No. 84-850, amended 11-15-1984; Ord. No. 20-2447, 7-20-2020, Ord. No. 22-2514, amended 12-19-22)

30.23 - Accessory uses.

Signs as regulated in Section 34.07(a).

(Ord. No. 93-1491, amended 12-16-1993; Ord. No. 20-2447, 7-20-2020)

30.24 - Conditional uses.

- (a) Animal hospitals.
- (b) Amusement and recreation.
- (c) Fitness center not meeting the requirements of 30.12 (i).
- (d) Vehicle sales lot, for passenger vehicles only subject to the following standards.
 - (1) Minimum lots size shall be four (4) acres.
 - (2) Minimum building size shall be twenty five thousand (25,000) square feet.
 - (3) Site shall incorporate extensive berming along street frontages.
 - (4) Vehicle storage and display areas to have minimum twenty-five (25) foot setback from all interior property lines and forty (40) foot setback from any public right of way.
- (e) Gasoline station.

- (f) Minor auto repair.
- (g) Indoor vehicle sales.
- (h) Boat sales and display areas.
- (i) Bowling alleys.
- (j) Car wash.
- (k) Construction and contractor's offices.
- (l) Dance Hall.
- (m) Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)
- (n) Educational uses.
- (o) Meeting/assembly halls.
- (p) Manufactured home sales lots.
- (q) Hotels.
- (r) Private clubs.
- (s) Recreational vehicle sales lots and showrooms.
- (t) Restaurants with live entertainment or outdoor dining. (Ord. No. 95-1573, amended 9-21-1995)
- (u) Skating rinks.
- (v) Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility. (Ord. No. 95-1575, amended 9-21-1995)
- (w) Theaters.
- (x) Vocational, technical, and trade schools.
- (y) Zero lot line split with shared access and/or parking.
- (z) Off-Sale Liquor Stores. (Ord. No. 86-928, amended 2-20-1986)
- (aa) Two (2) or more buildings on same lot. (Ord. No. 88-1087, amended 6-16-1988)
- (bb) Churches. (Ord. No. 91-1266, amended 10-3-1991)
- (cc) Adult Uses—Principal. As defined and licensed under Article VI—Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
- (dd) Domestic animal indoor kennel and training facilities. (Ord. No. 93-1479, amended 11-18-1993)
- (ee) Major automobile repair for passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)
- (ff) Funeral homes. (Ord. No. 03-1983, added 6-26-2003; Ord. No. 03-1990, amended 8-21-2003)
- (gg) Vehicle Rental Agency with up to 15 vehicles on site. (Ord. No. 05-2063, added 10-20-2005; Ord. No. 18-2407, amended 6-21-2018)
- (hh) Pawn shop. (Ord. No. 09-2179, added 2-19-2009)

(Ord. No. 20-2447, 7-20-2020, Ord. No. 22-2514, amended 12-19-22)

30.25 - Standards.

- (a) Reserved.
- (b) Front yard setback—Fifty (50) feet.
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; when adjacent to residential districts – one hundred (100) feet.
 - (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 , Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)
- (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; when adjacent to residential districts – one hundred (100) feet.

- (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 , Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)
 - (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
 - (f) Buildings exceeding three (3) stories or fifty (50) feet in height, whichever is less, must obtain a conditional use permit. (Ord. No. 90-1235, amended 10-18-1990)
 - (g) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet.
 - (2) Side yard 10 feet.
 - (3) Rear yard 10 feet. (Ord. No. 95-1553, amended 4-20-1995)
- When a B-3 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.
- (h) Reserved
 - (i) Off-street loading—Refer to Section 33.14.
 - (j) Major Automobile Repair Standards: (Ord. No. 94-1534, amended 9-1-1994)
 - (1) No outside storage of vehicles that have exterior damage or are dismantled.
 - (2) No air quality or noise impact to adjacent properties shall be permitted.
 - (3) Additional screening as determined by the Zoning Administrator.
 - (4) A seventy-five-foot landscaped buffer between a major automobile repair facility and al residential zoning districts. (Ord. No. 94-1539, amended 11-17-1994)

(Ord. No. 20-2447, 7-20-2020, Ord. No. 22-2514, amended 12-19-22)

30.26 - Landscaping.

- (a) All open areas of any lot not used for parking, driveways, or storage, shall be landscaped with trees, shrubs, berms, and planted ground covers.
- (b) It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- (c) All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- (d) For additional landscaping requirements, refer to Section 33.07.
- (e) Underground irrigation shall be required for all yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

(Ord. No. 88-1075, amended 3-17-1988; Ord. No. 20-2447, 7-20-2020)

30.27 - Screening.

On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials.

(Ord. No. 20-2447, 7-20-2020)

30.28 - Storage.

- (a) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates. (Ord. No. 22-2494, amended 1-19-22)
 - (b) No outdoor storage of any materials is permitted except as provided for in Section 30.19. (Ord. No. 02-1948, amended 6-20-2002)
 - (c) Employee service vehicles with a maximum of 10,000 gvw, associated with a commercial retail business that is specifically mentioned in this zoning district, may be parked outside under conditions as approved by the Zoning Administrator. Vehicles associated with a commercial retail business specifically mentioned in this zoning district greater than 10,000 GVW may be parked in a loading area with at least one overhead door approved by the Zoning Administrator and meeting the requirements of 33.14 of the Zoning Code. (Ord. No. 91-1267, amended 10-3-1991)
- (Ord. No. 20-2447, 7-20-2020)

30.29 - Outside display.

Outside display in B-3 retail sites is allowed provided the following standards are met:

- (a) Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet of area for buildings under 40,000 square feet and not to exceed 400 square feet for buildings over 40,000 square feet. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.
- (b) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than fifty (50) inches.
- (c) Outside display shall not exceed a height of sixty (60) inches.
- (d) Vending machines or cabinets for items such as beverages, ice and propane are exempt from the height and area restrictions provided they are limited to a maximum of three (3) machines or cabinets per frontage.
- (e) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six (36) inches is the minimum width required to maintain pedestrian access.
- (f) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.
- (g) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.
- (h) Products shall be able to be sold from the display.

(Ord. No. 02-1948, added 6-20-2002; Ord. No. 20-2447, 7-20-2020)

30.291 - Architectural control.

- (a) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (1) Brick.

- (2) Natural or cultured stone.
 - (3) Glass.
 - (4) Stucco or EIFS.
 - (5) Cementitious siding.
 - (6) Architectural metal.
 - (7) Integrally colored rock faced block.
- (b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
 - (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
 - (d) All buildings to incorporate four sided design.
 - (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principle building to a minimum height of 5 feet.

(Ord. No. 20-2447, 7-20-2020)



Zoning Ordinance

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30.80 – TOWN COMMERCIAL (B-5)

30.81 - Intent.

- (a) To promote a planned environment for integrated commercial uses which feature design continuity. A development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping, and lighting.
- (b) To encourage orderly development of property.
- (c) To provide opportunity for greater flexibility in arranging land uses according to relative compatibility, convenience, and community needs.
- (d) To encourage patterns of development in harmony with the objectives of the City's Comprehensive Plan.
- (e) To encourage more attractive and enduring business neighborhoods.
- (f) To encourage development compatible with the environmental values of the area and to preserve natural vegetation, wetlands, natural topography, and other such features of the District.
- (g) To accommodate uses requiring access to major highways.
- (h) To provide a uniform set of standards to be applied equally to all owners and developers in this District.

(Ord. No. 21-2480, 8/16/21)

30.32 - Permitted uses.

- (a) General retail
- (b) Personal services, including massage, hair salons, and similar businesses
- (c) Dry cleaning and laundry
- (d) Repair services, excluding repair of vehicles and small engines
- (e) Business and professional offices, including medical offices
- (f) Portrait or art studio
- (g) Pharmacies

(Ord. No. 21-2480, 8/16/21)

30.83 - Conditional Uses

- (a) Class I and II Restaurants
- (b) Brew Pubs.
- (c) Bank.
- (d) Hotel with convention facilities
- (e) Churches
- (f) Theaters
- (g) Private community/recreation centers
- (h) Animal hospitals/clinics
- (i) Taproom or brewery with brewer taproom.

- (j) Coffee Shop
- (k) Liquor Stores
- (l) Commercial daycare
- (m) Indoor amusement and recreation not including fitness uses.
- (n) Zero lot line splits with shared access and/or shared parking.

(Ord. No. 21-2480, 8-16-21; Ord. No. 22-2514, amended 12-19-22)

30.84 – Accessory Uses

- (a) Signs as regulated in Section 34.07

(Ord. No. 21-2480, 8/16/21)

30.85 – Prohibited Uses

- (a) Pawn shops.
- (b) Residential including memory care and assisted living facilities.
- (c) Event Centers.
- (d) Tobacco/Vape Shops.
- (e) Fitness Centers including yoga and gyms.
- (f) Auto repair and service.
- (g) Car washes
- (h) Gas/convenience stores

(Ord. No. 21-2480, 8/16/21)

30.86 - Standards

- (a) Building Setbacks (minimum).

- (1) Front Yard—Fifty (50) feet, or one-half (½) the total building height whichever is greater.
- (2) Side Yard—Fifteen (15) feet, or one-half (½) the total building height, whichever is greater.
- (3) Rear Yard—Twenty (20) feet, or one-half (½) the total building height, whichever is greater.
- (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

- (b) Parking Lot Setbacks (minimum).

- (1) Front Yard—Thirty (30) feet. (Ord No. 02-1955, amended 9-5-2002)
- (2) Side Yard—Fifteen (15) feet. (Ord. No. 04-2005, amended 1-22-2004)
- (3) Rear Yard—Twenty (20) feet.
- (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

- (c) Building Sizes (minimum).

- (1) Freestanding Class II Restaurants—Five thousand (5,000) square feet minimum building size.

- (d) Building Height. There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations.

(e) Building Exteriors.

- (1) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (aa) Brick
 - (bb) Natural or cultured stone
 - (cc) Glass
 - (dd) Stucco or EIFS
 - (ee) Cementitious siding
 - (ff) Architectural metal
 - (gg) Integrally colored rock faced block
- (2) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- (3) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (4) All buildings to incorporate four-sided design.

Under no circumstances shall sheet aluminum, corrugated aluminum, asbestos, iron, plain or painted plain concrete block be deemed acceptable as major exterior wall materials on buildings within the City.

(f) Landscaping. In addition to the provisions of Section 33.07 of the Ordinance, the following requirements shall be met:

- (1) Underground irrigation shall be required.
- (2) Traffic safety islands and/or general parking islands, were deemed appropriate by the Zoning Administrator, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.
- (3) On any given site there shall be at least three (3) different shrub species.

- (g) Open Space. The minimum area of permeable surface shall be thirty percent (30%) of the total project area. The Zoning Administrator may approve a modification to the requirement provided additional architectural or landscape enhancements are provided.
- (h) Refuse Enclosures. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates. (Ord. No. 22-2494, amended 1-19-22)
- (i) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates. (Ord. No. 22-2494, amended 1-19-22)

(j) Lighting. A lighting plan shall be submitted depicting type and design, layout of fixtures, and the illumination pattern. The design shall preclude any off-site glare.

(Ord. No. 21-2480, 8/16/21)



Zoning Ordinance

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Blaine

30.90 – 105TH AVENUE REDEVELOPMENT DISTRICT (RD)

30.901 - Definitions.

Definitions listed apply only to this district. If something is not defined in this section, the definition in the City Code shall apply.

Brew pub - A brewer who holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted by state statute.

Brewer - is a person or entity who manufactures malt liquor for sale.

Brewer taproom - An area on the premises of a brewery or on the premises adjacent to a brewery owned by the brewer in which the brewer sells or otherwise provides exclusively malt liquor produced by the brewer for consumption within the brewer taproom.

Brewery - A facility that brews malt liquor for distribution off site.

Cocktail room - on-sale of distilled liquor or wine produced for consumption on the premises owned by the distillery.

Distillery - a place or establishment where strong alcoholic drinks are produced by the process of distilling.

Farmers market - a food market at which local farmers sell fruit and vegetables and often meat, cheese and bakery products directly to consumers.

Live entertainment - An activity performed in person by one (1) or more individuals for the purpose to amuse or interest an audience including, but not limited to bands and disc jockeys.

Market - a place where buyers and sellers can meet to facilitate the exchange or transaction of goods and services.

Microdistillery - a place or establishment where strong alcoholic drinks are produced by the process of distilling in small quantities usually done in a single batch.

Professional office uses: Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired does not include medical or clinics.

Spa – a business that offers at least two out of three types of treatments: massage, skin care or other services like body wraps and scrubs.

30.902 - Intent.

The intent of the redevelopment district is to promote development and redevelopment consistent with the master plan for the 105th Avenue Redevelopment Area by encouraging residential uses in conjunction with commercial and expanded recreational activities to create an entertainment district. To create greater flexibility in land uses, and at the same time protect the interest of surrounding properties in the following ways:

- a) By promoting a planned environment for integrated commercial uses which feature design continuity. A development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping and lighting.
- b) By encouraging a more creative approach in development, that will result in quality living environments through innovative design and aesthetic controls.
- c) By providing for mixed-use development(s) that are carefully planned to promote efficient use of land, parking, and open space.
- d) By providing enhanced oversight through site plan approvals to ensure compatibility of mixed uses and consistency with the approved master plan.
- e) By encouraging pedestrian access.
- f) By allowing flexibility in setback and height restrictions.
- g) By ensuring high standards of site design, architectural design, building materials and landscape design are achieved through design guidelines and approvals.
- h) By providing the means for greater creativity and flexibility in environmental design than is provided under the strict application of the Blaine Zoning Ordinance and Subdivision Ordinance, while, at the same time, preserving the health, safety, order, convenience, prosperity, and general welfare of the City of Blaine.

30.903 - Development Procedure.

- a) All new buildings and additions require site plan approval through the Planning Commission and City Council.
- b) A development agreement is required as part of the development approval and shall address, at a minimum, approved site and building design criteria, approved sign locations and design criteria, construction phasing, parking, cash escrow and/or letter of credit for construction of on-site and off-site improvements generated by the development.
- c) All buildings are subject to and must meet the design guidelines for the district.
- d) The district shall be governed by and maintained through an owner's association which will provide maintenance on sidewalks, private streets, landscaping, snow removal, trash removal and parking for the district.

30.904 - Permitted Uses.

- a) Art galleries and studios.
- b) Bakery.
- c) Candy or ice cream shops.
- d) Coffee shop.
- e) Delicatessen stores.
- f) Entertainment -Such as live music
- g) General Retail.

- h) Market under 5,000 square feet.
- i) Multi-family Residential
 - (1) Multi-level multiple unit (apartments).
 - (2) Townhomes.
- j) Professional office not including medical or clinics.
- k) Restaurants
 - (1) Class I.
 - (2) Class II under 3,000 square feet without drive-thru.

30.905 - Conditional Uses.

All land uses listed below shall be reviewed and approved pursuant to the Conditional Use Permit procedures in Section 27.04 of the zoning code.

- a) Brewer tap room as associated with and on the same site as a licensed brewery.
- b) Buildings over 50 feet in height.
- c) Farmers market.
- d) Hotel with or without banquet/convention space.
- e) Indoor/outdoor recreation –Such as driving range, sports field, axe throwing, bowling, not including fitness uses.
- f) Licensed cocktail room with and on the same site as a licensed distillery/micro distillery or winery.
- g) More than one principal building on one lot.
- h) Outdoor seating/dining.
- i) Rooftop signage
- j) Shared or off-site parking.
- k) Spa as defined in this ordinance.
- l) Structured parking including parking ramps.
- m) Taproom.

(Ord. No. 22-2514, amended 12-19-22)

30.906 - Prohibited Use.

- a) Auto Sales -indoor or outdoor sales.
- b) Automobile Repair.
- c) Car Washes.
- d) Daycare.
- e) Drive-thru facilities.
- f) Fitness centers including yoga and gyms.
- g) Gas/convenience stores.
- h) Outdoor storage.
- i) Pawn shops.
- j) Self-storage/mini storage.
- k) Tobacco/vape shop.
- l) Any uses not listed as permitted, or conditional.

30.907 - Residential Standards

- a) *Setbacks* -a consistent street edge must be maintained at the right-of-way line along all street frontages. Street edge elements may consist of the principal building, landscaping, or a

combination of these elements. Exceptions may include: property is adjacent to a water feature, surface parking or other instances the City Council deems appropriate.

- b) *Building Height* - Minimum of 2 stories. There shall be no height limitations, provided all buildings are in compliance with Federal Aviation Administration regulations. Any building over 50 feet requires a Conditional Use Permit, with a maximum height of 150 feet.
- c) *Sidewalks* – required along all public and private streets. The location and alignment of new sidewalks shall connect directly to existing sidewalk network.
- d) *Mechanical equipment* – All mechanical equipment shall be screened and properly maintained with material similar to the material used on the main structure. Screened mechanical equipment shall not be located in the front or street side yards.
- e) *Trash Enclosure* - Refuse facilities shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

30.908 - Residential Parking.

- a) Minimum spaces required: 1.5 spaces per unit for multi-unit building minimum of one underground. Townhouse 2 garage spaces per unit.
- b) Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement. Parking will be reviewed as part of the site plan a parking analysis is required as part of the review.
 - (1) Surface Parking
 - (aa) Parking lots shall be located to the rear of the buildings, or side yards if a rear location is not feasible.
 - (bb) When parking areas abut the street, the sidewalk edge must be delineated with landscaping, architectural fencing (meeting design guidelines) or other decorative features

30.909 - Architectural Control Residential.

At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation. All buildings must meet and be consistent with design guidelines.

- a) Brick.
- b) Natural or cultured stone.
- c) Glass.
- d) Stucco or EIFS
- e) Cementous siding.
- f) Architectural metal.
- g) Integrally colored rock faced block.
- h) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels, or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- i) Building articulation elements shall be provided at a maximum average spacing of 40 feet.
- j) Flat roof lines are encouraged.
- k) Façade articulation shall be provided through any of the following elements:

- (1) A projecting bay, entry vestibule, or recess extending from the ground level through the second floor.
- (2) A ground-level recess.
- (3) A change in the rhythm of windows at the ground level and second floor, combined with a change of parapet height or material.
- l) All buildings shall provide ground floor windows along facades, parks, plazas or other public outdoor spaces. Darkly tinted windows or windows that block two-way visibility are prohibited.

(1) Awnings

- a) An awning may project over the public sidewalk provided that it is at least 8 feet above grade and does not project more than 2/3 the width of the public sidewalk as measured from the building.
- b) Awnings must be constructed of durable, water repellent material such as canvas or metal. Plastic or fiberglass are not permitted.
- c) Backlit or illuminated awnings are not permitted.
- d) Retractable or fixed awnings may be used.
- e) Awnings shall not extend across multiple buildings. Long expanses of awnings should be broken into segments that reflect the door or window openings located beneath.
- f) Awning colors and materials shall complement the building façade.
- g) Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available as approved by the Zoning Administrator.
- h) Awnings and canopies deteriorate over time; regular maintenance and replacement is required. If material shows signs of wear, including but not limited to fraying, fading, or physical damage to the awning.
- i) Awnings should be part of the site plan review and receive approval. Any encroachments over public right-of-way shall be approved by the City Council prior to construction.

30.910 - Commercial Standards.

- a) **Setbacks** - a consistent street edge must be maintained at the right-of-way line along all street frontages. Street edge elements may consist of the principal building, landscaping, outdoor seating, or a combination of these elements. Exceptions may include: property is adjacent to a water feature, surface parking or other instances the City Council deems appropriate.
- b) **Building Height** - All buildings shall be in compliance with Federal Aviation Administration regulations. Any building over 50 feet, with a maximum height of 150 feet, requires a Conditional Use Permit.
- c) **Sidewalks** - required along all public and private streets. The location and alignment of new sidewalks shall connect directly to existing sidewalk network.
- d) **Mechanical Equipment** - All mechanical equipment shall be screened and properly maintained with material similar to the material used on the main structure. Screened mechanical equipment shall not be located in the front or street side yards.
- e) **Trash Enclosure** - Refuse facilities shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- f) **Outdoor Display** - Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet

of area for buildings under 40,000 square feet and not to exceed 400 square feet for buildings larger than 40,000 square feet. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.

- (1) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than fifty (50) inches.
- (2) Outside display shall not exceed a height of sixty (60) inches.
- (3) Vending machines or cabinets for items such as beverages, ice and propane are not permitted.
- (4) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six (36) inches is the minimum width required to maintain pedestrian access.
- (5) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.
- (6) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.
- (7) Products shall be able to be sold from the display.

30.911 - Commercial Parking.

Parking – Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement. Parking will be reviewed as part of the site plan a parking analysis is required as part of the review. On street parking, parking structure, and shared parking are encouraged.

a) Surface Parking

- (1) Parking lots when feasible should be located to the rear of the buildings, or side yard.
- (2) When parking areas abut the street, the sidewalk edge must be delineated with landscaping, architectural fencing (meeting design guidelines) or other decorative features.

b) Parking Structure

- (1) Parking structures shall be appropriately located and behind the rear of the building when practical.
- (2) Parking structures abutting any public street or walkway shall be compatible with the materials and architectural style of surrounding buildings.
- (3) Parking structures shall be designed so that vehicles are not visible from the sidewalk and the only opening at the street level are those to accommodate vehicle ingress and egress
- (4) Snow storage areas shall not be located in the front or side yard abutting a street. If storage is not accommodated onsite it should be hauled out.

c) Shared Parking

- (1) A conditional use permit may be granted for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately.
- (2) Conditions required for shared parking

- (aa) The building or use for which application is being made to utilize off-street parking facilities provided by another building or use shall be located within 800 feet of such parking facilities.
 - (bb) The application shall demonstrate there is no substantial conflict in using shared facilities through a professional parking analysis.
 - (cc) Shared parking facilities shall record with the County an irrevocable covenant running with the land. A certified copy of the recorded agreement shall be provided to the Zoning Administrator prior to issuance of a building permit.
- d) Off-Site Parking - Any off-site parking which is used to meet the requirements below shall be a conditional use
 - (1) Reasonable access from the off-site parking facilities to the use being served shall be provided.
 - (2) An agreement or lease shall be approved as part of the conditional use permit. The agreement/lease shall specify the total number and location of parking spaces under contract.
- e) The off-street parking requirements shall be established by the Zoning Administrator based upon the characteristics and functional similarities between uses including, but not limited to: the size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. For structures containing multiple uses, each shall be calculated separately. The requirements may be revised upward or downward by the City Council as part of an application for a Conditional Use Permit based on verifiable information pertaining to parking.
 - (1) Approved parking spaces must be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.
- f) Parking Analysis Requirements - A parking analysis is required when a new building is proposed on a site, for tenant improvements or when a more intense use is proposed in an existing building. The parking analysis is to be prepared by a professional who has knowledge and experience with parking needs and assessments. The analysis should consist of the following information:
 - (1) A site plan of the property identifying where the proposed project is located, showing all existing uses/tenant spaces and all existing parking space locations.
 - (2) Parking analysis matrix that includes (1) names of all existing/proposed uses with tenant address; (2) each tenants total building square footage existing and proposed (3) lists dining and seating counts for restaurant, bar, brewery, cocktail room and coffee shop uses; and (4) lists an accurate total number of all existing parking spaces on-site.
 - (3) Proposed parking layout and number of stalls for the development.
 - (4) Floor plan layouts may be required to determine relevant seating areas and other-relevant square-footage areas.
 - (5) Parking adequacy should be determined prior to making major financial and legal commitments related to the property. In some cases, insufficient on-site parking may prevent the proposed project/use from being permitted

30.912- Outdoor Seating and Service of Food and Beverages.

- a) The use shall not be located in the interior or rear yard if the use is adjacent to a parcel that is occupied by a residential use. This will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential use or if a residential use is located above the principal use.

- b) Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or 10% of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or 10% of the gross building area, whichever is less.

30.913 - Architectural Control Commercial.

At least seventy five percent (75%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation. All buildings must meet and be consistent with design guidelines.

- a) Brick.
 - b) Natural or cultured stone.
 - c) Glass.
 - d) Stucco
 - e) Cementous siding.
 - f) Architectural metal.
 - g) Integrally colored rock faced block.
 - h) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
 - i) All buildings to incorporate four-sided design.
 - j) Franchises or national chains with standardized architecture and signage shall comply with the standards contained in this section. Aggressive and bright signage must be altered and scaled down to meet the intentions of these standards.
 - k) Building articulation elements shall be provided at a maximum average spacing of 40 feet.
 - l) Façade articulation shall be provided through any of the following elements:
 - (1) A projecting bay, entry vestibule, or recess extending from the ground level through the second floor.
 - (2) A ground-level recess.
 - (3) A change in the rhythm of windows at the ground level and second floor, combined with a change of parapet height or material.
 - m) All buildings shall have at least one customer entrance facing an abutting public or private street, rather than just the parking area. A building may have more than one entrance. Customer entrances shall be open to the public during business hours.
 - n) Main building entrances shall be architecturally emphasized and visible from the street by utilizing design features such as awnings, pillars, special building materials or architectural details.
 - o) All buildings shall provide ground floor windows along facades, parks, plazas or other public outdoor spaces. Darkly tinted windows or windows that block two-way visibility are prohibited.
- (1) Awnings
- a) An awning may project over the public sidewalk provided that it is at least 8 feet above grade and does not project more then 2/3 the width of the public sidewalk as measured from the building.
 - b) Awnings must be constructed of durable, water repellent material such as canvas or metal. Plastic or fiberglass are not permitted.
 - c) Backlit or illuminating awnings are not permitted.
 - d) Retractable or fixed awnings may be used.

- e) Awnings shall not extend across multiple storefronts and/or multiple buildings. Long expanses of awnings should be broken into segments that reflect the door or window openings located beneath.
- f) Awning colors and materials shall complement the building façade.
- g) Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available as approved by the Zoning Administrator.
- h) Awnings and canopies deteriorate over time; regular maintenance and replacement is required if material shows signs of wear, including but not limited to fraying, fading, or physical damage to the awning.
- i) Awnings should be part of the site plan review and receive approval. Any encroachments over public right-of-way shall be approved by the City Council prior to construction.

30.914 - District Landscaping.

The use of window boxes, hanging flower baskets, or other seasonal landscaping is encouraged. Window boxes, hanging plants and planters should be near entrances.

- a) The periphery of all parking lots shall be well landscaped along the public right-of-way to maintain an edge that contains low shrubs, street trees, decorative fencing (per design guidelines) or a combination of these elements.
- b) Trees, shrubs, groundcover, and perennial plantings shall be required at the base of a parking structure. Perimeter planters may be required around the upper-level decks of the parking structure, particularly when facing a public right-of-way.
- c) Sodding and ground cover. All open areas of any site not occupied by building, parking, or storage, shall be sodded over four (4) inches of topsoil. Exceptions to this are as follows:
 - (1) Seeding over four (4) inches of topsoil of future expansion areas as shown on approved plans.
 - (2) Undisturbed areas containing existing natural vegetation which can be maintained free of foreign and noxious materials.
 - (3) Areas designated as open space for future expansion area properly planted and maintained with grass.
- d) Slopes and berms:
 - (1) Final slope grade steeper than the ratio of 3:1 will not be permitted without special approval or treatment, such as terracing or retaining walls.
 - (2) Berming used to provide required screening of parking lots and other open areas shall not have a slope to exceed 3:1.
- e) Use of Landscaping for Screening:
 - (1) Where natural materials, such as trees are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve opaqueness year-round.
 - (2) Landscaping may be permitted in utility and drainage easements or road right-of-way with the approval of the Zoning Administrator.

30.915 - District Lighting.

Any lighting used to illuminate off-street parking and driving areas, signs, or structures shall, consist of downcast style fixtures with a concealed or shielded light source to prevent glare or spill to adjacent right-of-way or properties.

- a) Pole-mounted lighting shall not have pole heights exceeding 20 feet.

- b) No light or combination of lights, including illuminated signs, that cast light upon a public street shall exceed one (1) foot-candle meter reading as measured at the edge of roadway. No light or combination of lights that cast light upon a residentially zoned property shall exceed .4 foot-candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway. The City may limit the hours of operation of outdoor lighting if it is deemed necessary by the City to reduce impacts on the surrounding neighborhood.
- c) Light fixtures shall be consistent with design guidelines.

30.916 - District Signage.

The following sign standards apply only to this district if not regulated in this section, Chapter 34 of the City Code shall apply. All signage must meet and be consistent with design guidelines.

In addition to the signs allowed without a permit pursuant to Chapter 34, two signs are allowed per business. The two allowed signs must be one wall sign and either a three-dimensional sign, projecting sign or awning sign.

- a) All signs shall adhere to the following design standards:
 - (1) Use simple sign shapes to complement the architecture of the building.
 - (2) Signs shall not obscure architectural features of buildings, including window or door openings.
 - (3) Sign shall be used to display the primary name of the business only.
 - (4) Use only one line of lettering, if possible.
 - (5) Only one sign containing the business name or graphic logo shall be permitted per street facing side. Projecting signs are allowed in addition to the one sign allowed facing the street. Use simple, bold lettering with sufficient contrast between the lettering and the background.
- b) *Sign Lighting*
 - (1) Indirect incandescent lighting shall be permitted.
 - (2) Place spotlights discreetly to shield from pedestrians and vehicular traffic.
 - (3) Neon signage may be used if approved as part of the overall sign plan.
 - (4) Wall signs. Wall signs shall meet the following requirements:
 - (5) The total building signage may have an aggregate area not exceeding one square foot for each foot of building face parallel or substantially parallel to a street lot line with a maximum of 150 square feet.
 - (6) It must not project more than 12 inches from the wall to which the sign is affixed.
 - (7) Where a principal building is devoted to two or more permitted uses, the operator of each use may install a wall sign for its use consistent with a building sign plan approved by the City. The total gross signage for the entire building may not exceed one square foot for each foot of the building face parallel, or substantially parallel, to a street lot line with a maximum of 25 square feet per business.
- c) *Multi-Tenant Wall Signs*
 - (1) Design the sign plan to emphasize the whole width and geometry of the building and individual storefronts and tenant spaces.
 - (2) Placement of individual tenant signs shall be coordinated to achieve a unified signage appearance in sign heights, widths, depths, coloring and lettering sizing.

- (3) Signs shall use a common lettering style and color scheme.
- (4) A sign shall not span across different buildings.
- d) *Monument Signs*
 - (1) The area of a monument sign may not exceed 15 square feet.
 - (2) A monument sign may be located in a required yard but must be pedestrian in scale and does not block architecture features, including window and door openings.
 - (3) A monument sign may not project higher than five feet, as measured from the base of the sign or grade of the nearest roadway, whichever height is less.
 - (4) Signs shall use a common lettering style and color scheme.
- e) *Awning Signs*
 - (1) Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available as approved by the Zoning Administrator.
 - (2) The gross surface area of an awning or canopy sign may not exceed 50 percent of the gross surface area of the smallest face of the awning or canopy to which the sign is affixed.
- f) *Projecting Signs*
 - (1) The total area of a projecting sign may not exceed six square feet.
 - (2) It must be easily visible from the sidewalk and not be a hazard to pedestrians.
 - (3) The bottom of the sign and bracket must be at least eight feet above sidewalk grade.
 - (4) Projecting signs shall generally be oriented to visibility by pedestrians and small in size so that they do not obscure other signs.
 - (5) No part of any sign shall be placed higher than the height of the sills of the second story windows of a multi-story building.
 - (6) The mounting bracket for a projecting sign shall be a black metal material and designed as a decorative element of the sign that is complementary of the building's architectural style.
- g) *Roof signs*
 - (1) One roof sign shall be permitted for each building, but no roof sign shall be permitted for a building exceeding 80 feet in height. Individual letter signs only and shall be six feet or less in height and shall not exceed 100 square feet.
 - (2) The roof signage can be in combination with wall signage but both signs shall not exceed the overall sign square footage allotment for the building. A conditional use permit is required.
- h) *Sandwich Board Signage*
 - (1) Definition. "Sandwich board signs" are freestanding signs that advertise items or specials that are available from the business and which have no more than twenty percent of the total area for such a sign utilized for business identification.
 - (2) Display Standards.
 - (aa) Sign size and types of signs. Signs may not exceed a width of two feet and a height of three feet. The signs shall be either an A-Frame style or poster style sign that is attached to a frame and a base.

- (bb) Sign placement. Sandwich board sidewalk signs shall be placed only within the boundaries of the applicable business - street frontage. The sign may be placed on the edge of the sidewalk that is furthest from the street and closest to the business. The sign cannot be placed on property that is adjacent to the street side of the sidewalk. Further, the sandwich board sign shall be positioned so that it will not:
 - (cc) Reduce the sidewalk clearance below a width of thirty-six inches;
 - (dd) Impede any line of sight for motorists at vehicular public right-of-way intersections, as determined by the City Engineer; or
 - (ee) Interfere with persons entering or exiting parked cars.
 - (ff) Sandwich board signs may not be displayed from vehicles parked in front of or adjacent to the businesses, whether on public or private property.
 - (gg) Stabilization. The sign shall be stabilized so as to withstand wind gusts or shall be removed during windy conditions.
 - (hh) Sign elements. Signs shall be designed to incorporate the colors and other architectural features of the building in front of which they are to be placed. (A white sign background and/or white framing is acceptable in any situation.) Signs made of plywood, pressboard, or paper products shall not be permitted; signs made of polyethylene, metal, burnished wood, or other materials having a natural appearance shall be permitted. Finishes shall be of high quality and durable.
 - (ii) Display time and removal. Sandwich board signs may be displayed from the time that the business opens until the time that the business closes. The sandwich board sign shall be removed at the close of each business day.
 - (jj) Advertising. Advertising on both sides is permitted.
 - (kk) Illumination. The sandwich board sign shall not be illuminated.
 - (ll) Attachments. Nothing shall be attached to the sandwich board sign and shall have nothing attached to it such as balloons or streamers.
- (3) No Signs in the Public Right-of-way. A sandwich board sign shall not be placed in the public right-of-way.

i) *Prohibited Signage*

- (1) Signs that, by reason of position, shape or color, would interfere with the proper function of a traffic sign or signal.
- (2) Signs within a public right-of-way , except for signs installed by governmental subdivisions.
- (3) Signs within an easement, except for signs installed by governmental subdivisions or approved by the holder of the easement.
- (4) Signs that resemble any official marker erected by a governmental agency or that displays such words as "Stop" or "Danger", which are not erected by legal authority.
- (5) Flashing signs, including indoor signs, which are visible from the public streets.
- (6) With the exception of search lights, which may be approved in conjunction with an administrative permit as provided in Section 34.13 of this ordinance, no rotating beam, beacon of flashing illumination shall be used in conjunction with any display.
- (7) Sign or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure.
- (8) Banners, balloons, and stringers, unless approved in conjunction with an administrative permit, as provided in Section 34.13 of City Code.

- (9) Sign posters, that are tacked or posted on trees, fences, utility posts, or other such supports.
- (10) Portable signs with the exception of sandwich boards.
- (11) Billboards
- (12) All other signs not expressly permitted by this ordinance.
- (13) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- (14) Signs which have become rotted, unsafe or unsightly.
- (15) Signs for citywide community events, sponsored by government or non-profit organizations unless approved in conjunction with an administrative permit, as provided in Section 34.13 of city code.
- j) Other signage may be considered if meeting the design guidelines and are approved as part of the site plan.

(Ord. No. 22-2506, 7/18/22)

SECTION 300.31. PLANNED I-394 DISTRICT.

1. Purpose.

The purpose of the planned I-394 district is to establish a comprehensive, planned framework for development within the I-394 corridor. The city has determined that it is in the best interest of the city and the region to responsibly manage corridor growth. Specific development goals within the I-394 corridor include the following:

- a) limitation of development to ensure reasonable traffic operations because population and employment distribution and traffic generation resulting from existing and future corridor development has the potential to overload the capacity of regional and local road systems. Development will be limited to ensure reasonable traffic operations on corridor road systems including I-394 interchanges;
- b) encouragement of a high quality development standard for structures within the corridor because properties fronting I-394 are among the most visible in the city. It is in the best interest of the city and individual properties within the corridor to encourage a high-quality development standard for structures within the corridor;
- c) protection of the natural environment, including areas of steep slopes, mature trees, floodplain/wetlands, open space and drainage;
- d) promotion of neighborhood stability and protection of property values through the use of buffers between land uses of different intensity;
- e) promotion of flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development. Also, flexibility in locating specific land uses will allow development options which do not overburden the capacity of the planned road system;
- f) more efficient and effective use of land, open space and public facilities through mixes of land use and assembly and development of land in larger parcels;
- g) provision of alternative housing types in a range of affordability;
- h) energy conservation through the use of more efficient building designs and sitings, and the clustering of buildings and land uses; and
- i) development which is consistent with the comprehensive guide plan (1981), as amended by the I-394 corridor study (1987).

2. Definitions.

For the purpose of this section and section 300.32, I-394 redevelopment overlay districts, definitions contained in section 300.02 and the following shall apply.

a) All references to types of parcels or areas by use, such as “residential areas” means the type and intensity of use as designated on the comprehensive guide plan. These references do not mean the existing use or zoned use of the property.

b) “Gross floor area” - for trip generation calculation purposes means the sum of the area at all floor levels of a building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior walls is left unenclosed, the gross area of the unenclosed portion is to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, are to be excluded from the area calculations.

For purposes of trip generation calculation, the gross area of any parking garages within the building shall not be included within the gross area of the entire building.

c) “Gross leasable area” - for trip generation calculation purposes means the total building floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

d) “p.m. peak hour trips” - means the total number of inbound and outbound motor vehicle trips generated during a continuous 60 minute period of the highest volume of traffic between 4:00 and 6:00 p.m.

e) “Substantial compliance” - means that the limits shall be an absolute maximum, except that a greater number of trips or larger building square footage will be allowed if the adverse impact on the road system caused by the particular use would be less than expected as determined by a traffic impact study approved by the city. A lower adverse impact could result from a category of use which generates more favorable turning movements than assumed in the traffic projections or from a lower actual p.m. peak rate.

f) “Comprehensive plan” or “comprehensive guide plan” or “guide plan” - means the comprehensive guide plan (1981) as amended by the I-394 corridor study (1987) and other amendments.

3. Master Development Plan Required.

a) A master development plan which complies with the standards of this section and which has been approved by the city shall be required for all property in the planned I-394 district for which development is proposed. Property which is the subject of a master development plan shall be under unified ownership or control and be made subject to such

legal restrictions or covenants as may be necessary to ensure compliance with the approved master development plan and final site and building plans.

b) Exceptions for existing developments: for developments existing on the effective date of this section, no master development plan is required until any development is proposed which needs a variance from the provisions of this section, a conditional use permit as specified in subdivision 4(b), or which is an expansion exceeding 10 percent of gross floor area, 10 percent of site area or 10 percent of I-394 right-of-way frontage.

4. Uses.

a) Permitted uses:

1) Within the planned I-394 district, permitted uses shall be only those uses at the permitted densities and intensities specified for each property in the comprehensive guide plan. Uses which may be available depending upon the specific guide plan map designations include the following:

- a. office: office used for administrative, executive, professional and like activity;
- b. service commercial: business uses primarily engaged in commercial activities other than the sale of goods or merchandise;
- c. retail commercial: uses which primarily involve the sale of goods or merchandise to the general public for personal or household consumption. Office and service commercial uses as noted above are also permitted;
- d. mid-density residential: residential development at densities ranging from 4 to 12 units per acre; and
- e. high-density residential: residential development at densities exceeding 12 units per acre.

2) A use which is generally referenced as a conditionally permitted use but which does not meet the definition or criteria for the conditionally permitted use is not a permitted use. For example, any restaurant which does not meet the requirements for the various categories of restaurants under conditionally permitted uses is not permitted.

3) Exterior display, sales or storage: within the planned I-394 district, exterior display, sales or storage of merchandise, consumer goods or business related items is not permitted. Exceptions to this requirement are limited to the following:

- a. development existing on May 18, 1988: properties which contain exterior display, sales or storage of merchandise, consumer goods or business related items may continue this activity. Except as provided below in section 300.31, subd. 4(a)(3)(b) and (c), the entire property is subject to all applicable performance requirements of this ordinance when site changes, exterior improvements or expansions to the property are proposed;

b. expansion of development existing on May 18, 1988: properties which contain exterior display, sales or storage of merchandise, consumer goods or business related items may expand the exterior display, sales or storage in existence on May 18, 1988 by no more than 20 percent of the entire property area. In no case, however, can the expansion extend along I-394 by more than an additional 10 percent of the property's I-394 right-of-way frontage existing on the effective date of this section. This 10 percent limitation is measured as follows:

1. the existing display area means any display in the area between the property line generally parallel to I-394 and the front faces of the principal structure, with the front face of the structure at each side extended to the side property lines;

2. the length of the front property line (generally parallel to I-394) of the property is multiplied by 10 percent; and

3. the limits of the existing display area may be extended in one or both directions parallel with I-394 no greater than a total of the number of feet determined in subparagraph 2.

Variances to permit expansion of exterior display, sales or storage greater than 10 percent of the property frontage will be considered, but not necessarily granted, only upon evidence that appropriate screening such as landscaping, berming, structure location, or other amenities not otherwise required by this ordinance compensates for the visual impact of the additional expansion.

This expansion may extend to adjacent property not being used for that use on the effective date of this section. Property area shall include all contiguous property under common ownership which is being used for one principal use, including exterior display, sales or storage, on the effective date of this section, regardless of political boundaries, but shall not include area within wetlands or floodplain districts. Expansion will be approved only upon the entire development being subject to compliance with all applicable landscape, lighting, noise, buffering and setback requirements of this ordinance.

c. exterior display, sales, or storage of motor vehicles on property within the I-394 redevelopment overlay districts No. 6 and No. 7: properties may be developed consistent with a conditional use permit issued pursuant to section 300.31, Subd. 4(b)(2)(i).

- 4) Also permitted in the planned I-394 district are cabinets no larger than 150 cubic feet that hold utility equipment and for which a landscape plan has been approved by the city planner; overhead utility poles and lines for a distribution line up to a maximum height of 60 feet as measured from the ground upon which it is located, except that utility poles and lines for a distribution line may be taller than 60 feet, but not taller than 80 feet, when needed to cross a major roadway such as a freeway.

- 5) Solar energy systems are permitted as an accessory use within the I-394 district.

b) Conditionally permitted uses:

1) Notwithstanding the above, the city may issue a conditional use permit to allow a maximum of 25 percent of the gross floor area of all buildings within one development to be used for land uses not designated by the comprehensive guide plan. Review standards for this conditional use permit shall include the following:

- a. shall be in compliance with standards applicable to similar uses as specified in paragraph (2) below;
- b. shall be permitted only when it is demonstrated that the use will meet traffic requirements contained in subdivision 6 and that the use will not significantly lower the level of service as defined by the institute of traffic engineers on the roadway system;
- c. shall be permitted only as part of a unified development project;
- d. shall be permitted only upon a determination by the city that the use is compatible with a unified development project and is consistent with the policies specified in the comprehensive plan; and
- e. shall be further limited in size if needed to ensure compliance with the intent of this ordinance and the comprehensive plan.

2) Because of impacts associated with certain specific uses, the city has determined that a conditional use permit is required for the following uses. A permit will be issued only if the city finds that the standards specified below for each use are met, that the use is in the best interest of the city, that the use is compatible with other nearby uses, and that the use is consistent with other requirements of this ordinance.

a. Business service uses normally associated with office developments on properties designated for office use and containing limited retail activity:

- 1. shall not result in any exterior building modifications, including truck docks, separate entrances, freestanding signs or overnight truck parking; and
- 2. shall not exceed more than 25 percent of the gross floor area of the building(s) in which it is located.

b. Storage, assembly or servicing incidental to the principal use on properties designated for office, retail, or service commercial uses:

- 1. shall not have outside storage of materials or trucks;
- 2. shall not require any exterior modifications to the structure; and
- 3. shall not occupy more than 25 percent of the building.

c. Minor manufacturing or assembly incidental to the principal use on property designated for office, retail or service commercial uses:

- 1. shall not have outside storage of materials or trucks;

2. shall not have truck deliveries unless it is demonstrated by the applicant that the deliveries will not cause adverse impacts to the site or adjoining residential areas; and

3. shall not exceed 25 percent of the gross floor area of the building in which it is located.

d. Hospitals and medical clinics on property designated for office, retail or service commercial uses:

1. shall not be adjacent to low density residential areas;

2. shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

3. shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

4. may be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

e. Heliports on property designated for office use:

1. shall conform to all applicable federal aviation administration and Minnesota department of transportation regulations;

2. shall establish and utilize approach and departure routes over non-residential areas to the maximum extent possible;

3. shall have hours of operation limited to 7:00 a.m. to 9:00 p.m., inclusive, excluding emergencies;

4. shall not be located within 500 feet of residential areas;

5. shall be provided with a dust free landing pad; and

6. shall be fenced or otherwise secured to prevent unauthorized access.

f. Hotels and motels including accessory uses within the building such as restaurants, convention facilities and limited retail areas on property designated for service commercial use:

1. shall not be located adjacent to residential parcels unless the following criteria are met:

a) parking and loading facilities are screened from residential views; and

b) lighting and sign plans are unobtrusive to residential uses.

2. shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the institute of traffic engineers on the roadway system; and

3. are required to submit a detailed parking demand analysis. Additional parking may be required based on this analysis.

g. Licensed day care facilities on property designated for office, retail or service commercial use:

1. shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

2. shall have outdoor play areas located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

3. shall have one parking space for each six children based on the licensed capacity of the center; and

4. shall obtain all applicable state, county and city licenses.

h. Public buildings or facilities, and cabinets larger than 150 cubic feet that hold utility equipment, on property designated for any use:

1. are subject to site and building plan review pursuant to section 300.27 of this ordinance.

i. service stations and other automobile related uses having service bays on property designated for retail use:

1. must have no unlicensed and inoperable vehicles stored on premises except in storage areas where the contents are completely screened from the view from nearby properties;

2. must conduct all repair, assembly, disassembly and maintenance of vehicles within closed buildings except minor maintenance, such as inflating tires, adding oil and replacing wipers;

3. must have no public address system audible from any residential parcel;

4. must provide stacking for gas pumps for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way, private access easement or within the required parking setback;

5. must have no sales, storage or display of motor vehicles, unless the following criteria are met:

a) the parcel is located within the I-394 redevelopment overlay district No. 6 or No. 7;

b) all inventory and display vehicles located outside of a building or structure, must be at finish grade level. No jack stands, risers, or other mechanisms may be used to elevate any vehicle for display purpose;

c) class II motor vehicle sales (used car sales) are allowed only as an accessory part of the new car sales;

d) the sale of vehicles may occur during the times and days allowed by state law;

e) vehicles must not be displayed in any yard area, drive aisle, or fire lane;

f) the overall hardsurface coverages must not exceed 70% and floor area ratios must not exceed 0.6 except that the hardsurface coverage may extend to 80% with innovative stormwater management methods and treatment measures subject to approval by the city engineer;

g) the architectural and site standards must comply with section 300.31(7)(a);

h) the landscaping must comply with Section 300.31(7)(b) and must contain a wall, berm or other feature that is constructed for long term durability when adjacent to residentially zoned property to minimize to the greatest extent reasonably possible, noise and visual impacts;

i) parking lot and site security lighting must comply with section 300.31(7)(c) and in addition, the following requirements:

1) Maximum of 450 watts per fixture.

2) Maximum height of light standards is 30 feet in outdoor display areas as defined in 300.31 Subd. (4)(a)(3)(b) and 25 feet in all other outdoor areas.

3) Maximum of 1 watt per square foot surface parking area.

4) The lighting plan shall be designed to have 0.0 foot-candles at residential property lines with the understanding that ambient light from other sources may spill on the property and influence actual on site measurements.

j) Parking requirements must comply with one of the following:

1) fifty percent of the total on-site parking spaces must be in a structured parking ramp, or

2) if the city deems appropriate, surface parking without a ramp under the following conditions:

(a) total on-site parking must not exceed one parking space for every 200 square feet of building area, and

(b) submittal of a plan that adequately screens 50% of the total parking spaces from public view.

k) vehicles parked within a parking structure must be screened from view from surrounding residential uses;

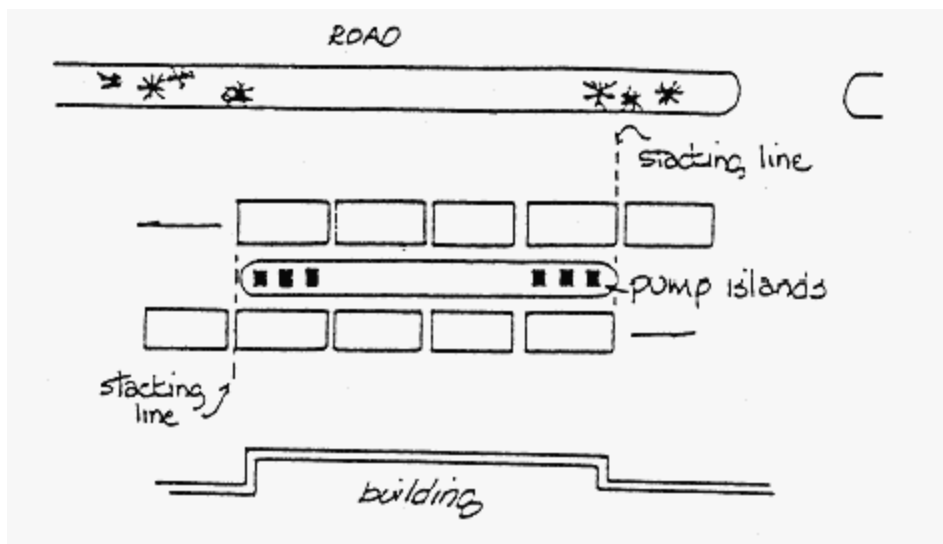
l) the customer parking spaces must be clearly signed and may not be used at any time for inventory vehicle parking;

- m) all pickups and drop offs of vehicles must occur on site and off public streets;
- n) all loading and unloading of vehicles must occur on site and off public streets;
- o) customer testing of vehicles may occur only on non-residential streets and only with a store employee;
- p) no loudspeaker paging system may be used;
- q) all rooftop equipment must be fully screened from ground level view of adjacent properties;
- r) all signs must be consistent with this code;
- s) poured-in-place concrete curbs must be constructed and maintained on the perimeter of parking lots and traffic islands; and
- t) all trash and recyclable materials must be screened from public view.

6. must not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:

- a) landscaping and berming to shield the auto service use;
- b) parking lots not located in proximity to residential uses; and
- c) lighting plans which are unobtrusive to surrounding residential uses;
- j. Retail facilities having gasoline pumps on property designated for retail use:
 1. shall have no vehicles which are unlicensed and inoperable stored on premises;
 2. shall conduct no repair, assembly or disassembly of vehicles;
 3. shall not locate gasoline pumps, stacking lanes or access pumps adjacent to low density residential properties unless separated from the low density property by the principal structure or from mid or high density residential parcels by screening sufficient to block the view of those items from those parcels;
 4. shall have no public address system audible from any residential parcel;
 5. shall provide stacking for gas pumps at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way, private access easement or within the required parking setback; (Figure 31-1)

Figure 31-1



6. shall have no sales, storage or display of automobiles; and
 7. shall be screened from adjacent residential areas.
- k. Uses having a drive-up window or similar facility on property designated for office, service commercial or retail use:
1. must not have drive-up windows and stacking areas located adjacent to any residential parcel;
 2. must be provided with a suitable visual screen from adjacent properties;
 3. must provide stacking areas with a minimum of six cars per aisle on the property in areas not within applicable setback requirements; and
 4. must not have public address system audible from any residential parcel.; and
 5. the drive-up window or similar facility must be subordinate to and associated with a permitted or conditionally- permitted use located within a building on the site.
- l. Theaters on property designated for service commercial or retail use:
1. theaters located within shopping centers or otherwise utilizing joint parking arrangement shall submit an analysis of parking demand versus availability for review and approval by the city. Additional parking may be required based on this analysis if available parking does not meeting the expected demand;
 2. theaters located within existing structures may be required to install appropriate building modifications to provide adequate pedestrian and vehicle access; and
 3. interior and free standing theaters shall only be permitted when it can be demonstrated that vehicular ingress and egress may be accomplished without inducing undue traffic problems on area roadways.

m. Restaurants and cafeterias on property designated for office, retail or service commercial use incorporated within a portion of a principal structure and oriented predominantly towards serving the needs of employees of the surrounding area but excluding drive-up and exterior walk-up facilities:

1. shall be permitted only wall mounted signs, subject to the limitations of section 325 of this code;

2. shall not exceed 15 percent of the gross floor area of the building in which it is located;

3. shall have parking and vehicular circulation in compliance with the requirements of section 300.28 of this code and which items must be adequate to accommodate the restaurant; and

4. shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of traffic engineers on the roadway system.

n. Freestanding restaurants on property designated for retail or service commercial use:

1. shall have minimum seating capacity of 150;

2. shall be part of an overall master development plan consisting of more than one structure;

3. shall be architecturally consistent and compatible with other structures in the master development plan;

4. shall have parking in compliance with the requirements of section 300.28 of this code;

5. shall be permitted only when it can be demonstrated that operation will not lower significantly the existing level of service as defined by the institute of traffic engineers on the roadway system;

6. shall not include a drive-up window; and

7. shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:

- a) landscaping and berming to shield the restaurant use;

- b) parking lots not located in proximity to residential uses; and

- c) lighting plans which are unobtrusive to surrounding uses.

o. Restaurants other than those included in paragraph m. and n. and fast food restaurants on property designated for retail use:

1. must be in retail multiple tenant centers only and conform to the architecture of a specific center;

2. will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

3. outdoor seating areas will be approved only subject to the following:

a) must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;

b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;

d) must be located next to an entrance to the main use;

e) must be equipped with refuse containers and periodically patrolled for litter pick-up;

f) must not have speakers or audio equipment that is audible from adjacent residential parcels; and

g) must meet building setback requirements.

4. drive-up windows and related stacking spaces will be approved only subject to the following:

a) public address systems must not be audible from any residential parcel; and

b) stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.

c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

5. restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are exempt from the requirements of this section and are considered to be a standard retail use. For tenants with accessory fast-food restaurants, the 1,200-square-foot calculation will include the total gross area of all restaurants and fast-food restaurants within the tenant space.

p. Health clubs and accessory uses within the building on property designated for service commercial use:

1. shall have any active outdoor use areas screened from residential views;

2. shall submit a detailed parking demand analysis. Additional parking may be required based on this analysis; and

3. shall not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the institute of traffic engineers on the roadway system.

q. Exterior display, sales or storage consistent with the provisions of section 300.31, subd. 4(a)(3):

1. all merchandise, consumer goods and business related items shall be kept in a neat and orderly fashion at locations indicated on approved plans;

2. a combination of landscaping and berming to screen views of the exterior sales, display or storage area from adjacent properties shall be provided;

3. all service or maintenance activity shall occur within the principal building;

4. all applicable provisions of section 300 shall be met;

5. public address systems shall not be audible on residential property. If continued complaints regarding audible public address systems are received, the city retains the right to require removal of the system; and

6. detailed lighting plans shall be provided which show that there will be no direct residential views of the light source. Decorative light fixtures shall be provided. Stringer type lighting is not permitted.

r. Telecommunication facilities, subject to the provisions of Section 300.34.

s. Microbreweries: the same standards as specified in section 300.21, subdivision 4(s)(1) through (3), inclusive, of this section shall apply.

c.) Interim Uses: The following uses are allowed in the PID district only pursuant to an approved interim use permit and in conformance with the standards specified in section 300.05 of this ordinance and the additional standards specified below:

1) Outdoor entertainment;

a. Must be located:

1. at least 100 feet from any residential property as measured from the closest property lines of the properties. The city may modify this distance based on physical characteristics of the commercial and residential properties, such as existing sightlines, existing or proposed physical barriers, existing natural resources, and proposed landscaping;

2. in proximity to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

3. in a controlled or cordoned area; and

4. to not interfere with pedestrian or vehicular circulation;

b. Must not use public address systems, speakers, or other audio equipment which is audible anywhere on a residential lot that is within 400 feet, and must not create noise that is unreasonably disturbing to a reasonable person of ordinary sensitivity anywhere on a residential lot that is within 400 feet. The distance will be measured from the property lines of the source and receiving properties that are closest to each other. Whether the sound is unreasonably disturbing to a reasonable person will be determined under section 850.005;

c. Must not occur between the hours of 10:00 p.m. and 7:00 a.m.;

d. Must be in compliance with applicable health, public safety, and building code regulations as imposed by the city or other pertinent agency.

2) Temporary telecommunications towers;

a. May not be located adjacent to any low or medium-density residential property;

b. Maximum tower height, excluding lightning rods, is 150 feet;

c. Accessory equipment must meet minimum setback requirements established for accessory structures; and

d. Tower, antennas, and support structures must be painted a non-contrasting color consistent with the surrounding area such as: gray, brown, or silver, or have a galvanized finish to reduced visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

3) Transient sales;

a. Must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;

b. Must not interrupt vehicular circulation on the site or obstruct parking spaces needed by a permanent business established on the site;

c. Must have written authorization from the property owner;

d. Business operator must secure all applicable licenses and approvals from the city, Hennepin county or other appropriate jurisdictions;

e. Sight visibility clearances at street intersections and access points must be provided in accordance with section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;

f. No portion of the use may take place within 100 feet of any developed property zoned for residential use;

g. Signs are subject to the following:

1. No more than four signs are allowed, which do not exceed 32 square feet in aggregate;
2. Incidental product or pricing signs must be placed directly next to the appropriate product;
3. Product advertising is permitted but must be included in the maximum allowed sign area;
4. The signs must have a professional appearance and must be securely mounted or erected in a safe location; and
5. These limitations apply to all signs associated with the use, including those affixed to vehicles;
 - h. Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;
 - i. The interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location, or items sold will render the permit invalid; and
 - j. Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit;

(Amended by Ord. No. 2016-08, effective May 23, 2016; Amended by Ord. No. 2014-07, adopted March 24, 2014; Amended by Ord. No. 2012-07, adopted June 25, 2012; Amended by Ord. No. 2008-21, adopted July 28, 2008; Amended by Ord. No. 2014-07, adopted March, 2014; Amended by Ord. No. 2021-11, adopted June 28, 2021; amended by Ord. No. 2022-18, effective November 14, 2022; amended by Ord. No. 2023-02, effective February 27, 2023)

5. Development Standards.

Within the planned I-394 district all development shall be in compliance with the following.

- a) Minimum lot area: except for parcels included in designated I-394 redevelopment overlay districts, parcels for which any development including expansion of existing development is proposed shall have a minimum area of three acres. Designated wetlands, floodplains, shorelands or public right-of-way shall not be included when calculating the minimum area. The minimum lot area shall not apply to the following:
 - 1) a property directly adjacent to or across a right-of-way from property which has been developed previously as a planned unit development; where land uses and architecture similar to the earlier planned unit development are proposed and the development will be perceived as and will function as an extension of that previously approved development;

2) situations where it is demonstrated to the satisfaction of the city that there is no reasonable future possibility of assembling land parcels into an aggregate of three acres; or

3) minor architectural improvements, building additions not exceeding 10 percent of gross floor area and minor site improvements if determined by the city to comply with the provisions of this ordinance.

b) Where the site of a proposed development is designated for more than one land use in the comprehensive plan, the city may require that the development include a combination of the designated uses in order to achieve traffic management objectives contained in subdivision 6 of this section.

c) Developments approved under the planned unit development district in effect prior to the effective date of this section shall remain subject to all requirements of the approved planned unit development and associated P.U.D. agreement.

d) Overall hardsurface coverages and floor area ratios for a planned I-394 district project shall be limited as follows:

comprehensive plan designation	hardsurface coverage (%)	floor area ratio
mid-density residential	50	0.50
high-density residential	60	0.75
office	70	0.75
service commercial	70	0.60
retail commercial	80	0.30

Individual parcels within a proposed development may exceed these standards as long as the total average does not.

e) Internal lot lines may be located to allow individual ownership of specific buildings.

f) Each residential development shall provide a minimum of 10 percent of the gross project area in private recreational uses for project residents. This area shall be for active or passive recreational uses suited to the needs of the residents of the project including, but not limited to, swimming pools, trails, nature areas, picnic areas, tot lots and saunas.

g) Except for internal project lot lines to allow individual ownership of specific buildings, no subdivision of land shall be approved unless accompanied by a master development plan in conformance with the provisions of this section.

h) The city may utilize incentives to encourage the construction of projects which are consistent with the city's housing goals. Incentives may include modification of development standards for developments providing low and moderate cost housing. Incentives may be approved by the city only after the developer and city have entered into

an agreement to ensure that the low and moderate cost units remain available to persons of low and moderate income for a specific period of time.

(Amended by Ord. No. 2011-04, adopted April 18, 2011)

6. Traffic.

The city has determined that future growth within the planned I-394 district must be responsibly managed under a planned framework of development parameters. A crucial element of planned growth management involves the maintenance of acceptable levels of traffic operation on regional and local road systems. In order to maintain the functional capacity of area road systems, a development limitation based on p.m. peak hour trip generation is established for new development. Further, the I-394 system design is based on a commitment to transit alternatives including high occupancy vehicle lanes, park and ride lots and timed transfer transit stations. A commitment from development projects within the I-394 corridor to manage traffic and to utilize transit alternatives is necessary to maintain the design capacity of the road system. All parcels within the planned I-394 district are subject to the following traffic requirements.

a) Traffic impact studies: a traffic impact study prepared by a registered traffic engineer to assess potential traffic impacts on local and regional road systems is required for any of the following:

- 1) any development which exceeds 25,000 square feet of gross floor area;
- 2) expansion of existing development which exceeds 10 percent of gross floor area and the total gross floor area is 25,000 square feet or greater; or
- 3) any development for which the p.m. peak hour trip generation rate, as defined by the institute of traffic engineers, is expected to exceed two p.m. peak hour trips per 1,000 square feet of gross floor area.

b) Trip generation: to avoid exceeding acceptable levels of service at area intersections and thus overburdening the capacity of the road system, development limitations based on p.m. peak hour trip generation are established in subdivision 13 for each parcel of land in the I-394 corridor. These have been developed using recognized methods of traffic forecasting. All property in the I-394 corridor was divided into traffic analysis zones. Traffic generation and distribution were analyzed based upon reasonable development on all parcels. A maximum number of p.m. peak hour trips per traffic analysis zone were calculated based upon the approved traffic levels at interchanges as specified in the I-394 corridor plan. The total number of trips were allocated on the basis of square footage of buildable property in each zone, regardless of present or future use.

The trip generation number specified in subdivision 13 is the maximum number of p.m. peak hour trips that may be generated by any permitted use of property. To determine the maximum square footage of building space which is allowed for each parcel, the trip limitation number is divided by the p.m. peak hour rate for that use. The applicable rates

are defined by the traffic analysis included with the I-394 corridor study. Substantial compliance with the trip generation number and resultant maximum square footage of buildable space is required. In determining trip generation and building square footage allowable, gross floor area of a building shall be used. In cases where there is a substantial amount of common area within a building and when institute of traffic engineers data is based on gross leasable area, gross leasable area may be used.

Uses existing on the effective date of this section which generate p.m. peak hour trips or which have a building area greater than the number assigned may continue to exist as non-conforming developments. These uses shall be subject to the restrictions contained in section 300.29; however, each of these uses shall be allowed to expand by no more than 10 percent of existing building area if measures are taken to keep the traffic generation at the rate existing on the effective date of this section. An expansion beyond that amount or a change of use shall be permitted only if there is substantial compliance with the trip generation limit.

Unused trips allocated to a parcel are not a property right which may be transferred at will to another property. Unused trips may be transferred, but only to another parcel in the same zone and only after city council approval. The council may decline to permit a transfer if it would threaten to overload the capacity of the roadway system or would otherwise not be in the public interest.

c) Appeal of p.m. peak hour trips: appeals to the p.m. peak hour trips and rates may be made by any person to the planning commission and city council. Appeals shall be written and accompanied by a report prepared by a registered traffic engineer and deemed adequate by the city planner which shall provide evidence indicating potential errors in a p.m. peak trip limitation in subdivision 13, reasons why the property or development is presently or will in the future generate less p.m. peak hour trips, or both.

The appeal shall be reviewed by the planning commission. Notices of a public meeting before the planning commission regarding the appeal shall be mailed to owners of property located wholly or partially within 400 feet of the subject property, as reflected in the certified records of the Hennepin county auditor. The planning commission shall make a decision within 60 days following the date of submission of a completed application for appeal unless a continuance is not objected to by the applicant.

After receipt of the recommendation of the planning commission, the city council shall consider the matter and may hold whatever hearing it deems advisable. The city council shall act upon the appeal within 120 days of submission to the city of a completed application or such longer period not objected to by the applicant and, shall serve a copy of its decision upon the applicant by mail. If the council fails to make a timely decision, the appeal shall be deemed to have been denied. The city council may approve an appeal to Subdivision 13 only upon an affirmative vote of at least two-thirds of its full membership.

d) Road system improvements: development that would exceed trip generation guidelines in subdivision 13 below may only be constructed if concurrent road system improvements to accommodate additional trip generation are installed and paid for by the developer. The road system improvements must achieve a level of service operation at area intersections

consistent with level of service that would have existed without the excess trip generation. Further, the comprehensive plan has identified a series of geometric road system and traffic control improvements which are needed to accommodate trip levels specified in subdivision 13. Nothing in this chapter shall be construed to eliminate developer responsibility for stated improvements if improvements are found to be needed by a traffic impact study as a result of development. If a traffic impact study finds that road system improvements are required as a result of the proposed development, no construction of the development shall commence until arrangements, including financing, for permanent improvements are made and approved by the city. If qualifying warrants are not met for such improvements, interim improvements shall be installed by the developer.

e) Access and traffic orientation: access to public road systems shall be limited and spaced to promote effective and safe access as determined by the city and other appropriate review jurisdictions. Public or private streets within redevelopment areas shall be designed to channel traffic to the regional road system and not to nearby single family neighborhood road systems.

f) Phased occupancy: the city may require phased construction or occupancy of a building or portions of a development/redevelopment project. Such phasing may be tied to completion of I-394 construction segments or other road system improvement found to be needed by the traffic impact study.

g) Traffic management: all approved development projects of 25,000 square feet or greater shall submit and operate under a traffic management plan approved by the city. Specific plan elements will vary depending on the scale, location and type of a project. Traffic management items which may be required include, but are not limited to, the following:

- 1) staggered work hours or flextime;
- 2) use of mass transit and car pools along with preferential location of car pool and van pool parking spaces within parking lots and ramps;
- 3) use of alternative traffic routes away from intersections operating in excess of targeted service levels;
- 4) possible restrictions on certain turn movements during peak traffic periods;
- 5) a program for the use of the timed transfer station located at the Plymouth Road/I-394 interchange;
- 6) partial funding of a Minnesota rideshare position or designation of an employee to work with Minnesota rideshare to arrange and assist in providing rideshare services and transit information;
- 7) project design to accommodate bus service when routes allow and the provision of climate controlled bus shelters;
- 8) private van shuttle services between a development and transit locations or other appropriate destinations within the corridor;

- 9) provision of a cab stand and information about available taxicab services; or
 - 10) provision of visible and convenient areas for marketing rideshare and transit services.
 - h) Pedestrian circulation: all development/redevelopment projects shall install pedestrian improvements in accordance with the Ridgedale sidewalk/trail plan approved by the city. Other pedestrian sidewalks and trails may be required if deemed appropriate by the city.
- (Amended by Ord. No. 2012-07, adopted June 25, 2012)

7. Design Standards.

The city has determined that development located in the planned I-394 district requires a high degree of design quality. The high visibility of properties from the interstate frontage and the proximity of development sites to single family residential neighborhoods dictate sensitive design considerations. This section is intended to serve the public interest, maintain and enhance property values and mitigate the impacts between adjacent land uses of different intensity through appropriate design standards.

a) Architectural and site standards:

1) Building setbacks: the setback for all buildings within the planned I-394 district from any bordering or abutting street shall be 35 feet for local and neighborhood collector streets and 50 feet from all other street classifications except that in no case shall the setback be less than the height of a building up to a maximum of 100 feet. Building setbacks from internal public or private streets shall be determined by the city based on the characteristics of a specific planned I-394 district master development plan.

Building setbacks from lot lines on the exterior of a proposed development and not abutting a public street or low density residential property shall be the height of a building up to a maximum of 100 feet, but not less than 50 feet. Building setbacks from lot lines on the exterior of a proposed development and abutting lands designated for low density residential development in the comprehensive plan shall be a minimum of two times the building height unless unique circumstances are found which may allow the city to reduce the setback requirement. Unique circumstances include substantial differences in site elevation, separation by natural features such as wetlands or large stands of mature trees, or substantial visual screening of a development by berms with landscaping. In no case shall the setback be less than 50 feet.

2) Building height: building height within the planned I-394 district is regulated by the combination of building setback, floor area ratio and hardsurface coverage requirements established in paragraph 1 above and in subdivision 4 of this section. Additionally, the city may establish stricter height restrictions based on the characteristics of a specific planned I-394 district project. Stricter height restrictions may be established if the following criteria are not met:

- a. use of compact building footprints to de-emphasize height;

b. use of stepped building heights to provide a visual transition towards areas dominated by low buildings. This applies to both multiple building projects and individual buildings;

c. clustering of taller buildings at areas in proximity to interchanges; or

d. location of taller buildings on natural lower base elevations.

3) Building height studies: for all structures exceeding three stories in height, the city may require the following:

a. view-shed analysis: site sections and building views from all sides of a project and from the directions most likely to impact nearby properties. This includes elevational representation of building heights and topographic elevations within 1,000 feet of a development; and

b. sun-shadow studies: shadow cast studies which project hourly shadows of a proposed structure between the hours of 9:00 a.m. and 5:00 p.m. on December 21st. Buildings which adversely impact light availability to nearby properties will not be permitted.

4) Building materials: The Interstate-394 corridor is a highly visible regional corridor with high levels of property investments and evolving redevelopment opportunities. Building materials in the planned I-394 district must reflect this property investment and be generally consistent and compatible with the architectural character of the district, which is defined by structures which incorporate façade materials of brick, dimension natural or man-made stone, glass, and architectural-grade metal panels and a limited use of stucco and exterior insulated finishing systems.

5) Parking: parking requirements contained in section 300.28, subd. 12, shall apply to all development within the planned I-394 district. Additionally, the following shall apply:

a. structured parking required: all office or service commercial projects exceeding 100,000 square feet gross floor area shall include deck or ramp parking. The percentage of required parking spaces to be included in structured parking shall be determined by the city based on specific characteristics of the master development plan. The city may require structured parking for retail development exceeding 200,000 square feet based on specific characteristics of a master development plan;

b. surface parking lot setbacks: 20 feet from public streets and exterior project lot lines, 50 feet from exterior lot lines abutting an area designated as low density residential in the comprehensive plan unless unique circumstances are found which may allow the city to reduce the setback requirement. Unique circumstances include substantial differences in site elevation, separation by natural features such as wetlands or large stands of mature trees, or substantial visual screening the parking by berms and landscaping. In no case shall the setback be less than 20 feet;

c. parking structure setbacks: the setback for parking structures including decks and ramps shall be 35 feet from local streets and 50 feet from all other street classifications

except that in no case shall the setback be less than the height of the structure. Parking structure setbacks from external lot lines shall be 50 feet or the height of the structure, whichever is greater when adjacent to residential properties; 35 feet when adjacent to non-residential properties. Parking structure setbacks from internal public or private streets shall be determined by the city based on specific characteristics of a planned I-394 district master development plan;

d. location of parking facilities: surface parking lots and parking structures shall be located so that views from residential neighborhoods are screened. Parking structures shall be located away from service road frontages unless they are given architectural treatment equal to the building served by the parking structure and are buffered from public views; and

e. parking structure exterior materials: exterior facades of parking structures shall be of materials compatible with exterior materials of the principal building served by the parking structure.

6) Signs: for development with approved master development plans, signs shall be restricted to those which are permitted in a sign plan approved by the city, shall be regulated by permanent covenants which can be enforced by the city, and shall be subject to city review and permit. For existing properties without approved master development plans, signs shall be regulated according to section 325 of this code by using the zoning designation of the property in effect on the day prior to the effective date of this section.

7) Accessory equipment: all mechanical and heating, ventilation, air conditioning equipment shall be incorporated into the architecture of a building so as not to be visible from public views or audible from residential neighborhoods.

8) Refuse storage and recycling: all master development plans shall designate refuse storage sites. Exterior refuse locations shall be screened with a masonry enclosure of materials compatible with the principal building. All buildings shall be designed to accommodate a refuse recycling program and operated under a refuse recycling program as approved by the city.

b) Landscaping: in addition to the landscape plan requirements contained in section 300.27, subd. 14, the following requirements shall be met:

1) Master development plans shall undertake all efforts to preserve existing natural features including wetlands/floodplain, trees and areas of steep slope conditions.

2) All development other than single family residential development shall be buffered from nearby single family neighborhoods. Buffering may be accomplished through the preservation of existing slopes and trees. In cases where natural buffers are absent, earthen berms with new landscape materials shall be installed.

3) Landscape berms and buffers intended to screen development projects from single family residential areas shall be installed with the commencement of construction activity if determined appropriate by the city.

4) A minimum landscape plan investment of 2 percent of total project value is required.

5) All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than two inches but not more than four inches caliper for balled and burlapped trees, and not less than four inches but not more than eight inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees.

The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

6) Surface parking lots shall be buffered with surrounding berms and coniferous tree plantings.

7) Enhancement of the I-394 frontage shall be achieved by a mixture of a variety of species and sizes of boulevard plantings.

c) Environmental protection: protection and enhancement of environmental elements is determined to have a direct benefit on the quality of life and image of the I-394 corridor. All master development plans shall include the following:

1) Lighting plans: in addition to the requirements contained in section 300.28, subd. 2 of this code, lighting plans shall include the following:

a. Building lighting plans. Accent lighting of buildings may be permitted subject to lighting plan review by the city. Floodlighting of buildings shall be limited to building facades which are not in direct view from residential areas.

b. Site lighting plans. Luminaires are to be located in recessed or boxed fixtures to eliminate off-site direct views of the luminaire.

2) Wetlands/floodplain: wetlands and floodplain areas as identified on official city maps shall be protected by the dedication of permanent conservation easements. Alternatively, the protected lands may be dedicated to the city.

3) Drainage: drainage studies and calculations shall be required for review and approval by the city and other appropriate review jurisdictions. Drainage plans shall comply with the city water resources management plan.

4) Utility lines: master development plans shall include provisions for underground utility lines wherever physically and economically feasible.

5) Noise: noise levels originating in the I-394 system require design sensitivity and mitigative measures. Master development plans shall be designed with attention to the following:

- a. preservation of natural sound buffers;
- b. installation of new sound buffers created by berming and landscaping, particularly when residential development is included;
- c. siting of non-residential buildings to function as sound barriers; and
- d. exterior public address or speaker systems are not permitted, unless specifically allowed for certain uses by this section.

(Amended by Ord. No. 2016-08, effective May 23, 2016; Amended by Ord. No. 2009-04; adopted April 6, 2009)

8. Review of Application.

a) In order to receive guidance in the design of a planned I-394 district project prior to submission of a formal application, an applicant may submit a concept plan for review and comment by the planning commission and city council. Submission of a concept plan is optional but is highly recommended for large projects. In order for the review to be of most help to the applicant, the concept plan should contain such specific information as is suggested by the city. Generally, this information should include the following:

- 1) approximate building and road locations;
- 2) height, bulk and square footage of buildings;
- 3) type and square footage of specific land uses;
- 4) number of dwelling units;
- 5) generalized grading plan showing areas to be cut, filled and preserved;
- 6) staging and timing of the development.
- 7) traffic impact study; and
- 8) other information determined to be appropriate by the city.

The comments of the planning commission and city council shall address the consistency of the concept plan with this section. The comments of the planning commission and city council shall be for guidance only and, if positive, shall not be considered binding upon the planning commission or city council regarding approval of the formal application when submitted. If a development is of a scale where an environmental assessment worksheet (EAW) is to be prepared, final approval of a master development plan shall not be granted until the EAW receives approval from the city and other appropriate agencies.

b) Approval of a rezoning to planned I-394 district and required master development plan shall be subject to the procedures outlined in section 300.09 of this code for a zoning map amendment. The master development plan shall comply with the standards in this section and other applicable sections of the zoning ordinance. It shall contain the following:

- 1) building location, height, bulk and square footage;
- 2) type and square footage of specific land uses;
- 3) number of dwelling units;
- 4) detailed street and utility locations and sizes;
- 5) drainage plan, including location and size of pipes and water storage areas;
- 6) grading plan;
- 7) generalized landscape plan;
- 8) generalized plan for uniform signs and lighting;
- 9) plan for timing and phasing of the development;
- 10) covenants or other restrictions proposed for the regulation of the development;
- 11) renderings or elevations of the entrance side of buildings to be constructed in the first phase of the development.
- 12) traffic impact study when required; and
- 13) other appropriate information as required by the city.

Approval of the master development plan shall indicate approval of the previously listed items and for properties not then zoned as planned I-394 district shall occur in conjunction with any proposed rezoning of the property to planned I-394 district. After approval, nothing shall be constructed on the site except in conformance with the approved plans and this section. The procedure for notification of and public hearing on the master development plan shall be the same as required for a zoning map amendment by section 300.09 of this code.

c) Approval of a final site and building plan shall be subject to the procedures outlined in section 300.27 of this code. The final site and building plan shall contain information as required by the city, including the following:

- 1) detailed utility, street, grading and drainage plans;
- 2) detailed building elevations, architectural renderings and floor plans; and
- 3) detailed landscaping, sign and lighting plans.

d) The final site and building plan shall be in substantial compliance with the approved master development plan. Substantial compliance shall mean:

- 1) buildings, parking areas and roads are in substantially the same location as previously approved;
- 2) the number of residential living units has not increased or decreased by more than five percent from that approved in the master development plan;

3) the floor area of non-residential uses has not been increased by more than five percent nor has the gross floor area of any individual building been increased by more than 10 percent from that approved in the master development plan;

4) there has been no increase in the number of stories in any building;

5) open space has not been decreased or altered to change its original design or intended use; and

6) all special conditions required on the master development plan by the city have been incorporated into the final site and building plan.

Approval of a final site and building plan shall signify approval of all plans necessary prior to application for a building permit, subject to compliance with any conditions on the approval and subject to other necessary approvals by the city.

e) Applicants may combine the final site and building plan review with the master development plan review by submitting all information required for both stages simultaneously.

f) The planning commission and city council shall base their recommendations and actions regarding approval of a master development plan on a consideration of the following:

1) compatibility of the proposed plan with this section and the goals, policies and proposals of the comprehensive plan;

2) effect of the proposed plan on the neighborhood in which it is to be located;

3) internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping;

4) consistency with the standards of section 300.27 pertaining to site and building plan review;

5) accommodation of the traffic associated with a proposed development on the public road system within service level goals as stated in this section and in the comprehensive guide plan; and

6) such other factors as the planning commission or city council deem relevant.

The planning commission and city council may attach such conditions to their actions as they shall determine necessary or convenient to better accomplish the purposes of this section.

(Amended by Ord. No. 2012-07, adopted June 25, 2012)

9. Term of Approval.

Application for a final site and building plan approval must be made by December 31 of the year following the date on which the city approved an application for a rezoning to P.I.D., a master development plan, or a major amendment to a master development plan, whichever was latest. If no application has been made nor extension of time been granted during that time period, the city council may rezone the property to the original zoning classification at the time of the application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of a rezoning, the approved master development plan shall remain the legal control governing development of the property.

If construction on the property included within an approved final site and building plan has not started by December 31 of the year following the date on which the final site and building plan was approved, if building construction in a phase of a planned I-394 district approved to be built in phases has not started within that same period, or if within that period no extension of the time has been granted, the city council may rezone the property to the original zoning classification at the time of the application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of rezoning, the approved master development plan and final site and building plan shall remain the legal control governing development of the property.

10. Amendments.

A major amendment to an approved master development plan may be approved by the city council after review by the planning commission. The notification and public hearing procedure for the amendment shall be the same as for approval of the original master development plan. A major amendment is any amendment which:

- a) substantially alters the location of buildings, parking areas or roads;
- b) increases or decreases the number of residential dwelling units by more than 5 percent;
- c) increases the gross floor area of non-residential buildings by more than 5 percent or increases the gross floor area of any individual building by more than 10 percent;
- d) increases the number of stories of any building;
- e) decreases the amount of open space by more than 5 percent or alters it in such a way as to change its original design or intended use;
- f) creates non-compliance with any special condition attached to the approval of the master development plan; or
- g) increases traffic generation beyond either the limit specified in subdivision 13 of this section or that associated with an approved master development plan.

Any other amendment may be made through review and approval by a simple majority vote of the planning commission.

11. Applicability.

- a) This section shall not apply to any P.U.D. or planned unit residential development which has received preliminary or final approval by the city council prior to the effective date of this section unless applicability is requested by the property owner and approved by the city council or unless there is a major amendment to the approved master development plan.
- b) The planned I-394 district has been uniquely developed for properties located in the I-394 corridor. This section has been developed to regulate corridor growth within the capacity of public facilities. No property in the traffic analysis districts identified in Subdivision 13 which is designated for a use other than low density residential in the guide plan may be rezoned to a zoning classification other than planned I-394 district. A contrary rezoning will be permitted only if it is demonstrated that the planned I-394 district incorrectly applies to a specific property.

12. Separate Districts.

There shall be separate planned I-394 districts for each traffic analysis district identified in subdivision 13. All property which is zoned planned I-394 district shall be included within the separate zoning district associated with a particular traffic analysis district. All property in a traffic analysis district area which is not yet zoned planned I-394 district shall become part of the associated separate zoning district upon rezoning.

13. P.M. Peak Hour Trip Generation Limits.

Traffic Analysis District No. 1 (Figure 31-2)

Parcel Number	Existing P.M. Peak Hour Trips	P.M. Peak Hour Trips
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P.I.D. District No. 1

1	202	251
---	-----	-----

2	98	190
---	----	-----

3	0	783
---	---	-----

4	0	69
---	---	----

5	47	110
---	----	-----

6a	45	285
----	----	-----

6b 152 218

6c 13 99

7 20 56

8 13 35

9 11 33

10 13 35

other:

multi family parcels (total) 80

mid density

single family parcels (total) 84

total: 2328

Traffic Analysis District No. 2 (Figure 31-2)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 2

1 0 226

2 0 27

3 multi family parcels

mid density (total) 67

high density (total) 187

total: 507

Traffic Analysis District No. 3 (Figure 31-2)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 3

1 0 1997

Traffic Analysis District No. 4 (Figure 31-2)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 4

1 0 562
 2 118 80
 3 8 114
 4 65 121
 5 305 170
 6 199 191
 7 197 332
 8 0 855

other:

single family parcels (total) 141

total: 2566

Traffic Analysis District No. 5 (Figure 31-3)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 5

1 96 113
 2 75 99
 3 49 32
 4 40 32
 5 0 40
 6 1 30
 7 0 615

other:

8 (high density residential) 21 92

Single family parcels (total) 65

total: 1138

Traffic Analysis District No. 6 (Figure 31-3)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 6

1 20 185

2 12 94

3 19 136

4 179 370

5 129 177

6 121 194

7 90 731

8 (high density 489 489

residential 815 units)

other:

single family parcels (total) 71

total: 2447

Traffic Analysis District No. 7 (Figure 31-3)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 7

1 98 328

2 0 168

other:

3 36 1156

single family parcels (total) 63

total: 1715

Traffic Analysis District No. 8 (Figure 31-3)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 8

1a 44 702

2 85 212

3 43 69

4 15 19

other:

1b 64 246

5 7 128

single family parcels (total) 51

total: 1427

Traffic Analysis District No. 10 (Figure 31-4)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 10

1 0 2

other:

2 6 7

single family parcels (total) 147

multi family parcels (total) 3

total: 159

Traffic Analysis District No. 11 (Figure 31-4)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 11

1 183 133

2 148 101

3 59 60

4 77 92

5 182 205

6 59 119

other:

single family parcels (total) 85

total: 795

Traffic Analysis District No. 12 (Figure 31-4)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 12

1 224 143

2 887 783

3 27 43

4 57 68

5 59 48

6 305 338

7 157 173

8 72 192

other:

9 (high density residential) 1 25

multi family parcels (total) 226

single family parcels (total) 58

total: 2097

Traffic Analysis District No. 14 (Figure 31-5)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 14

1 2760 2770

2 212 213

3	28	41
4	92	69
5	22	34
total:	3127	

Traffic Analysis District No. 15 (Figure 31-5)

Parcel Number	Existing P.M. Peak Hour Trips	P.M. Peak Hour Trips
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P.I.D. District No. 15

1	74	27
2	15	106

other:

3	472	210
4	74	250

5 (high density residential 107
179 units)

6 (mid density residential 55
69 units)

7 (mid density residential 38
48 units)

single family parcels (total) 22

total: 815

Traffic Analysis District No. 16 (Figure 31-5)

Parcel Number	Existing P.M. Peak Hour Trips	P.M. Peak Hour Trips
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P.I.D. District No. 16

1	27	27
2	230	230
3	0	102

other:

4 0 212

single family parcels (total) 26

total: 597

Traffic Analysis District No. 19 (Figure 31-5)

Parcel Number Existing P.M. Peak Hour Trips P.M. Peak Hour Trips

P.I.D. District No. 19

1 90 63

2 9 20

3a 27 24

3b 24 34

4 40 48

5 81 81

6 62 68

7 20 20

8 40 24

9 78 88

10 64 84

11 83 63

12 (medium density 36

residential 45 units)

other:

13 20 246

single family parcels (total) 209

total: 1108

Figure 31-2

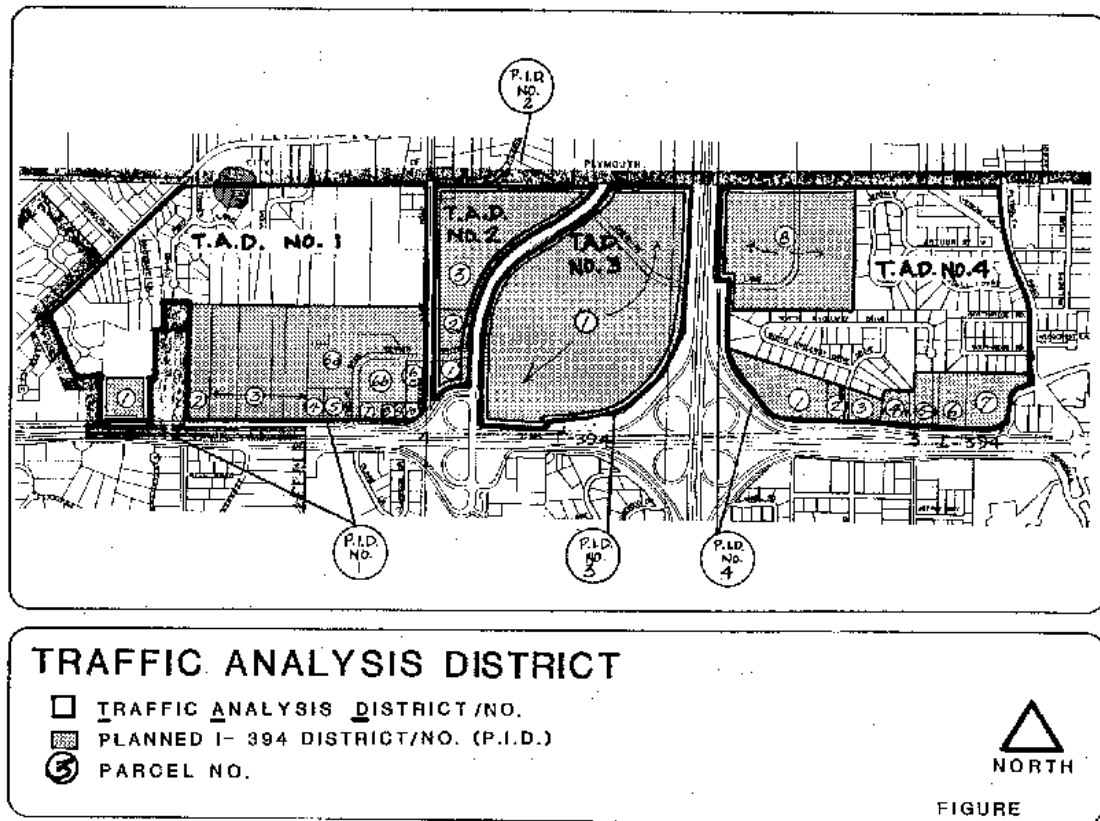


Figure 31-3

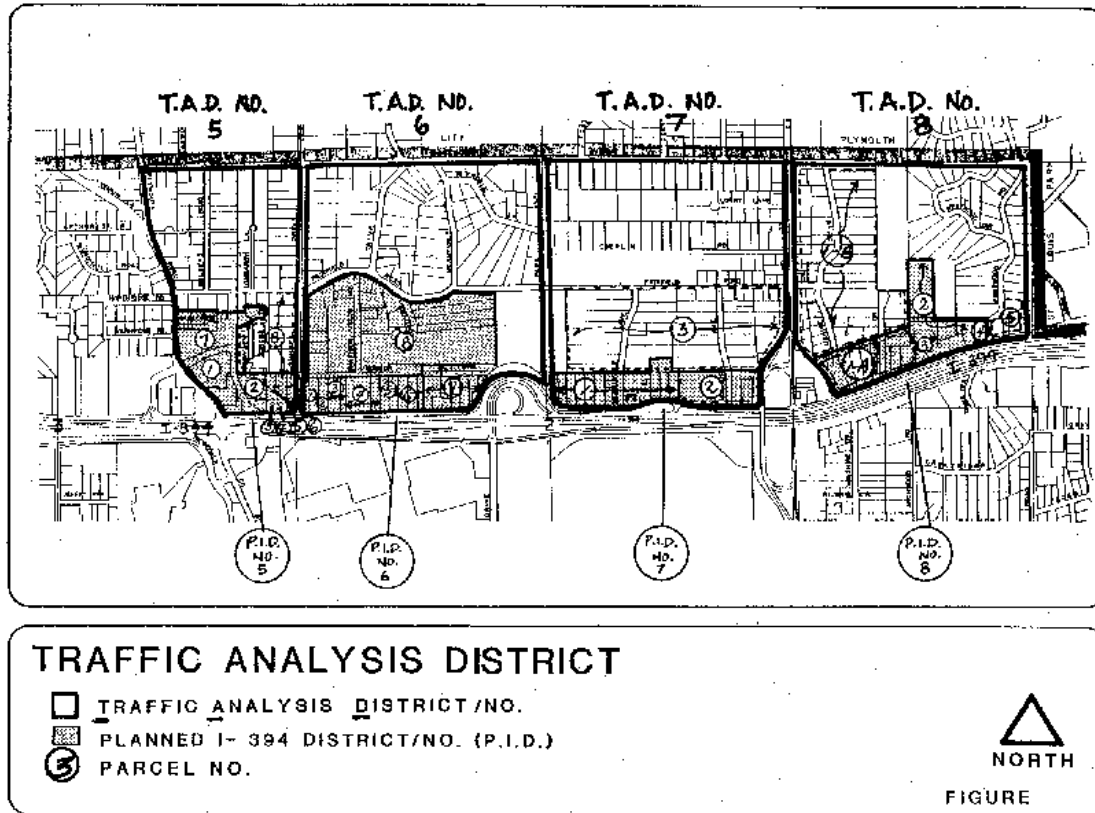


Figure 31-4

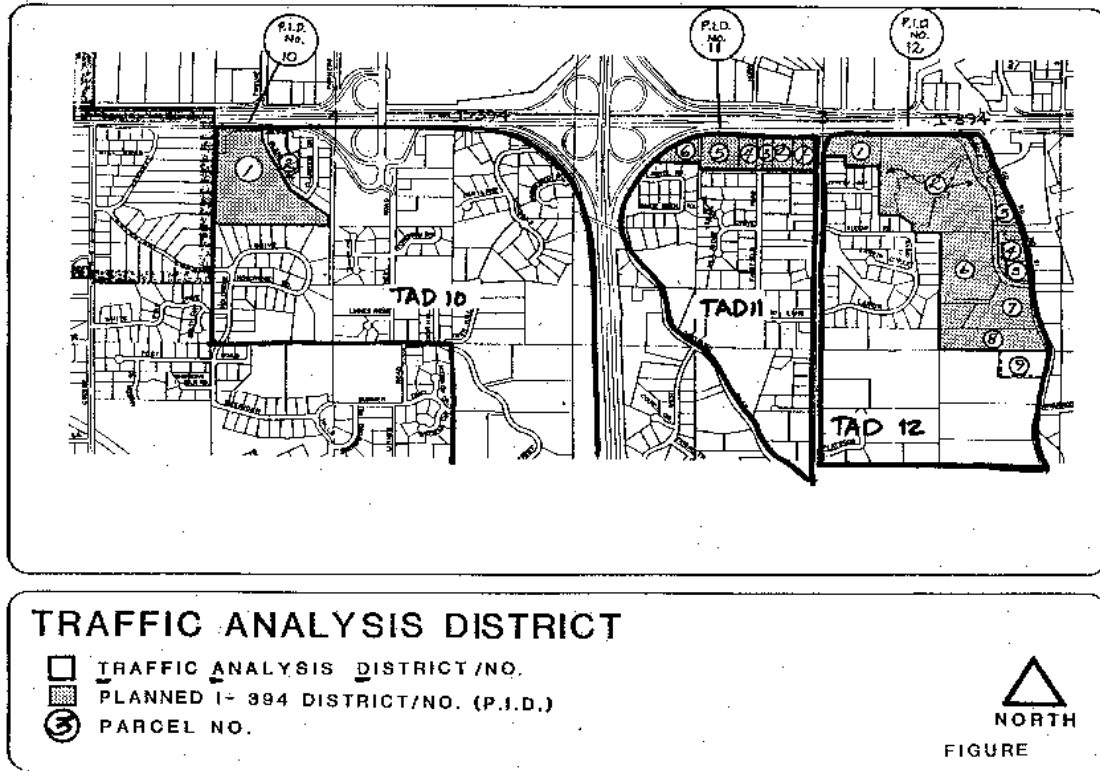
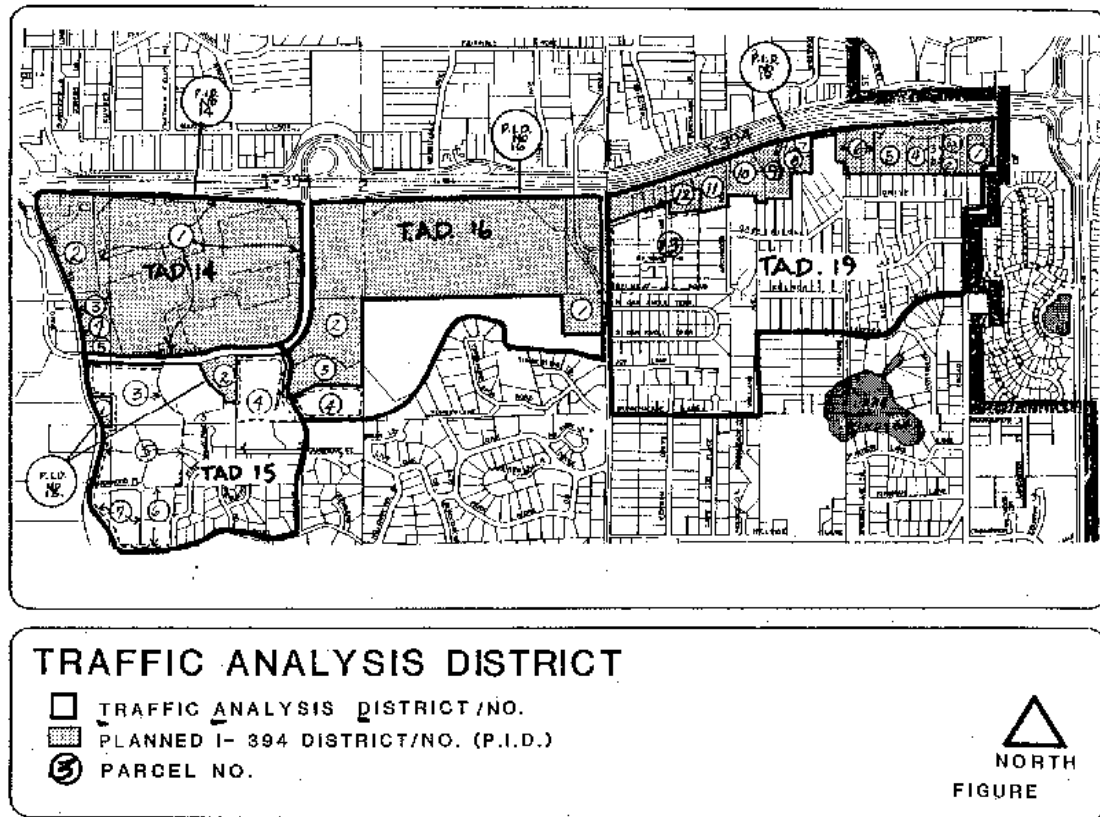


Figure 31-5



(Amended by Ord. No. 2014-07, adopted March 24, 2014; Amended by Ord. No. 2008-25, adopted August 25, 2008; Amended by Ord. No. 2004-07, adopted March 15, 2004; Amended by Ord. No. 2004-02, adopted January 5, 2004; Amended by Ord. No. 2002-04, adopted February 11, 2002; Amended by Ord. No. 2002-03, adopted January 7, 2002; Amended by Ord. No. 2000-19, adopted October 16, 2000; Amended by Ord. No. 99-25, adopted October 11, 1999)

CHAPTER 10-22C MIX MIXED USE DISTRICT

10-22C-1: Purpose And Intent

10-22C-2: Permitted Uses

10-22C-3: Permitted Accessory Uses

10-22C-4: Conditional Uses

10-22C-5: Interim Uses

10-22C-6: Lot Area, Lot Width And Yard Requirements

10-22C-7: Lot Coverage

10-22C-8: Building Heights

10-22C-9: General Provisions

10-22C-1: Purpose And Intent

The purpose of the MIX mixed use district is to promote unique planned developments within the district where residential land uses can be combined into neighborhoods with retail, office, entertainment, and recreational facilities in close proximity to transit. The intent of the MIX district is to promote integrated development patterns that accomplish the following objectives:

- A. Establish a mixed use land use pattern and neighborhood design that is consistent with the vision, goals, and policies of the Burnsville comprehensive plan.
- B. Accommodate a mixture of residential, retail, service, office, recreational, and entertainment land uses in an integrated neighborhood design.
- C. Establish ground level, pedestrian friendly retail and service storefronts complemented by office and residential uses above the ground floor development.
- D. Promote a development pattern that is a pedestrian friendly, rollable environment that encourages walking, biking and use of mass transit.
- E. Create attractive neighborhoods that promote pedestrian activity, human interaction, safety, and livability.
- F. Provide a range of housing options that respond to the needs of residents in each stage of their life.
- G. Promote a creative and efficient use of land which at the same time protects and promotes health, safety, comfort, aesthetics, economic viability, and general welfare of the city. (Ord. 1247, 9-20-2011)

10-22C-2: Permitted Uses

Within any MIX mixed use district, no structure or land shall be used except for one or more of the following uses:

Antique/flea market, subject to section 10-7-48 of this title.

Appliance store.

Art and school supply store.

Art studio.

Bakery goods sales and baking of goods for the retail sales on premises.

Bank.

Bicycle sales and repair.

Bookstore.

Bus benches, shelters, and transit facilities provided they comply with title 8 of this code.

Camera and photographic supply and processing store.

Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop, but not of the drive-in type.

Clothing store.

Coffeehouse, coffee shop, wine bar, tavern three thousand (3,000) square feet or less in floor area.

Commercial zero lot line development pursuant to section 10-7-41 of this title.

Daycare nursery.

Delicatessen.

Drugstore.

Florist.

Furniture.

Gift shop.

Government buildings where the use conducted is customarily considered to be an office use.

Grocery store, fruit or vegetable store.

Hardware store.

Health clubs.

Hobby store including handicraft classes not to exceed ten (10) students.

Hotels, motels, inns, and bed and breakfast establishments serving transient guests.

Instructional/learning center.

Interior, decorating, and design studio.

Jewelry sales and jewelry repair store.

Library.

Liquor store subject to the requirements of subsection 10-19-3(C) of this title and title 3 of this Code.

Locksmith.

Meat market but not including processing for a locker.

Medical marijuana distribution facility.

Medical service or clinic.

Multiple-tenant retail sales and service facilities subject to subsection 10-19-3(D) of this title.

Music store.

Music studio.

Newsstand.

Office.

Office supply and stationery store.

Paint, wallpaper sales.

Personal services.

Pet grooming.

Pet shop, provided the operation shall not include maintaining of pens or cages outside the building or the creation of an offensive odor or noise.

Photographic studio.

Pipe and tobacco shop.

Post Office.

Record shop.

Research centers.

Restaurants (freestanding) subject to subsection 10-19-3(B) of this title.

Rugs and floor covering sales.

Schools, academies, colleges, and universities.

Shoe sales and repair.

Small appliance repair shop.

Sporting goods store.

Thrift stores having a gross floor area less than five thousand (5,000) square feet provided all merchandise collection, transfer, processing and storage occurs within the principal building. No accessory outdoor drop off/collection area or outdoor storage is allowed on site.

HISTORY

Amended by Ord. 1510 on 2/18/2020

10-22C-3: Permitted Accessory Uses

Within any MIX Mixed Use District, the following uses shall be permitted accessory uses:

Accessory solar energy systems pursuant to section 10-7-29 of this title.

Animals as regulated herein.

Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by chapter 29 of this title.

Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.

Daycare centers as home occupations. Daycares with more than three (3) children in a structure with more than two (2) dwelling units are prohibited.

Drive-through service lane accessory to a principal use subject to subsection 10-22C-9(F) of this chapter.

Home occupation as permitted by chapter 12A of this title.

Incidental accessory uses as permitted by section 10-7-42 of this title.

Incidental outdoor seating for food service businesses as permitted by section 10-19-6 of this title.

Incidental repair, processing, or storage necessary to conduct a permitted principal use subject to subsection 10-19-1(K) of this title.

LP gas exchange container displays as provided in section 10-7-38 of this title.

Personal services.

Private garages, off street parking and loading spaces as regulated in this title.

Private swimming pool and tennis court.

Public trash and recycling containers for use by the general public pursuant to subsection 10-7-18(G) of this title.

Restaurant within a building having a principal use other than a restaurant subject to subsection 10-19-3(B) of this title.

Signs as regulated in chapter 30 of this title.

Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in chapter 29 of this title.

Temporary/seasonal outdoor sales uses, subject to the provisions of section 10-7-48 of this title.

Tenant restaurants, cafeterias, and retail service limited to tenants of the building, provided that they be essentially limited to providing service to the users of the permitted use, and that no signs or other evidence of these uses are visible from the exterior of the building.

HISTORY

Amended by Ord. 1520 on 6/2/2020

10-22C-4: Conditional Uses

Within any MIX Mixed Use District, no structure or land shall be used for the following uses except by conditional use permit:

Accessory car wash as regulated by section 10-7-43 of this title.

Accessory structures or uses other than those listed as permitted.

Antennas mounted on an existing structure, exceeding fifteen feet (15') above the highest point of the structure, as regulated by chapter 29 of this title.

Car wash as a principal use.

Coffeehouse, coffee shop greater than three thousand (3,000) square feet in floor area.

Commercial parking structures.

Essential service structures including, but not limited to, buildings such as telephone exchange stations, booster or pressure stations, elevated tanks, wells and pumping stations, lift stations and electric power substations provided no building shall be located within fifty feet (50') of any lot line of an abutting lot in an R Zoning District. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located.

Funeral homes and mortuaries.

Lounge subject to subsection 10-19-3(C) of this title and title 3 of this Code.

Mixed use/residential and commercial use buildings subject to subsection 10-22C-9(I) of this chapter.

Motor fuel stations subject to the requirements of subsection 10-19-3(A) of this title.

Multiple-family residential (freestanding) including apartments, cooperatives, and condominiums as regulated by section 10-22C-9(J) of this chapter and provided the density of the project site complies with section 10-7-49 of this title.

Multiple principal structures on the same lot as regulated by subsection 10-19-3(D) of this title.

Museums, art institutions, and galleries.

Nightclub subject to subsection 10-19-3(C) of this title and title 3 of this Code.

Nursing home, intermediate care facility, long term care facility, and residential healthcare facility, provided the site shall contain not less than six hundred (600) square feet of lot area for each person to be accommodated and that no building be located less than fifty feet (50') from the lot line; hospitals for human care, provided that all buildings are not located less than sixty feet (60') from the lot line of an abutting R District.

Radio and television studios.

Religious institution, provided that the principal structure and any accessory structures used for assembly shall be located at least fifty feet (50') from any lot line adjacent to a residential zoning district. This paragraph shall apply even if the religious use does not occupy the entire structure. For the purposes of this paragraph, the fifty foot (50') setback shall not apply to any property line adjacent to an arterial roadway, including an interstate freeway.

Residential program (group home) for seven (7) to sixteen (16) persons as defined and licensed by the State of Minnesota Department of Human Services. Conditions of the conditional use permit shall be imposed only to assure the proper maintenance and operation of the program and shall not be more restrictive than those imposed on other conditional uses of multi-family residential property unless such additional conditions are necessary to protect the health and safety of the program participants. A

conditional use permit shall not be issued for a residential program that is within one thousand three hundred twenty feet (1,320') of another residential program.

Restaurants (freestanding) as regulated by subsection 10-19-3(B) of this title.

Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) or less in diameter, are regulated in chapter 29 of this title.

Tavern, over three thousand (3,000) square feet subject to subsection 10-19-3(C) of this title and title 3 of this Code.

Towers as regulated in chapter 29 of this title.

Townhomes as regulated in subsection 10-22C-9(J) of this chapter and provided the density of the project site complies with section 10-7-49 of this title.

Transient merchants subject to title 3 of this Code, unless exempt under section 3-20-13 of this Code. (Ord. 1247, 9-20-2011; amd. Ord. 1265, 5-22-2012; Ord. 1316, 4-8-2014; Ord. 1454, 4-17-2018)

10-22C-5: Interim Uses

Within any MIX Mixed Use District, no structure or land shall be used for the following purposes except by interim use permit:

None. (Ord. 1247, 9-20-2011)

10-22C-6: Lot Area, Lot Width And Yard Requirements

The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth in this chapter and chapter 19 of this title:

Lot area	20,000 square feet
<u>Lot area per unit:</u>	
Multiple-family/multiple story apartment dwelling	2,000 square feet per unit
Townhomes	5,000 square feet per unit
Lot width	100 feet
<u>Setback - principal structure:</u>	
Front yard	30 feet
Side yard	10 (0) feet ¹
Side yard (street)	30 feet
Rear yard	20 feet
<u>Setback - accessory structure:</u>	
Front yard	30 feet
Side yard	5 feet
Side yard (street)	30 feet
Rear yard	8 feet

<u>Setback - parking³:</u>	
Front yard	10 feet
Side yard	10 (0) feet ²
Side yard (street)	10 feet
Rear yard	10 feet

Notes:

¹Setbacks in parentheses: Zero setback between buildings may be allowed for shopping centers or townhome developments.

²Setbacks in parentheses: Zero setbacks may be permitted on interior lot lines to facilitate shared parking between lots.

³A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per section 10-19-6 of this title.

(Ord. 1265, 5-22-2012)

In structures where residential units abut streets of higher carrying capacities than standard residential streets, the minimum setback for the principal structure from that street shall be increased to the following:

<u>Minimum Setback (Yard)</u>	<u>Street Classification</u>
50 feet	Collector, minor arterial
80 feet	Principal arterial

(Ord. 1265, 5-22-2012)

HISTORY

Amended by Ord. 1487 on 4/16/2019

10-22C-7: Lot Coverage

Within any MIX Mixed Use District, the following impervious surface requirements shall be observed subject to any additional requirements, exceptions, or modifications set forth in chapter 19 of this title:

- A. Residential (freestanding) lots: Not more than fifty percent (50%) of the gross lot area may be of an impervious surface.
- B. Commercial/mixed use lots: Not more than seventy five percent (75%) of the gross lot area may be of an impervious surface. (Ord. 1247, 9-20-2011)

10-22C-8: Building Heights

- A. There is no maximum height limit in the MIX Districts, except where Environmental Overlay Districts and floodplain regulations may apply. (Ord. 1491, 6-4-2019)

10-22C-9: General Provisions

- A. Master Plan: Within any MIX District, a master concept plan shall be required for all development/redevelopment that shows how the development site is integrated with adjoining

lots, streets, internal parking and circulation systems, pedestrian circulation, and landscaping. No subdivision of a property shall be allowed without a master concept plan for the larger parcel that illustrates how the purpose and intent objectives of section 10-22C-1 of this chapter are accommodated.

B. Building Design And Materials:

1. Commercial and mixed use buildings shall comply with the building design and material requirements of subsection 10-19-1(A) of this title.
2. Residential buildings (freestanding) shall comply with the building design and material requirements of section 10-15-1 of this title.

C. Mechanical Equipment: Mechanical equipment (ground mounted and rooftop) shall meet the following requirements:

1. Rooftop mechanical equipment shall not exceed the building height standards by more than ten feet (10') for a single story building, or fifteen feet (15') for a multiple story building. (Ord. 1247, 9-20-2011)
2. All private ground mounted equipment shall be one hundred percent (100%) screened pursuant to section 10-7-18 of this title and by enclosures constructed of durable and permanent materials with architectural elements (type, quality, and appearance) similar and compatible to the principal structure.
3. All rooftop equipment shall be one hundred percent (100%) screened from view from across adjacent streets fifteen feet (15') behind the curb or adjacent properties at the property line.
4. Rooftop equipment shall be one hundred percent (100%) screened by the building parapet, or the equipment shall be grouped behind an enclosure and set back a distance of one and one-half (1 1/2) times its height from any primary facade fronting a public street. (Ord. 1316, 4-8-2014)
5. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.
6. Exterior mechanical equipment, such as ductwork, shall not be located on primary building facades.

D. Trash And Recyclables: Trash and recyclable handling equipment shall meet the requirements of subsection 10-19-1(B) of this title.

E. Parking, Loading, And Pedestrianways:

1. Parking: Parking within the MIX district shall meet the following requirements:
 - a. Design And Maintenance: Design and maintenance of all off street parking areas shall be in accordance with section 10-7-26 of this title.
 - b. Off Street Parking Lots: Off street parking lots shall be landscaped and screened in accordance with subsections 10-30A-8(B) and 10-30A-9(F) of this title.
 - c. Reduction In Required Parking: Within the MIX mixed use district, the amount of parking required by section 10-7-26 of this title may be reduced provided one of the following conditions are met:
 - (1) Provision of joint parking facilities per subsection 10-7-26(I) of this title.
 - (2) Conditional use permit to reduce the required parking by twenty percent (20%) through the provision of on site transit interface including:

- (A) Site abuts a designated bus route.
- (B) Dedication of land and construction of bus stop facilities including bus pullout lanes, shelters, benches, lights, and signage.
- (C) Pedestrian connections between the bus stop and the principal buildings on the site.
- (D) Transit interface location and improvements shall be approved by the city and regional transit provider.

2. External Loading Areas: External loading areas shall meet the requirements of subsection 10-19-1(H) of this title.

3. Pedestrian/Bicycles: Within the MIX mixed use district, the following pedestrian and bicycle facilities shall be required:

- a. Pedestrian Walkways: Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities.
- b. Crosswalks: Crosswalks at private street intersections or within parking lots shall be distinguished from driving surfaces to enhance pedestrian safety by using either different pavement materials, pavement color or pavement textures in conjunction with signage.
- c. Bicycle Racks: Bicycle racks shall be provided on site at a ratio of one space for every twenty (20) automobile parking spaces or portion thereof.
- d. Pedestrian Furniture: Mixed use developments shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every ten thousand (10,000) square feet of gross floor area.
- e. Central Areas Or Features: Mixed use developments forty thousand (40,000) square feet in total gross floor area or greater shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project. The size of the outdoor public space shall be five hundred (500) square feet per ten thousand (10,000) square feet of total floor area of the mixed use building.
- f. Aesthetic Design: Sites shall be designed to include three (3) of the following: public art, fountains, plazas, perennial beds, entrance landscaping, or other amenities reviewed and approved by the development review committee (DRC).

F. Accessory Drive-Through Facilities: Accessory drive-through facilities shall be allowed subject to the following conditions:

- 1. Not less than one hundred twenty feet (120') of segregated automobile stacking shall be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to eighty feet (80') per lane.
- 2. The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with on site traffic circulation or access to the required parking space.

3. No part of the public street or boulevard may be used for stacking of automobiles.
 4. The stacking lane, order board telecom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. (Ord. 1247, 9-20-2011)
 5. The drive-through window and its stacking lanes shall be screened pursuant to section 10-7-18 of this title. (Ord. 1316, 4-8-2014)
 6. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with section 10-7-36 of this title.
- G. Outdoor Lighting: Within any MIX mixed use district, all exterior building and parking lot lighting shall comply with section 10-7-36 of this title.
- H. Landscaping: Within any MIX mixed use district, the following landscaping standards shall be applied:
1. Multiple-family/townhome freestanding development in the MIX district shall comply with the landscaping regulations of subsection 10-30A-7(B) and section 10-30A-8 of this title.
 2. Commercial development in the MIX district shall comply with the landscaping regulations of section 10-30A-8 and subsection 10-30A-9(F) of this title.
- I. Mixed Use Buildings: Combined residential and nonresidential buildings shall be allowed by conditional use permit subject to the following conditions:
1. Building Facade: Where residential and nonresidential uses share the same first floor building facade, the building design must demonstrate that the location, access, and appearance of the mixed land uses promote continuity of use and architectural appearance along the same building facade.
 2. Above Ground Floor Uses: Above ground floor uses shall be limited to nonretail business uses and residential uses.
 3. Entrances: Residential uses shall be provided separate entrances and separately identified parking stalls.
 4. Density: The residential component of the mixed use building shall maintain a net density consistent with section 10-7-49 of this title for multiple-family apartment dwellings or five thousand (5,000) square feet of lot area per unit for townhome units, unless the development qualifies for a density bonus under subsection (K) of this section.
- J. Multiple-Family Residential Buildings/Townhomes (Freestanding): Freestanding residential buildings containing only multiple residential dwelling units shall be allowed by conditional use permit subject to the following conditions:
1. The conditions of chapter 15 of this title are satisfied.
 2. The multiple-family development shall maintain a net density consistent with section 10-7-49 of this title for multiple-family apartments or five thousand (5,000) square feet of lot area per unit for townhome units, unless the development qualifies for a density bonus under subsection (K) of this section.
- K. Residential Density Bonuses: Multiple-family housing, as part of a mixed use development or freestanding, may pursue an increase in density up to twenty five percent (25%) through a reduction in the required lot area per unit, based on the following bonus features and square

foot reductions:

	Square Foot Reduction To Lot Area Per Unit
Underground Parking: 1 parking space per efficiency and 1 bedroom unit and 2 parking spaces per 2 or more bedroom units is provided within an underground parking structure attached to the principal building	200
Registered Green Building: Building must be a registered green building (any level) in accordance with the USGBC (United States Green Building Council)	300
Public Transit: The site is located within 300 feet of a bus stop or transit station and the site design provides pedestrian connections to the bus stop or transit station	300
Recreation, Indoor: The mixed use or multiple-family building provides an indoor recreation and/or social room equal to 25 square feet per unit	100

HISTORY

Amended by Ord. 1510 on 2/18/2020