

CHAPTER 8

LAND AND BUILDING REGULATIONS

834.2. ZONING – UPTOWN HAMEL – 2 DISTRICT

Section 834.2.01. Purpose. The purpose of this Section is to create a distinctive Uptown Hamel area that is an attractive, pedestrian-friendly, mixed-use town center, by using building facades, porches, walkways, landscaped plazas, lighting, signage, landscaping and parking to blend retail, office, higher-density housing, specialty shops, and gathering spots into a unified and viable community.

Section 834.2.02. Permitted Uses. Within the Uptown Hamel-2 district the following shall be permitted uses subject to site plan approval and other provisions of this district. A combination of the following uses is allowed on a particular parcel, but is not required. Uses which are not specifically listed but are determined by the city to be substantially similar to a use excluded below shall not be permitted.

- (1) Residential Dwellings with a density of greater than 10 and up to 45 units per net acre
- (2) Residential Dwellings with a density less than 10 units per net acre, if combined with another use allowed in the UH-2 district
- (3) Office Uses
- (4) Retail Uses, except Pawn Shops and Adult Establishments
- (5) Service Uses, except Rental Centers, Hospitals, Nursing Homes, Animal Hospitals, Adult Establishments, Services delivered off-site, including, but not limited to, building/lawn contractors, electrical and other skills trades and pest control, and Services related to automobiles
- (6) Public Off Street Parking Lot or Ramps, subject to the standards established under Section 834.1.07. Subd. 2.
- (7) Public Services
- (8) Parks and Open Space

Section 834.2.03. Conditional Uses. The following uses are allowed in the Uptown Hamel - 2 district by conditional use permit.

- (1) Drive-In Service Businesses
- (2) Mortuary or Funeral Home
- (3) Pet Shop
- (4) Veterinary Clinic.
- (5) Essential Public Utility and Service Structures
- (6) Religious Institutions - Including an Existing Cemetery
- (7) Outdoor Dining, Drinking or Entertainment area

Section 834.2.04. Accessory Uses. Within the Uptown Hamel - 2 district the following accessory uses shall be allowed subject to site plan approval and other provisions of this district.

- (1) Off-Street Parking and Loading

- (2) Signs
- (3) Home Occupations
- (4) Temporary Outdoor Display of Goods used in conjunction with and on the same site as the permitted use or conditional use, provided that the goods are not outdoors overnight and the storage or display area does not exceed 100 square feet.
- (5) Outdoor Recreational Sports Courts, which are only permitted as accessory uses with conditions.
- (6) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd.1 of the City Code.
- (7) Brewing, Distilling, and Similar Uses, provided such production does not exceed 50% of the floor area and provided such activities are accessory to on-site sales or consumption.

Section 834.2.05. Interim Uses. Within the Uptown Hamel-2 district, the following interim uses, if existing prior to the effective date of this ordinance, shall be allowed without obtaining an interim use permit until such time as the property is redeveloped. If an interim use is damaged or destroyed by fire, storm, or other hazard, it may be reconstructed without obtaining interim use permit, if a building permit is applied for within 180 days of the event causing the damage. Expansion of the use or improvement of the property in an amount greater than 50 percent of its current value shall be permitted only by interim use permit.

- (1) Residential dwellings which do not meet the minimum density requirements of the Uptown Hamel - 2 district.
- (2) Minor Auto Repair.
- (3) Electronic and Computer Manufacturing.
- (4) Electrical and other Skill Trades, provided there is no Outside Storage.
- (5) Small Scale Light Manufacturing of Products for On-Site Retail Sales.
- (6) Tire, Battery, and Muffler Stores.

Section 834.2.06. Lot, Setback and Building Size Requirements. The lot, setback and building size requirements of the Uptown Hamel-1 district shall apply, subject to additional requirements, exceptions and modifications set forth in other sections of this ordinance. All new retail/commercial and service use buildings, including major modifications to existing buildings are encouraged to have at least a two story design.

Section 834.2.07. Design and Development Standards.

Subd. 1. The design and development standards of the Uptown Hamel - 1 district shall apply, subject to additional requirements, exceptions and modifications set forth in other sections of this ordinance.

Subd. 2. Additional Design and Development Standards – Conditional and Interim Uses:

The following additional design and development standards are identified for the uses listed below. Standards in addition to those listed below may be identified during the review and approval process, due to the particular characteristics of each site, the proposed development of the site, and the uses on adjacent property.

- (a) Drive-In Service Businesses.

- i) No drive-in service shall be provided between the hours of 10:00 p.m. and 6:00 a.m.
 - ii) All trash and debris shall be stored inside the building in an appropriately designed area preferably at or near the loading-unloading area.
 - iii) No new drive-in service shall have a drive way within:
 - (1) 100 feet of an improved intersecting street.
 - (2) 100 feet of a zoning district which is exclusively residential.
- (b) Mortuary or Funeral Home.
- i) The site plan shall provide for adequate parking and traffic circulation including a plan for formation and movement of a funeral procession.
- (c) Pet Shop.
- i) No outside space shall be used for showing or keeping animals.
 - ii) The building's design for ventilation, location of windows, and doors shall be configured to reduce noise and potential for noise violations.
- (d) Veterinary Clinic
- i) No large outside animal pens, cages or runs shall be allowed, except an enclosed area no larger than 10' x 10' (100 sq. ft. or less) shall be permitted for animals to relieve themselves or to be observed by veterinary staff. All animal wastes shall be properly removed and disposed of on a daily basis.
 - ii) No long-term or overnight kennel operations shall be permitted, unless the animal is held for observation for specific medical conditions or reasons.
 - iii) The plan for ventilation, location of windows, and doors shall be designed to reduce noise and potential for noise violations.
- (e) Minor Auto Repair and Tire, Battery, and Muffler Stores.
- i) The building's design for ventilation, location of windows, and doors shall be configured to reduce noise and potential for noise violations.
 - ii) Equipment specifications and impact information such as vibration and noise reduction may be required by the city.
- (f) Electronic and Computer Manufacturing.
- i) Equipment specifications and impact information such as vibration and noise reduction may be required by the city.
 - ii) At least some portion of the ground floor, adjacent or oriented to the street shall be considered for retail sales or service.
- (g) Essential Public Utility and Service Structures.
- i) Such uses shall not be of an industrial nature unless it can be demonstrated to the city's satisfaction that such uses cannot be located in a more suitable location and the function of the use must be to serve Uptown Hamel.
 - ii) Building placement, designs, materials, and architectural treatments, must be consistent with this ordinance.

- (h) Religious Institutions – Including an Existing Cemetery.
 - i) Shared parking options shall be considered when a proposed expansion requires more off-street parking.
 - ii) The site plan shall provide for adequate parking and traffic circulation including a plan for formation and movement of a funeral procession.

- (i) Outdoor Dining, Drinking, and Entertainment Areas
 - i) Shall be allowed only in connection with a restaurant or bar which has inside seating for at least 20 people. Roof-top dining is encouraged and must have suitable access and safety measures for patrons and employees.
 - ii) The outdoor dining/drinking/entertainment area shall not be larger than one-half of the inside seating area.
 - iii) The outdoor dining/drinking/entertainment area shall be delineated by decorative fencing, landscaping, building walls or some combination of these or similar features, and may be included in the green space areas with the use of pervious surface materials.
 - iv) If the sale of intoxicating liquor is inside, the outside area may be required to have all access to the space from only inside the principal building.
 - v) The establishment's hours of operation may be limited and noise reduction measures may be required in order to minimize impact on surrounding land uses.

- (j) Small Scale Light Manufacturing of Products for On-Site Retail Sales.
 - i) The building's design for ventilation, location of windows, and doors shall be configured to reduce noise and potential for noise violations.
 - ii) Equipment specifications and impact information such as vibration and noise reduction may be required by the city.
 - iii) Loading areas must be sufficient for deliveries of supply and product.

- (k) Skill Trades Provided there is no Outside Storage.
 - i) There shall be no outdoor storage of supplies, equipment, salvage, reusable or recycling material or trash.
 - ii) The building's design for ventilation, location of windows, and doors shall be configured to reduce noise and potential for noise violations.
 - iii) Equipment specifications and impact information such as vibration and noise reduction may be required by the city.

Section 834.2.08. Review and Approval Process. The review and application process set forth in the Uptown Hamel-1 district ordinance shall be utilized with regard to development in the Uptown Hamel - 2 district.

Amendment History of this Section

Adopted August 6, 2008 (Ord. 449).

Amended November 7, 2012 (Ord. 539). Amended section 834.2.04 regarding regulations of Wind Energy Conversion Systems, Solar Equipment, and Geothermal Systems.

Amended November 18, 2014 (Ord. 568). Amended Section 834.2.04 adding “Brewing, Distilling, and Similar Uses” as an accessory use.

Amended February 17, 2015 (Ord. 576). Amending Section 834.2.04 regarding solar equipment.