
CHAPTER 8**LAND AND BUILDING REGULATIONS****834. ZONING – UPTOWN HAMEL (UH) DISTRICT**

Section 834.01. 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 834.02. Permitted Uses. Within the Uptown Hamel 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 not required. Uses which are not specifically listed but are determined by the city to be substantially similar to a use that is excluded below shall not be permitted.

- (1) Residential Dwellings, subject to minimum and maximum lot area per unit requirements contained herein
- (2) Office Uses
- (3) Retail Uses, except Pawn Shops and Adult Establishments
- (4) Service Uses, except Rental Centers, Hospitals, 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
- (5) Public Off Street Parking Lot or Ramps, subject to the standards established under Section 834.07. Subd. 2.
- (6) Public Services
- (7) Parks and Open Space

Section 834.03. Conditional Uses. The following uses are allowed in the Uptown Hamel district by conditional use permit.

- (1) Drive-In Service Businesses
- (2) Pet Shop
- (3) Veterinary Clinic
- (4) Nursing Home, Assisted Living, or Memory Care Facility
- (5) Essential Public Utility and Service Structures
- (6) Outdoor Dining, Drinking or Entertainment area

Section 834.04. Accessory Uses. Within the Uptown Hamel 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 834.05. Interim Uses. Within the Uptown Hamel 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 an 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 district.
- (2) Minor Auto Repair.
- (3) Electrical and other Skill Trades provided there is no outside storage.

Section 834.06. Lot, Setback and Building Size Requirements. The following requirements shall be observed, subject to additional requirements, exceptions and modifications set forth in other sections of this ordinance.

Subd. 1. Minimum Lot Area: No Minimum. If proposing a reduction in lot area, the applicant must be able to demonstrate a viable use for the lot.

Subd. 2. Minimum Lot Width: No Minimum. If proposing a reduction in lot width, the applicant must be able to demonstrate a viable use for the lot.

Subd. 3. Minimum Front Yard Setback: None, unless an easement or other similar dedication is needed for pedestrians, utilities, street, or similar purpose for the area or for the block in which the property is located.

Subd. 4. Maximum Front Yard Setback: All principal buildings shall be located within 10 feet of the front lot line, unless the parcel has more than two acres and more than one principal building.

Subd. 5. Minimum Side Yard Setback: Eight feet. A structure may be constructed with zero lot line setback if the outside wall has no openings and is constructed to meet the requirements for zero lot line setbacks in compliance with the Building Code. If a structure is not constructed with exactly zero setback, the minimum setback shall be eight feet.

Subd. 6. Minimum Rear Yard Setback: An amount determined by the city which is necessary to provide adequate parking, access and loading for people and goods, fire access/control or to meet other ordinance requirements.

Subd. 7. Building Size: No individual commercial use or tenant space shall have a ground floor area greater than 12,000 square feet.

Subd. 8. Lot Area per Dwelling Unit (Single Family or Multi-Family):

- (a) Minimum Lot Area per dwelling unit: 2,904 square feet. The minimum lot area per dwelling unit shall be reduced to 2,178 square feet if underground parking of at least one stall per dwelling unit is provided.
- (b) Maximum Lot Area per dwelling unit: 10,890 square feet. Dwelling units within a mixed-use building may be developed at lower densities.

Subd. 9. Impervious Cover. The maximum percentage of impervious surface cover shall be no more than 90 percent so long as the site was part of the 2005 city stormwater improvement project, or is larger than two acres and has been required to provide on-site ponding to accommodate run-off. If the site was not part of the 2005 city stormwater improvement project or if the site is larger than two acres and has not been required to provide on-site ponding, the maximum percentage of impervious cover shall be limited to 20 percent. A site may exceed this 20 percent limit if the development incorporates various Low Impact Design (LID) features and/or Best Management Practices (BMPs) such that no net increase in runoff occurs from the site, as determined by the City Engineer.

Section 834.07. Design and Development Standards. Design and developments standards are established for this district to achieve an attractive, liveable and viable town center consistent with the purpose of this district and to assure that land uses, buildings and functions are compatible within the district. Additional standards 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. The plans and proposed use of a property shall conform to the design and development standards prior to approval of a construction or land use permit. The applicant or owner shall supply plans and data necessary to demonstrate such conformance.

Subd. 1. Buildings - Architectural Standards:

- (a) General. All new buildings, structures, expansions, remodeling, and development plans shall conform to these design standards and be compatible and complementary to the buildings proposed to be retained downtown. Elements of compatibility include, but are not limited to: building height, form, mass and bulk, fenestration, exterior material appearance, color, exterior material durability, detailing, setbacks, landscaping, exterior lighting and site improvements.
- (b) Building - Street. Building design shall make the street visually more interesting, functionally more enjoyable and useful and economically more viable. Buildings,

porches, and plaza spaces shall be designed to bring the building and its activity more in contact with the street.

- (c) **New Building and Major Expansions.** New buildings and major expansions of existing buildings should be compatible with adjacent and nearby buildings. Buildings shall be designed and oriented consistent with this ordinance, proposed use of the property, uses on adjacent properties and nearby amenities. Buildings shall be designed and oriented so as not to detract from one another or vistas. Views from the residential areas should be protected. Where these views exist, partial loss of the view may be an unintended but justified result when development takes place consistent with other provisions of this ordinance. Entrances shall be placed for easy access from the street. Utilities shall be placed underground and meters and transformers shall be hidden from view.
- (d) **Integrate – Coordinate.** New buildings, structures, remodeling and expansion shall be integrated and coordinated with development on abutting property. Elements for integration and coordination include, but are not limited to, sidewalk and pedestrian ways and their continuity; site lighting; site access; building orientation; building entrances; and utilitarian functions which are to be totally screened from view or which are contained within the building and which include loading, trash, and mechanical and electrical equipment.
- (e) **Porches (Overhangs – Canopies – Arcades).** Porches, which overhang into walks, are one of Uptown Hamel’s trademarks. These features should be preserved, enhanced, and improved. New commercial structures on Hamel Road and Sioux Drive are expected to be designed and constructed with these features. New porches, arcades or similar structures which overhang or extend into the right-of-way may be allowed by the city through approval of the plan, but must be supported in a way which does not obstruct the traveled portion of the right-of-way. The property owner may be required to obtain a license from the city or to execute an agreement with the city governing its use, maintenance and other factors.

Porch/Overhang/Canopy/Arcade Design criteria/guidelines are as follows:

- i. **Height:** If projecting into the public right-of-way, a pedestrian clearance of at least eight feet and a height consistent with the architecture of the building shall be provided.
- ii. **Width:** At least six feet.
- iii. **Columns:** Shall be traditional in design and made from durable materials such as finished anodized metal, wrought iron or wood in a color compatible with the building. Wood columns must be cedar or redwood lumber, at least six inches by six inches, which may be stained or painted. Columns are not allowed to be affixed to the ground within the right-of-way.

- iv. Roof: Shall be durable and meet the wind and snow loads required by code. Slopes should be to the street and away from pedestrians.
- (f) Height. New building heights shall not exceed three stories, except as described herein. Along all street frontages and park property lines, building heights exceeding two stories shall have the third story set back at least six feet from the front line of the building, and the fourth story shall be set back 12 feet from the front line of the building. Basement levels shall not be considered a story, so long as more than 50 percent of the basement structure is below grade at the average of all areas around the building. Total building height shall not exceed 50 feet, except structures such as belfries, chimneys, flues, monuments, cupolas and domes which do not contain living space, are permitted, provided they are not higher than 10 feet above the height of the building. In the case that the distance from grade to the eave (or top corner of a flat roof) of a structure exceeds 30 feet, additional fire suppression apparatuses may be required by the city. A fourth story may be allowed if ten percent of residential units are dedicated affordable housing units.
- (g) Materials. Exterior materials shall consist of one or more of the following: natural brick, stucco, stone, wood, glass, or commercial grade fiber cement lap siding with a wood appearance which is installed per manufacturer's specifications. Treated or anodized metal may be used for trim.
- (h) Roofs. Roofs may be pitched, mansard, flat, or planted "green roofs." Flat roofs shall have an architectural treatment (a "cap") of an acceptable design. On pitched roofs, materials and colors must be compatible with the district. All roof run-off must drain onto the property that creates the run-off. Rain gardens are encouraged.
- (i) Equipment. Equipment shall not be mounted on the roof unless it can be demonstrated that there is no other reasonable alternative. If allowed, rooftop equipment shall be screened using the architectural elements and material from the building, provided they are consistent with these design standards.
- (j) Fenestration – Modulation. Windows and openings shall be generous, especially on the street side, and their placement and design shall express the pedestrian-friendly, livability of the town center. To this end, third stories or higher must be tiered back from the street a minimum of six feet per story. Buildings shall be modulated a minimum of once per 40 feet in frontage to avoid long, monotonous building walls. This modulation may include varying building height, building setback, or building materials/design. At the street level, at least 30 percent of the façade should be glass in windows and doors.
- (k) Landscaping and Setbacks. At least 5 percent of the site shall be plaza or landscaped. Landscaping shall consist of a combination of: decorative deciduous and coniferous trees, shrubs, flowers, ground covers and rain gardens. Landscaped

areas and pockets shall be delineated and separated by any of the following: curbing, decorative fencing, decorative walls, planter boxes, containers, “cut outs” in a plaza, or by similar means. An approved plaza in which at least 20 percent of the plaza is open to the ground allowing full penetration of water into the ground can be counted to meet this requirement. All that part of the site not taken up by buildings, walks, or plazas or approved parking and loading shall be landscaped. Grades and drainage must meet city requirements.

- (l) Fences and Walls. Fences and walls shall be decorative using a traditional design and may be used to delineate and separate spaces and to protect topographic change. Fence material shall be wrought iron, anodized steel or aluminum, or wood. Walls shall be made of brick, concrete brick, decorative block, cedar or redwood or stucco on concrete. Fences and walls shall not be located to prevent desirable access through areas.
- (m) Utilities. All utilities serving the buildings and facilities shall be underground.
- (n) Recycling and Trash Facilities. All materials and facilities for recycling and trash shall be kept inside the principal buildings or within a completely screened area. If a completely screened area is used it must 1) be architecturally compatible with and made of the same or better material used on the principal building, and 2) meet the architectural and development standards of the district.
- (o) Hazardous Materials. Provisions for storage of hazardous materials must be included in the building and be identified on the plans.
- (p) Other Materials. All storage of other materials shall be stored inside the building in a suitable area in accordance with the approved plan.

Subd. 2. Parking and Loading Areas.

- (a) Off – Street Parking. Flexibility in the number of required off-street parking spaces and loading facilities is allowed in the Uptown Hamel district because: 1) many parcels were developed prior to enactment of parking and loading requirements; 2) some parcels are small; 3) some parcels have little open space; and 4) there is a need to retain continuity of buildings fronting on Hamel Road and in the future on Sioux Drive, and there is a preference for “infill” on Hamel Road to be buildings, not parking lots or structures.

In providing this flexibility, the city will consider the use and need for parking, the amount of off-street parking that is being provided, the amount of nearby on-street parking, any nearby public parking lots, peak parking demands for the use, joint use of parking facilities, and other relevant factors. In granting a parking reduction, concern for the overall benefits to the Uptown Hamel district will be considered as well as use and enjoyment of adjacent properties and economic impacts.

The city council may establish and allow a fee in lieu of required parking to be paid towards the full number of off-street parking spaces required by the zoning ordinance. The proceeds of this fee shall be utilized by the city to achieve alternative parking solutions in the Uptown Hamel District. This fee shall be established under the then-current city fee schedule.

- (b) Flexibility to engineering standards. Because of the reasons described in Subd. 2(q) above, reasonable flexibility may be allowed to the city's engineering standards with regard to parking lots.
- (c) Surfacing. Asphalt or concrete surface for parking and driveways shall be required in the Uptown Hamel district. Porous asphalt or other similar pervious material shall be encouraged. Parking areas for infrequent parking such as for special events or for infrequent use, for example fewer than 20 times per year, may use grasscrete or similar materials or techniques and remain in conformance with this provision.
- (d) Driveways. Driveways shall be designed to match the sidewalk grade.
- (e) Landscaping and Lighting. Parking lots shall, where appropriate, have landscaped features capable of infiltrating storm water from the parking area and decorative lighting. The outer edges of the parking lot shall, where appropriate, have berms with landscaping consisting of decorative or ornamental deciduous and coniferous trees, shrubs and flowers. Small-scale parking lots are preferred over large lots. Parking of more than 20 passenger vehicles in a row shall be broken up by landscaped features.
- (f) Landscape Watering. Provisions for watering the landscaped areas shall be encouraged and dependent upon the design, species and variety of the plantings.
- (g) Screening. Screening shall be required where:
 - (1) Any off-street parking area contains more than six parking places and is within 30 feet of an adjoining residential zone.
 - (2) Where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential zone or a single-family development.
- (h) Parking Lots in Front of Buildings are Prohibited. Except for parcels containing two or more acres and having more than one principal building, there shall be no parking between the principal building and 1) the front property line or 2) the side lot line abutting a street.
- (i) Pedestrian Movement. Provisions for pedestrian movement into and through parking lots where required shall be included. Patterned pavement, decorative lighting and associated facilities shall be provided as may be appropriate.

- (j) **Parking Ramps.** Up to two levels of parking above grade may be allowed provided it is consistent with the scale of the development in the area and provided it meets the architecture standards including materials and other design standards of the district.
- (k) **Loading Docks and Areas.** Due to the age, scale of development, and the limitation on building bulk, providing a loading dock is optional. However, access to adequately handle goods and materials must be provided on the site. A rear entrance for loading area is favored over loading area from the side or front. Loading docks, if provided, shall have a nine-ton capacity, dustless, all-weather surface and shall not be located on the street side of a building.
- (l) **Outdoor Storage of Commercial Vehicles.** Outside off-street storage of one commercial vehicle not to exceed 12,000 lb. of gross vehicle weight and not more than 24 feet in length shall be permitted for each 5,000 square feet of gross floor area in the principal structure. Vehicles shall have a current and valid license, and shall be in operable condition, for use on the public streets, actively used for the approved use on the site and moved on a daily basis when the use is open for business.

Subd. 3. Residential Dwellings.

- (a) **Preservation.** Natural features and site amenities such as the wooded area called The Preserve shall be encouraged to be preserved.
- (b) **Building Placement.** To the extent possible, buildings shall be located consistent with the results of a site analysis and the existing grades of the land and the location of trees and other environmental features.
- (c) **Grades.** The grade of a private roadway, driveways and parking lots that exceed five percent, must be approved by the city engineer.
- (d) **Fire Lanes.** Lanes for fire access shall be provided as determined necessary by the city fire code.
- (e) **Underground Parking.** For efficiency, benefit and safety of the residents, and to conserve land, buildings shall provide for inside parking at a ratio of at least one space per dwelling unit.
- (f) **Outside Storage of Trash, Boats or Special Vehicles.** There shall be no outside storage of trash or debris except when stored in trash containers and fully screened from view. If a completely screened area is used it must 1) be architecturally compatible with and made of the same or better material used on the principal building, and 2) meet the architectural and development standards of the Uptown Hamel district. All special vehicles including, but not limited to, unlicensed vehicles, recreational vehicles, motor homes, camping trailers, other

trailers, boats, jet skis, snowmobiles, lawn tractors, and all terrain vehicles shall be stored in a building.

- (g) Sidewalks and Trails. Complete plans shall be provided for proposed sidewalks and trails to serve parking and recreation areas, and to serve areas within the proposed development to link the city's trail system.

Subd. 4. Places Open to the Public:

- (a) Plazas. Plazas or small extensions of the sidewalk into or on private property are encouraged especially at key focal points and selected locations. Plazas will serve as a unifying link between businesses and sidewalks. The design and form of the plazas shall accommodate social and business interaction, provide a setting for buildings, sidewalks and other plazas, and should accommodate sitting, watching and in some instances outdoor food services. Plazas shall include special pavements (for example, concrete brick pavers or exposed aggregate), decorative lights and decorative trees, shrubs and flowers with emphasis on providing a variety of color, texture, and form throughout the year. Electrical services and other utilities within the plaza shall be underground. Outlets for decorative/festive lighting and for other social and business activities shall be provided, and rain gardens are encouraged. Decorative fences and walls will be used to delineate spaces and to accommodate grade changes. Plaza furniture is encouraged including benches, drinking fountains, bike racks, waste containers, kiosks, and decorative signs and plaques. Monuments and sculpture will be encouraged e.g. clock towers, gazebos, water fountains, etc. Water spigots for cleaning and for watering trees and plants will be conveniently and discretely provided.
- (b) Monuments. Monuments, sculpture and similar art works are encouraged in public and private plazas to enhance the setting and to contribute to the pedestrian-friendly, livability of the town center.

Subd. 5. Other:

- (a) Buffers. Buffers may be required between different land uses or different functions such as commercial abutting residential or a loading dock/area abutting an office. Buffers are to be achieved by using any of the following: landscaping, decorative walls, decorative fencing, or landscaped berms.
- (b) Outdoor Speakers. All forms of outdoor speakers are prohibited, except for financial institutions.
- (c) There shall be no outdoor storage of trash, trash containers, or debris of any kind.

Subd. 6. 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 that is exclusively residential
- (b) Pet Shop.
 - i) No outside space shall be used for showing or keeping animals.
 - ii) The plan for ventilation, location of windows, and doors shall be designed to reduce noise and potential for noise violations.
- (c) 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.
- (d) Assisted Living Facility.
 - i) A sufficient quantity of the units shall qualify as dwelling units to meet the residential density requirements of the Uptown Hamel district.
 - ii) Sufficient parking shall be provided for residents, guests, and employees.
- (e) 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.
- (f) Outdoor Dining, Drinking, and Entertainment Areas.
 - i) The outdoor dining/drinking/entertainment area shall not exceed the larger of the following: 1) 16 seats; or 2) one-half of the seats within the inside seating area. Rooftop areas shall not be subject to these limitations.
 - ii) 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.
- iii) 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.
 - iv) 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.
- (g) Minor Auto Repair
- i) The plan for ventilation, location of windows, and doors shall be designed 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.
- (h) 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 834.08. Review and Approval Process.

Subd. 1. Concept Plan: A concept plan is recommended to be prepared for development, expansion, or redevelopment of property in the Uptown Hamel district pursuant to the concept plan review procedures specified in Section 827.33 of the zoning ordinance.

Subd. 2. Site Plan Review: All development, redevelopment, expansion and changes of use shall be subject to the Site Plan Review and Administrative Site Plan Review provisions of City Code section 825.55 et. seq.

- (a) Any change of use of property shall be subject to Administrative Site Plan Review as noted to determine compliance of the new use with relevant requirements.
- (b) Flexibility for required off-street parking as described in this Section shall require review and approval of a Site Plan Review by the Planning Commission and Council as described in section 825.55 et. seq.

Amendment History of this Section

Adopted August 6, 2008 (Ord. 449).

Amended November 7, 2012 (Ord. 539). Amended section 834.1.04 regarding regulations of Wind Energy Conversion Systems, Solar Equipment, and Geothermal Systems.

Amended November 18, 2014 (Ord. 568). Amended Section 834.1.04 adding “Brewing, Distilling, and Similar Uses” as an accessory use.

Amended February 17, 2015 (Ord. 576). Amending Section 834.1.04 regarding solar equipment.

Amended March 15, 2016 (Ord. 596). Amending Section 834.1.07Subd. 1 (g) regarding buildings – architectural standards.

Amended July 2, 2019 (Ord. 648) – Combining the Uptown Hamel Zoning District Sections 834, 834.1, and 834.2; Amending the requirements of the Uptown Hamel Zoning District.