

## CHAPTER 8

### LAND AND BUILDING REGULATIONS

#### SECTION 842.1 MIXED USE (MU) DISTRICT – GENERAL REGULATIONS

**Section 842.1.01 Mixed Use (MU) – Purpose.** The purpose of the Mixed Use District is to integrate a mix of uses to promote housing and commercial diversity. The Mixed Use District will serve, in most cases, as a transitional district between more intense highway-oriented development and less intense rural or low-density residential uses. The intent of the Mixed Use District is to permit flexibility in the use of land, while maintaining a set of development standards and expectations that will allow property owners to design development projects that respond both to market needs and City development goals. The transitional aspect of development in the Mixed Use District will require that projects are designed with a special focus on mitigating any negative impacts on existing and future development in the area. New development proposals will be evaluated for their consistency with this goal and may be required to be amended, or may be rejected, when found to be inconsistent. New developments in the Mixed Use District shall be consistent with the following objectives:

- (1) This District shall consist of creative and thoughtful residential and commercial development that preserves open space and natural features.
- (2) Residential density shall average between 3.5 units per acre and 6.99 units per acre over a minimum of half of the developable area.
- (3) Residential development shall complement existing development in surrounding residential neighborhoods.
- (4) Developments shall incorporate creative design and buffering techniques to ensure smooth transitions between different types of development or different intensities of uses.
- (5) Where appropriate, developments shall be easily accessible to pedestrians, bicyclists and transit users.
- (6) Development shall include high quality and attractive building materials and architectural design as well as extensive landscaping in order to limit impacts on surrounding land uses, and shall be integrated and coordinated in a way to most efficiently utilize site improvements and to protect the natural environment.
- (7) Development in the MU District shall demonstrate consistency with the goals, policies, and other elements of the Comprehensive Plan.
- (8) Development shall be designed to be served with public utilities, streets and other infrastructure without separate City investments, including the necessary extension of such infrastructure to connect with surrounding existing and/or future development.

#### **Section 842.1.02 (MU) Design and Development Standards.**

##### **Subd. 1. General Standards**

- (1) Minimum Residential Density: 3.5 dwelling units per net acre.

- (2) Minimum Land Area to be devoted to residential uses shall be 50 percent of net developable land.
- (3) Maximum Density: 6.99 dwelling units per acre (see density incentives).
- (4) Required residential density shall be calculated using the total number of units and the total land area devoted to residential uses in the Stage I Plan.
- (5) Where feasible, residential areas shall consist of more than one dwelling unit style, e.g. single family detached dwellings, two-family dwellings, attached townhouses, or multiple family dwellings.
- (6) Areas abutting and within 300 linear feet of Trunk Highway 55, County Road 19 or Willow Drive shall be utilized for commercial land uses.
- (7) Areas within 100 feet of property designated in the Comprehensive Plan for rural residential or low density residential development, shall be comprised of only single family detached or two family attached dwellings.
- (8) If the two standards in (6) and (7) above conflict, standard (6) shall have precedence.

**Subd. 2. Standards for Residential Development.** In addition to the general standards above, the buffer yard requirements of this section, and review and approval requirements of this section, residential development within the MU District shall meet the requirements of Section 842.2 and other applicable provisions of the City Code.

**Subd. 3. Standards for Commercial Development.** In addition to the general standards above, the buffer yard requirements of this section, and review and approval requirements of this section, commercial development within the MU District shall meet the requirements of Section 842.3 and other applicable provisions of the City Code.

### **Section 842.1.03 (MU) Buffer Yards Requirements**

**Subd. 1.** Generally. A buffer yard is a combination of distance, plantings, berms, and/or fencing. The purpose of a buffer yard is to reduce the negative impacts that may result when land uses of different intensities abut each other or when residential uses abut primary roadways.

**Subd. 2.** Buffer yards required. A buffer yard shall be required in the following situations:

- (a) Adjacent to less intensive land use. A buffer yard shall be required when a developing property is adjacent to or across a street from property of a less intensive land use, as summarized by the following table.
- (b) Adjacent to Collector or Arterial Roadways. A buffer yard shall be required along collector and arterial roadways if the property on the opposite side of the roadway is of the same or a more intensive land use, as summarized by the following table.

**Required Bufferyard Opacity**

		Type of Mixed Use Development			
		Single Family	Two Family	Townhomes & Multiple Family	Commercial
Land Use of Property Adjacent to Proposed Development**	Single Family	0.1*	0.2	0.3	0.4
	Two Family	0.1*	0.1*	0.2	0.3
	Townhomes and Multiple Family	0.1*	0.1*	0.2	0.3
	Commercial, Uptown Hamel, General Business, and Industrial	0.1*	0.1*	0.1*	0.1*

**NOTES:**

\* Buffer yard only required if the proposed development is adjacent to a collector or arterial roadway with the noted adjacent land use across the street.

\*\* If a specific land use is not listed, or if the adjacent property is a PUD, the City shall determine the most similar district to determine the required buffer yard.

**Subd. 3.** The required buffer yard may be achieved through a combination of distance, plantings, berming and/or fences. The following combinations, or an alternative approved by the city, may be utilized:

<b>Potential Combinations to Achieve Bufferyard Opacity</b>			
<b>Opacity</b>	<b>Minimum Buffer Yard Width</b>	<b>Minimum # of Buffer Yard Planting Points per 100 linear feet</b>	<b>Minimum Required Berm or Fence</b>
0.1	10'	38	Minimum 4' wood rail fence
	10'	91	None Required
	15'	80	None Required
	20'	73	None Required
	25'	68	None Required
	30'	65	None Required
	35'	62	None Required

0.2	10'	84	Minimum 44" picket fence
	15'	133	Minimum 4' wood rail fence
	15'	198	None Required
	20'	173	None Required
	25'	158	None Required
	30'	149	None Required
	35'	140	None Required
	35'	10	Minimum 4' berm
	40'	135	None Required
0.3	15'	198	Minimum 44" picket fence
	20'	320	None Required
	20'	240	Minimum 4' wood rail fence
	25'	276	None Required
	30'	252	None Required
	35'	235	None Required
	35'	104	Minimum 4' berm
	40'	223	None Required
	40'	44	Minimum 5' berm
	45'	215	None Required
	50'	209	None Required
0.4	20'	330	Minimum 44" picket fence
	25'	440	None Required
	25'	362	Minimum 4' wood rail fence
	30'	385	None Required
	35'	349	None Required
	35'	208	Minimum 4' berm
	40'	327	None Required
	40'	148	Minimum 5' berm
	45'	310	None Required
	50'	299	None Required
	50'	56	Minimum 6' berm

0.5	30'	564	None Required
	30'	405	Minimum 44" picket fence
	30'	492	Minimum 4' wood rail fence
	35'	499	None Required
	35'	319	Minimum 4' berm
	40'	454	None Required
	40'	261	Minimum 5' berm
	45'	422	None Required
	50'	405	None Required
	50'	160	Minimum 6' berm
	55'	388	None Required
	60'	374	None Required

**Subd. 4.** Determination of Buffer Yard Planting Points. Planting requirements for the various buffer yard options are calculated in terms of points. Points are calculated based on typical growth rates, mature height, and whether a plant is deciduous or coniferous. The city shall grant additional points, not to exceed a 50 percent increase, for plants which exceed the minimum permitted installation size below.

**Buffer Yard Planting Points**

Plant Category	Buffer Yard Planting Points per Plant	Minimum Permitted Installation Size
Overstory deciduous tree	50	2.5" caliper
Understory deciduous tree	15	1.5" caliper
Tall evergreen tree	50	6' tall
Medium evergreen tree	20	4' tall
Low evergreen tree	12	3' tall
Tall deciduous shrub	5	36" tall
Medium deciduous shrub	3	24" tall
Low deciduous shrub	1	18" tall
Medium evergreen shrub	5	18" tall/wide
Low evergreen shrub	3	12" tall/wide

**Subd. 5.** Types of planting. Plants shall be suitable for the soil and site conditions and complement others in the area.

- (a) Plants shall meet the size requirements described in the table above at the time of planting.
- (b) Unless otherwise approved by the city, plants shall be consistent with the Minnesota Department of Natural Resources' *"Field Guide to the Native Plant Communities of Minnesota, the Eastern Broadleaf Forest Province."*
- (c) No more than 25 percent of plants shall be from one species.
- (e) Plants shall be selected and placed in a way which most effectively provides a buffer, as approved by the city. Species with known vulnerability to disease or infestation shall not be permitted. The landscaping plan shall consider factors such as survivability of plantings, surrounding topography, and interaction with berms/fences.

**Subd. 6.** Credit for existing vegetation. The city shall grant credit for existing vegetation that is preserved within an area where a buffer yard is required. Credit shall be based on Subd. 5 above, including the additional points for larger plantings.

**Subd. 7.** Berms and Fences. When berms or fences are combined with plant materials in a buffer yard, at least half of the plantings shall be located towards the exterior of the subject property, in relation to the location of the fence or berm. If an earth berm is proposed, the berm shall be undulating in order to give a natural appearance.

**Subd. 8.** Buffer yard location. Buffer yards, when required, shall be located adjacent to the outer perimeter of a development site.

- (a) Buffer yards may be located within required yard setbacks, but a principal structure shall be set back a minimum of 10 feet and an accessory structure a minimum of five feet from the buffer yard.
- (b) In the case a wetland interferes with the lineal continuation of a buffer yard, alternative means may be required by the city to reduce the impact of the development upon adjacent property.

**Subd. 9.** Recorded document required. A document, in a form provided by the city, shall be recorded against the property over which a buffer yard lies. This document shall include, at a minimum, the location of the buffer yard, the restrictions on the use of this property, and the maintenance responsibility for the landscaping and improvements.

**Subd. 10.** Use of buffer yards. Buffer yards shall be left in a predominantly undeveloped state. Passive recreation and pedestrian, bicycle, or equestrian paths may be allowed, so long as the required plantings are provided. No sports courts, swimming pools, storage or other similar use shall be allowed. Paving shall be limited to areas necessary to provide access to the subject property.

**Section 842.1.04 (MU) Development Review and Approval Process.**

**Subd. 1.** Process. All development in the MU District shall follow the process outlined in this section. No development in the MU District shall be permitted prior to the completion of all stages of review, nor without the submission of all required documents, including any additional documents that may be required by the City in the review of the proposed MU development. At any Stage under this Section the City shall have the discretion to consider the following actions:

- (a) Approve a mixed use development as submitted;
- (b) Approve a mixed use development subject to conditions specifying changes to the submitted proposal; or
- (c) Deny any proposed mixed use development if it is found that the proposed development does not meet the objectives of this District or of the Comprehensive Plan, or of any of the standards and requirements herein.

**Subd. 2.** A Mixed Use Development will require approval of the following documents:

- (a) A Stage I Plan which identifies the parcels proposed to be subject to the mixed use development plan, proposed land uses, general site plan layout, phasing, and other general elements of the project.
- (b) A Stage II Plan which identifies the development details of the current phase(s) of the project, along with a Preliminary Plat that identifies lot sizes, Outlot dimensions and future land uses, and all areas to be dedicated to the public, consistent with the City's Subdivision regulations.
- (c) A Stage III Plan which establishes a recordable set of documents regulating the near-term development of the current phase of the project, as well as establishing the longer-term development of future phases.

**Subd. 3.** Each of the three Stages of approval in the MU District shall be considered a separate land use application, and shall be submitted with an accompanying City application form and applicable fees.

**Subd. 4.** Stage I Plan.

- (a) The Stage I Plan establishes the general layout of land uses and densities of development in the MU District. The Stage I Plan further identifies the limits of the MU development, for purposes of identifying residential unit counts, acreages devoted to various land uses, and overall compliance with Comprehensive Plan objectives. More than one parcel may be included in an individual Stage I Plan for a mixed use development.
- (b) The Stage I Plan shall be recorded against all parcels in the mixed use development, including the current phase of development and all future phases. The purpose of the Stage I Plan is to provide notice to future owners and developers, as well as City officials, of the land use and development expectations for future phases of the mixed use development. An approved Stage I Plan shall not require revision, and may serve as the basis for Stage II plans for any parcel in the mixed use development. The Stage I Plan DOES NOT confer any development rights – such rights are established only upon approval of a qualifying Stage II Plan and associated Preliminary Plat, or at

another time as may be required by Minnesota law or agreed to between developer and City. The approved Stage I Plan may be amended pursuant to a new application process under this section.

**Subd. 5.** Stage I Plan submission requirements. The submission requirements for Stage I Plan approval shall include:

- (a) Narrative description of the mixed use project, including how the project fulfills the purposes of the MU District.
- (b) Identification of required minimum dwelling unit count for parcel in question based on Zoning Ordinance and Comprehensive Plan documents governing land use on the subject property or properties.
- (c) Identification of minimum required land area to be devoted for residential uses based on Zoning Ordinance and Comprehensive Plan documents governing land use on the subject property or properties.
- (d) Submission of a proposed Stage I Plan providing the following information:
  - (i) Documentation of property ownership, interest in title, or authorization from owner(s) of all parcels to make application on their behalf.
  - (ii) General site analysis identifying developable land including locations of commercial and residential land uses, sensitive environmental areas, significant view sheds and other important features.
  - (iii) Demonstration that required residential densities can be achieved.
  - (iv) Identification of important utility and other infrastructure connections and issues.
  - (v) Connectivity of the site to surrounding land uses, potential pedestrian/bicycle connections, and other external land use relationships.
  - (vi) General traffic circulation plan, including a designation of proposed public and private streets. Said plan shall demonstrate connections to the area transportation network, or logical extensions of the future street network demonstrating consistency with the City's Transportation Plan. Said plan shall further demonstrate how traffic circulation through the area will avoid conflicts between commercial and residential traffic.
  - (vii) For all business and/or commercial areas, a sketch plan illustrating the proposed layout of commercial buildings and related improvements; alternatively, where business or commercial areas are not proposed to be developed immediately, the applicant may submit an estimate of the commercial development capacity of the property in square feet of commercial building space.
  - (viii) For all residential areas, a sketch plan illustrating the preliminary proposed building layout, unit style, street jurisdiction, lot layout, environmental conservation areas, public or private open space, public or private recreation space, and other elements of the plan.
  - (ix) For each of the parcels in the mixed use development, a statement identifying the minimum and maximum development capacity, by land use category, for future phases of the project.



**Subd. 6.** Stage I Plan approval process. The process for approval of a Stage I Plan shall be the same as that required for a Conditional Use Permit under Section 825.43, Subd. 2 – Subd. 5 of the Medina City Code.

**Subd. 7.** Stage II Plan.

- (a) Upon approval of a Stage I Plan, an applicant may proceed to Stage II Plan approval. The purpose of the Stage II Plan is to establish the development details for the phase of the mixed use development covered by the Stage II Plan.
- (b) A Stage II approval may be sought for any of all of the individual parcels in the proposed mixed use development, as identified in the phasing plan incorporated in the Stage I Plan approval.
- (c) A separate Stage II Plan approval shall be required for each phase of the mixed use development. If desired, an applicant may combine phases and proceed to Stage II Plan approval for several phases concurrently.

**Subd. 8.** Stage II Plan submission requirements. The submission requirements for Stage II Plan approval shall include:

- (a) A copy of the approved Stage I Plan relating to development on the mixed use parcel in question.
- (b) Proposed Preliminary Plat, including each of the documents required by Section 820 (Subdivision Regulations) of the Medina City Code.
  - (i) A proposed development in the MU District shall not be eligible for the exceptions otherwise provided for in that Section.
  - (ii) The Zoning Administrator may waive certain irregularities in the required process to permit coordination of the Plat approval process with the development approval process requirements of the MU District.
- (c) All submission requirements for Site Plan Review as specified in Section 825.55 of the Medina City Code.

**Subd. 9.** Stage II Plan Approval Process. The process for approval of a Stage II Plan shall be the same as that required for a Conditional Use Permit under Section 825.43, Subd. 2 – Subd. 5 of the Medina City Code.

**Subd. 10.** Stage III Plan.

- (a) Upon approval of a Stage II Plan, an applicant may proceed to Stage III Plan approval. A separate Stage III Plan approval shall be required for each phase of the mixed use development. If desired, an applicant may combine phases and proceed to Stage III Plan approval for several phases concurrently.
- (b) An applicant shall have six months from the date of Stage II approval to submit Stage III plans.
- (c) An applicant may request an extension for the submission of such request, approval of which is entirely at the discretion of the City Council.
- (d) If no Stage III application or extension request is submitted within the required six month period, the Stage II Plan approval(s) shall be considered void.

**Subd. 11.** Stage III Plan submission requirements. The submission requirements for Stage III Plan approval shall include:

- (a) Final plans for all approved Stage II development documents, revised per City Council conditions and findings.
- (b) Development Agreement for execution, in a form as approved by the City Attorney, including the approved Stage I Plan as an exhibit.
  - (i) The Stage I Plan shall be recorded against all parcels subject to the mixed use development application.
  - (ii) The City may require the Development Agreement to be recorded against any or all parcels, at its discretion.

**Subd. 12.** Stage III Plan Approval.

- (a) Approval of a Stage III Plan shall be by written certification of the the Zoning Administrator, upon a finding that the submitted documents conform to the requirements and approvals of the City Council.
- (b) The Zoning Administrator shall cause the documents to be signed as necessary, filed and/or recorded in accordance with this Ordinance and Minnesota law.
- (c) No building permit shall be granted for any structure within the MU District until the appropriate documents are so certified.
- (d) Other activities within the mixed use development shall proceed only in accordance with City requirements, including all necessary permit approvals, posting of acceptable financial and other securities, and any other applicable regulation.

**SECTION 842.2 MIXED USE (MU) DISTRICT – RESIDENTIAL DEVELOPMENT****Section 842.2.01 (MU) Residential Permitted Uses.**

- (1) Single Family Detached Dwellings
- (2) Two Family Dwellings
- (3) Townhouse Dwellings, provided no structure contains more than six dwelling units
- (4) Multiple Family Structures, provided that:
  - (a) No structure shall contain more than 16 units; and
  - (b) A development with one or more structures containing more than eight dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the Multiple Family Residential requirement as described by Section 842.1.03
- (5) Day Care Facilities serving 12 or fewer persons or group family day care facilities serving 14 or fewer persons, provided: the facility is state licensed as required by law; no more than one person not residing at the property is employed by the facility; and that provisions are made so that the drop-off and pick-up of clientele does not impact neighboring property or right-of-way
- (6) State Licensed Residential Facilities or housing with services establishment registered under Chapter 144D serving six or fewer persons provided that they are located in a single family residential area
- (7) Parks and Open Space
- (8) Essential Services

**Section 842.2.02 (MU) Residential Conditional Uses.** The following shall be permitted residential uses, subject to conditional use permit approval, the specific requirements established in Section 842.2.07, and other applicable provisions of the city code:

- (1) Day Care Facilities serving 13 to 16 persons
- (2) State Licensed Residential Facility serving 7 to 16 persons
- (3) Assisted Living Facilities and Nursing Homes
- (4) Multiple Family buildings with more than 16 units

**Section 842.2.03 (MU) Residential Accessory Uses.**

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools and sport courts
- (4) Home occupations
- (5) Signs, subject to the requirements of the sign ordinance
- (6) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

**Section 842.2.04 (MU) Single Family and Two Family Residential Lot Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

**Subd. 1.** Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

**Subd. 2.** Minimum Lot Size (Single Family Detached): 8,000 square feet

**Subd. 3.** Minimum Lot Size (Two Family Dwelling): 5,000 square feet per unit

**Subd. 4.** Minimum Lot Width (Single Family Detached): 60 feet. The minimum lot width shall be increased to 90 feet for lots with a side yard adjacent to a collector or arterial roadway.

**Subd. 5.** Minimum Lot Width (Two Family Dwelling): 50 feet per unit. The minimum lot width shall be increased to 80 feet for a unit with a side yard adjacent to a collector or arterial roadway.

**Subd. 6.** Minimum Lot Depth: 90 feet

**Subd. 7.** Minimum Front Yard Setback: 25 feet, except as follows:

- (a) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (b) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.

**Subd. 8.** Minimum Rear Yard Setback: 25 feet. The rear yard setback may be reduced to 15 feet if abutting an open space or common area.

**Subd. 9.** Minimum Interior Side Yard Setback (Single Family Detached):

- (a) The combined total of both side yards shall be a minimum of 15 feet
- (b) Neither side yard shall be less than 5 feet
- (c) One of the side yards shall be 10 feet or greater

**Subd. 10.** Minimum Interior Side Yard Setback (Two Family Dwelling): 10 feet, except the side yard setback shall be reduced to zero for the common wall between two dwelling units.

**Subd. 11.** Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway or Private Street: 25 feet, except as follows:
  - (i) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.

- (ii) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

**Subd. 12.** Maximum Impervious Surface Coverage: 50 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented on the lot which, according to the City Engineer, reduce runoff below that which would occur if abiding by the maximum impervious surface regulation. However, in no case shall impervious surface coverage exceed 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

**Section 842.2.05 (MU) Multiple Family Residential Lot Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code. Many of these standards may be applied across a coordinated development so that individual lots may not meet all requirements (lot area and impervious surface coverage, for example) but the development as a whole is consistent with the standards. In these situations, the city shall require documentation which describes the property which is subject to the coordinated development.

**Subd. 1.** Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

**Subd. 2.** Minimum Net Area per Unit: 8,750 square feet per unit

**Subd. 3.** Maximum Net Area per Unit: 12,500 square feet per unit

**Subd. 4.** Requirements for Maximum Density: Certain design and construction features serve to reduce the real and perceived impacts of crowding prevalent in multiple-residential dwelling units and building complexes or to meet other City objectives. Additional density of 5 to 7 units per acre shall be allowed provided that the density is consistent with the Comprehensive Plan and the overall density average of the subject site does not exceed 7 units per acre.

- (a) Affordable Housing (max. bonus = 1.5 unit/acre). The density bonus shall be based on the proportion of units which will be preserved as affordable housing and the nature of the restriction utilized to maintain affordability.
- (b) LEED Certification or similar (max. bonus = 1.0 unit/acre). The density bonus shall be based upon the level of certification, with the full bonus available for the highest level of certification.
- (c) Low impact development (max. bonus = 1.0 unit/acre). The density bonus shall be based on the water quality improvements above those required by the city.
- (d) Underground Parking (max. bonus = 1.0 unit/acre). The density bonus shall be based upon the number of parking stalls provided, with the full bonus available if at least one underground space is provided per dwelling unit.

- (e) Oversized garages or lockable storage units (max. bonus = 0.25 unit/acre). Additional storage must be at least 40 square feet for townhomes or 25 square feet for other uses.
- (f) Common open space and shared recreational facilities (max. bonus = 0.25 unit/acre).

**Subd. 5.** Minimum Setback from Perimeter of Site: 20 feet, except as modified below. This setback shall apply to structures, parking, and recreational areas.

- (a) Increase adjacent to less intensive land use. The setback adjacent to or across a street from property of a less intensive land use shall be increased to 40 feet.
- (b) Increase for required buffer yard. The required setback shall be increased when necessary to abide by buffer yard requirements.

**Subd. 6.** Street Setbacks: The following yard setback shall be required adjacent to public or private streets. Structures, parking areas, and active recreational areas shall not be located within this setback area. The required yard setback shall be based on the classification of the street in the Comprehensive Plan as follows:

- (a) Private Street: 25 feet, except as follows:
  - (i) Parking areas and recreational areas shall be exempt from this requirement.
  - (ii) Reduction of setback for side- or rear-load garage: The front yard setback may be reduced to 15 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Local Roadway: 40 feet
- (c) Collector or Arterial Roadway: 50 feet

**Subd. 7.** Minimum Setbacks between buildings within a development: 30 feet

**Subd. 8.** Maximum Impervious Surface: 50 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented which, according to the City Engineer, exceed stormwater retention and treatment regulations. However, in no case shall impervious surface coverage exceed 65 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

### **Section 842.2.06 (MU) Residential Design and Development Standards.**

**Subd. 1.** Maximum Building Height. All buildings shall meet the following requirements:

- (a) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler or if interior side yard setbacks are increased by 50 percent.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.

- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than 30 feet.

**Subd. 2. Building Materials.**

- (a) All exterior building materials shall be durable and consistent with relevant codes, regulations and other industry standards.
- (b) Townhome Units. No less than 20 percent of any façade facing a public or private street shall be an accent material.
- (c) Multiple Family Units. No less than 20 percent of any façade facing a public or private street shall be an accent material. These materials may include shakes, brick, stone, face brick, decorative concrete, or others approved by the City. No less than 50 percent of the vertical exterior building materials shall be non-combustible material such as brick, face brick, decorative concrete or others approved by the City.

**Subd. 3. Garages.**

- (a) Single Family and Two-Family Units. Each principal dwelling unit shall include garage space with a minimum capacity of two vehicles.
- (b) Townhomes shall include garage space with a minimum capacity of two vehicles.
- (c) Multiple family structures shall include a minimum of one enclosed or underground parking stall per dwelling unit.
- (d) All Units. In the case that garage doors occupy more than half of the horizontal building façade facing a street, architectural elements shall be provided to reduce the monotonous appearance of garage doors. These elements may include varying setback of garage doors, differentiating roof designs, constructing dormers, and installing garage doors with windows or other design elements

**Subd. 4. Utilities.**

- (a) Utilities shall be placed underground.
- (b) Mechanical and HVAC equipment serving individual dwellings shall be screened, to the extent possible, from all public or private streets as well as from adjacent structures.
- (c) Equipment which serves more than one dwelling unit shall be screened as follows:
  - (i) Rooftop Equipment. Equipment shall be screened through the use of architectural elements and materials which are compatible with the overall design of the building. Wood fencing or chain link fencing with slats shall not be permitted.
  - (ii) Ground equipment. Equipment shall be screened with walls which are constructed of materials which are compatible with the building or with landscaping which is opaque during the entire year.

**Subd. 5. Building Modulation and Articulation (Townhomes and Multiple Family Units).** Buildings shall be modulated a minimum of once per 50 feet of building

perimeter to avoid long, monotonous building walls. This may include varying building height, building setback, building orientation, roof pitch, roof design, or significant differences in building materials/design.

**Subd. 6. Trash and Recycling Facilities.**

- (a) Trash and recycling bins for individual dwelling units shall be stored so not to be prominently visible from streets or neighboring units.
- (b) For all other uses, all trash and recycling shall be stored within the principal building, within an accessory structure, or within an enclosed outdoor area easily accessible from the principal structure. The accessory structure or enclosed area shall be constructed of similar materials and have the compatible architecture as the principal structure and shall abide by yard setback requirements.

**Section 842.2.07 (MU) Supplemental Requirements for Specific Residential Uses.**

**Subd. 1. Day Care Facilities serving 16 or fewer persons**

- (a) Shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway.
- (b) Shall not be operated within a townhome or multiple family structure
- (c) Parking requirements shall be based on the number of employees of the facility and the number of clients to be served. Circulation shall be sufficient so drop-off and pick-up of clientele does not interfere with the right-of-way.
- (d) Sufficient outdoor recreational areas shall be provided.
- (e) The facility shall meet licensing requirements as required by law.
- (f) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

**Subd. 2. State Licensed Residential Facility or housing with services registered under chapter 144D, serving 16 or fewer persons**

- (a) Shall not be operated within a townhome or multiple family structure.
- (b) Parking requirements shall be based on the number or residents at the facility as well as the number of employees. Parking for residents of the facility shall be enclosed or underground, consistent with the requirements of the zoning district.
- (c) The facility shall meet licensing requirements as required by law.
- (d) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

**Subd. 3. Assisted Living Facilities and Nursing Homes**

- (a) Shall abut a collector roadway.
- (b) Parking requirements shall be based on the number of employees of the facility, expected guest visitation and the likelihood of residents owning vehicles.



Parking for residents of the facility shall be enclosed or underground, consistent with the requirements of the zoning district.

- (c) Sufficient outdoor plaza and recreational areas shall be provided.
- (d) Exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal or fiber cement lap siding or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
- (e) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

**Subd. 4. Multiple Family Buildings with More Than 16 Units**

- (a) A development with one or more structures containing more than sixteen (16) dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the Townhome & Multiple Family Land Uses requirement as described in Section 842.1.03, Subd. 2 of this Ordinance.
- (b) The architecture and building mass is consistent with other buildings in the neighborhood, or properly serves the objective of transition between lower and higher intensity uses as required by this Ordinance.
- (c) No more than 50 percent of the parking area serving the building consists of open surface parking.
- (d) Where applicable, such buildings shall provide amenities to be consistent with “bonus density” in Section 842.2.04 Subd. 5 of this Ordinance.

**Section 842.2.08 (MU) Residential Landscaping Requirements.**

**Subd. 1. Single and Two Family Units.**

- (a) Generally. Each lot shall be landscaped, except for areas occupied by buildings, driveways, walks, patios, recreational areas, wetlands, wetland buffers and woodlands. Landscaping shall include trees, shrubs, plantings and turf grass. Properly maintained prairie or natural vegetation may be utilized within buffer yards. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall not be excluded from the gross acreage of the parcel when calculating impervious surface coverage.
- (b) Lawn Establishment. The entire lot and adjacent right-of-way to the edge of the street shall be landscaped and vegetation established prior to issuance of a certificate of occupancy for a new home.
  - (i) Financial Guarantee Option. If vegetation is not established at the time of certificate of occupancy, the city may accept a financial guarantee and provide access to the property, as required by the City Council, it ensure that landscaping is completed within one year.

- (ii) Type of Ground Cover. Low maintenance and water conserving alternatives to traditional Kentucky bluegrass are encouraged and may be seeded. Otherwise, sod or hydro-seed application shall be required.
- (c) Front Yard Trees. A minimum of two overstory trees shall be required to be planted prior to issuance of a certificate of occupancy for each dwelling unit. Trees shall meet the following requirements:
  - (i) Financial Guarantee Option. If the trees are not planted at the time of certificate of occupancy, the city may accept a financial guarantee, as established by the city council, to ensure that planting occurs within one year.
  - (ii) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
  - (iii) Location. At least one of the trees shall be located within 15 feet of the front lot line. Trees shall be located in a way which does not interfere with utilities.
  - (iv) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required, unless otherwise necessary. Species with known vulnerability to disease or infestation shall not be permitted. The trees shall not be of a single species and, to the extent possible, should be differentiated across the neighborhood so that no more 25 percent are from one species.
  - (v) Credit for Preserved Trees. The city may reduce the required number of overstory trees if existing trees are preserved in the front yard. In order to receive credit, the trees shall satisfy the requirements of the Tree Preservation Ordinance, Section 828.41.
- (d) Maintenance. The property owner shall be responsible to see that landscaping is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Irrigation for landscaping and lawns shall be consistent with city water usage regulations.
- (e) Tree Preservation. Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

**Subd. 2.** Single Family and Two Family Development Sites.

- (a) Generally. All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Water conserving alternatives to traditional Kentucky-Bluegrass are encouraged. Properly maintained prairie and natural vegetation is encouraged within common open space and buffer yards. Species with known vulnerability to disease or infestation shall not be permitted. Integrated stormwater management practices, such as vegetative swales, vegetative filter strips, bioretention, and raingardens, shall be considered landscaping and shall be

- included in the gross acreage of the parcel when calculating impervious surface coverage.
- (b) **Maintenance.** The developer shall be responsible for establishing a long-term maintenance plan to see that common space and buffer yard landscaping and fencing is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Landscape irrigation, where necessary, shall be consistent with water usage regulations.
  - (c) **Landscaping Guarantee.** The developer shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings.
    - (i) The developer shall submit a financial guarantee and provide access to the property, in forms acceptable to the city, prior to issuance of any building permit to ensure the planting and survival of the plantings. The developer may transfer financial guarantee responsibility to another willing entity.
    - (ii) Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement will be guaranteed for an additional two growing seasons. After the additional growing seasons, any of the new plants which do not survive or have severely declined shall be replaced. After provisions have been made for maintenance of these new plants, the city shall release any remaining financial guarantee.
  - (d) **Tree Preservation.** Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

**Subd. 3. Townhome and Multiple Family Development Sites.**

- (a) **Generally.** All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, parking lots, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Water conserving alternatives to traditional Kentucky-Bluegrass are encouraged. Properly maintained prairie or natural vegetation is encouraged within common open space and buffer yards. Species with known vulnerability to disease or infestation shall not be permitted. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.
- (b) **Building Setting.** At least 10 feet of landscaped area shall be provided adjacent to all buildings except for walks, driveways, and plaza/patio space. Walks within this landscaped area shall be limited to where practically necessary to serve access points of buildings.
- (c) **Overstory Deciduous Shade Trees and Coniferous Trees.** A minimum of one tree per 60 feet, or fraction thereof, of lot perimeter shall be required. Any lot

- perimeter for which a buffer yard is required shall be excluded from this calculation.
- (i) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than five feet in height.
  - (ii) Location. Tree location shall be approved by the city prior to planting.
  - (iii) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.
  - (iv) Credit for Preserved Trees. The city may reduce the required number of overstory trees if an applicant preserves more existing trees than required by the Tree Preservation Ordinance, Section 828.41. The city shall determine the amount of credit granted for such existing trees.
- (d) Ornamental Trees. A minimum of one tree per 120 feet, or fraction thereof, of lot perimeter shall be required. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation. One tree per 150 feet shall be required if a water conserving alternative is utilized for the lawn or if bioretention or other low impact development practices are implemented.
- (i) Size. Trees shall not be less than one and one-half caliper inches measured four feet off ground.
  - (ii) Location. Tree location shall be approved by the city prior to planting.
  - (iii) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.
- (e) Understory Shrubs. In addition to trees, a full compliment of understory shrubs shall be provided to complete a quality landscape treatment of the lot. Shrubs shall be potted and a minimum of 24 inches. In no instances shall the number of shrubs be less than one per 40 feet, or fraction thereof, of lot perimeter. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation. One shrub per 50 feet shall be required if a water conserving alternative is utilized for the lawn or if bioretention or other low impact development practices are implemented.
- (f) Parking Lot Landscaping. A minimum of eight percent of the total land area within parking areas shall be landscaped. Parking lots with fewer than 10 stalls shall be exempt from these requirements.
- (i) Landscaping at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.
  - (ii) Landscaping shall break up rows of parking approximately every 20 spaces.
  - (iii) Species selection shall be guided by soils conditions and plantings shall be designed in a way which increases the likelihood of long-term survival.
  - (iv) Where practical, the landscaping areas shall be designed to receive stormwater runoff from the adjacent parking area.

- (g) Maintenance. The developer shall be responsible for establishing a long-term maintenance plan to see that common space and buffer yard landscaping and fencing is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Landscape irrigation, where necessary, shall be consistent with water usage regulations.
- (h) Landscaping Guarantee. The developer shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings.
  - (i) The developer shall submit a financial guarantee and provide access to the property, in forms acceptable to the city, prior to issuance of any building permit to ensure the planting and survival of the plantings. The developer may transfer responsibility of financial guarantee to another willing entity.
  - (ii) Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement will be guaranteed for an additional two growing seasons. After the additional growing seasons, any new plants which do not survive or have severely declined shall be replaced. After provisions have been made for maintenance of these new plants, the city shall release any remaining financial guarantee.
- (j) Tree Preservation. Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

**SECTION 842.3**  
**MIXED USE (MU) DISTRICT – COMMERCIAL DEVELOPMENT**

**Section 842.3.01 (MU) Commercial Permitted Uses.**

- (1) Essential Services
- (2) Office Uses
- (3) Parks and Open Space
- (4) Public Services
- (5) Retail Uses, except the following uses are not permitted uses: pet stores, pawn shops, and adult establishments.
- (6) Service Uses and Services Delivered Off-Site, including but not limited to building/lawn contractors, electrical and other skills trades and pest control, except the following are not permitted uses: hospitals, veterinarian clinics, adult establishments and services related to automobiles.
- (7) Warehousing, Wholesaling, and Distributors not exceeding 10,000 square feet

**Section 842.3.02 (MU) Commercial Conditional Uses.** The following shall be permitted commercial uses, subject to conditional use permit approval, the specific requirements established in Section 832.3.06, and other applicable provisions of the city code

- (1) Structures which exceed 50,000 square feet in floor area
- (2) Assembly or manufacturing of light industrial products, except not the following uses and processes: leather tanning; paper manufacturing; meat slaughtering or rendering; metal plating; Teflon coating or similar coatings requiring high temperatures; the use of heavy or other drop forges; the use of heavy or other hydraulic surges; or the use of any devices capable of detection at the property line.
- (3) Automobile, Marine, or Trailer Sales or Rental
- (4) Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops
- (5) Automobile Towing
- (6) Car Washes or Auto Detailing
- (7) Drive-through services
- (8) Hospitals
- (9) Indoor Recreational Uses, including but not limited to bowling alleys, dance halls, movie theaters, and live entertainment.
- (10) Retail and service uses which include the keeping of animals on-site such as pet stores, veterinarian clinics, animal day cares, animal boarding, commercial kennels and similar uses.
- (11) Warehousing, Wholesaling or Distributors more than 10,000 but less than 60,000 square feet in floor area.
- (12) *Reserved*
- (13) Motor fuel stations provided that the site has frontage along Highway 55
- (14) Religious Institutions
- (15) Educational Facilities

- (16) Places of assembly, conference halls, lodges, and similar uses
- (17) Vertical Mixed Use Developments

**Section 842.3.03 (MU) Commercial Accessory Uses.**

- (1) Off-street parking and loading
- (2) Outdoor dining and/or drinking areas, subject to the requirements established in Section 842.3.05, Subd. 11.
- (3) Outdoor display of goods used in conjunction with and on the same site as the permitted use or conditional use, subject to the requirements established in Section 842.3.05, Subd. 12.
- (4) Outdoor recreational sports courts, subject to a conditional use permit and the requirements established in Section 842.3.05, Subd. 13.
- (5) Outdoor storage, subject to a conditional use permit and the requirements established in Section 842.3.05, Subd. 15.
- (6) Signs, subject to the requirements of the sign ordinance
- (7) Temporary Outdoor Sales Events, subject to an administrative review of compliance with the requirements established in Section 842.3.05, Subd. 16.
- (8) Parking structures, subject to a conditional use permit and the requirements established in Section 842.3.05, Subd. 20.
- (9) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

**Section 842.3.04 (MU) Commercial Lot Standards.** The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

**Subd. 1.** Minimum Lot Size: One acre. The minimum lot size may be reduced to 0.5 acre if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City.

**Subd. 2.** Minimum Lot Width: 100 feet

**Subd. 3.** Minimum Lot Depth: 120 feet

**Subd. 4.** Minimum Front Yard Setback: 25 feet

**Subd. 5.** Minimum Rear Yard Setback: 25 feet

**Subd. 6.** Minimum Interior Side Yard Setback: 15 feet

**Subd. 7.** Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway: 25 feet

- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

**Subd. 8. Residential Setback:** A required yard setback adjacent to or across a street from a residential land use shall be increased to 50 feet.

**Subd. 9. Minimum Railroad Setback:** A required yard setback adjacent to a railroad right-of-way may be reduced to zero, except as necessary for safety, fire access, or utility purposes.

**Subd. 10. Minimum Parking Setbacks:** Parking stalls, parking aisles, and fire lanes may encroach within the required yard setbacks but shall be located the following distances from property lines:

- (a) Front Yard: 25 feet
- (b) Rear and Interior Side Yard: 10 feet, except to accommodate shared/joint parking across a common lot line.
- (c) Side Yard, if adjacent to street: 25 feet
- (d) Residential Land Use: 40 feet

**Subd. 11. Maximum Impervious Surface:** Impervious surface coverage shall not exceed 75 percent of the entire lot. The maximum impervious surface coverage may be increased to 80 percent if the lot is part of an integrated development utilizing shared improvements such as parking and stormwater management, as approved by the City. However, in no case shall impervious surface coverage exceed 85 percent of the remaining lot area after wetlands and stormwater ponds have been excluded.

### **Section 842.3.05 (MU) Commercial Design and Development Standards.**

**Subd. 1. Building Size:** Except for Vertical Mixed Use Developments, structures in excess of 50,000 square feet of floor area shall only be permitted subject to conditional use permit approval, the specific requirements established in Section 838.5.08, and other applicable provisions of the city code.

**Subd. 2. Maximum Building Height:** Building height shall not exceed 35 feet. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

**Subd. 3. Outdoor Lighting:** Unless otherwise specified herein, outdoor lighting shall abide by the requirements specified in the Outdoor Lighting Ordinance.

- (a) Lighting levels at property lines shall be limited to 0.5 foot-candle, except if adjacent to a residential land use, where lighting shall be limited to 0.0 foot-candle.
- (b) Parking lot and Walkway lighting fixtures shall utilize full cut-off luminaires with no more than 10 percent of light output above the horizontal plane through the light source.



- (c) Landscape and architectural lighting shall be aimed directly at the area of focus. Spill light shall be minimized through the use of narrow distribution luminaries and control devices such as louvers, refractors, barn doors, and glare shields.

**Subd. 4. Building Materials.** All exterior building materials shall be durable and meet the following standards:

- (a) A minimum of 30 percent of the building exterior shall be brick, natural stone, stucco (not Exterior Insulation and Finish System or similar product), copper, or glass.
- (b) A maximum of 70 percent may be decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. Decorative concrete shall be color impregnated in earth tones (rather than painted) and shall be patterned to create a high quality terrazzo, brick, stucco, or travertine appearance.
- (c) A maximum of 20 percent may be wood, metal (excluding copper), or fiber cement lap siding, if used as accent materials which are integrated into the overall building design.

**Subd. 5. Building Modulation.** Buildings shall be designed to avoid long, monotonous building walls. Modulation may include varying building height, building setback, or building materials/design. Generally, a particular building elevation shall include a minimum of one element of modulation per 100 feet of horizontal length, or portion thereof. Alternative architectural or site elements and designs may also be approved by the city which achieve the purpose of reducing the visual impact of long building walls.

**Subd. 6. Building Fenestration and Transparency.** Building elevations which face a public street shall include generous window coverage. Alternative architectural elements may be approved by the city when windows are not practical.

**Subd. 7. Multi-sided Architecture.** Any rear or side building elevation which faces a public street or a residential land use shall include design and architectural elements of a quality generally associated with a front façade. The elevation(s) shall be compatible with the front building elevation. Additional signage shall be permitted for an elevation facing a public street or interior access drive, as regulated within the sign ordinance. Multi-sided architecture shall not be required in situations where the rear or side building elevation is fully screened from view from the adjacent street or residential property.

**Subd. 8. Utilities.** All utilities shall be placed underground. To the extent possible, all utility equipment, meters and transformers shall be placed either inside of the building or within an outside mechanical court formed by walls. If not located within the building, these items shall be fully screened from view from adjacent property and streets through the use of opaque landscaping or walls constructed of materials which are compatible with the building.

**Subd. 9. Mechanical Equipment.** All HVAC and other mechanical equipment shall be designed, located, and/or screened so they are not visible from adjacent property or public streets.

- (a) **Rooftop Equipment.** Equipment shall be screened through the use of architectural elements and materials which are compatible with the overall design of the building. Wood fencing or chain link fencing with slats shall not be permitted.
- (b) **Ground Equipment.** Equipment shall be screened with walls which are constructed of materials which are compatible with the building or with landscaping which is opaque during the entire year.

**Subd. 10. Trash and Recycling Facilities.** All trash and material to be recycled shall be stored within the principal building, within an accessory structure, or within an enclosed outdoor area adjacent to the principal structure. The accessory structure or enclosed area shall be constructed of similar materials and have compatible architecture as the principal structure and shall abide by yard setback requirements.

**Subd. 11. Screening.** In situations where screening is required by the zoning ordinance or as a term of a conditional use permit, the following standards shall be satisfied through the use of fences, walls, or vegetative screens.

- (a) **Standards for vegetative screens.** Vegetative screens shall consist of fully hardy plant materials, planted in a way to be at least 80 percent opaque year-round. The height of the screen shall be determined by the city, taking into account the characteristics of the object(s) or area being screened, but shall be of adequate size immediately upon planting. The plants within a vegetative screen shall be in addition to the general landscaping requirements of this section.
- (b) **Standards for screening fences or walls.** A screening fence or wall shall be constructed of attractive, finished materials such as masonry, brick or wood. Materials and design shall be compatible with the principal structure. The height of the fence or wall shall be determined by the city taking into account the characteristics of the object(s) or area being screened.
- (c) **Maintenance.** The property owner shall be responsible for ensuring that fences and walls are not in disrepair and that planting screens are maintained in a neat and healthful condition. Failure to do so shall be a violation of this ordinance and may be deemed a nuisance, subject to necessary enforcement procedures.
- (e) **Berming.** If an earth berm is proposed to supplement the screening, the berm shall be undulating in order to give a natural appearance.

**Subd. 12. Outside Storage of Service Vehicles.** A limited number of vehicles utilized for the use permitted on a property may be stored within the required off-street parking area. One vehicle for every 10,000 square feet of building footprint, or portion thereof, shall be allowed. Vehicles shall be currently licensed, operable, less than 24 feet in length, and not more than 12,000 lbs. of gross vehicle weight. Additional

vehicles and larger vehicles than allowed above shall be parked inside of buildings, within a loading dock, or within an outside storage area as regulated herein.

**Subd. 13. Loading Docks.**

- (a) Screened from Residential. No loading dock shall be visible, to the fullest extent possible, from any residential land use. Screening may be accomplished through one or more of the following: using buildings to screen, opaque landscaping, decorative walls, or decorative fencing.
- (b) Location. No loading dock shall encroach into the required setbacks for the front yard or a side yard adjacent to a street. Loading docks shall be located, and landscaping shall be utilized so as to minimize visibility from streets.

**Section 842.3.06 (MU) Supplemental Requirements for Specific Commercial Uses.**

**Subd. 1. Structures which exceed 50,000 square feet of floor area.**

- (a) The structure may only be utilized for a use which is permitted in the zoning district in which it is located.
- (b) Required Front, Rear, and Side Yard Setbacks shall be increased to 50 feet.
- (c) Structures and loading areas shall be no less than 100 feet from residential land uses. Parking shall be no less than 80 feet from residential land uses.
- (d) The city may require increased landscaping and screening to minimize the impact of intensive traffic within parking and loading areas.
- (e) The city may require additional landscaping, screening and architectural elements to minimize the impact of longer building facades.
- (f) A detailed traffic analysis may be required by the city to determine traffic control needs.

**Subd. 2. Assembly and Manufacturing of light industrial products**

- (a) The structure containing the use shall be no less than 200 feet from residential land uses.
- (b) Equipment specifications shall be submitted. Vibration and noise reduction measures, and conditions related to building layout may be required by the city. Measures may be required regarding ventilation systems in order to prevent adverse effects of exhaust or emissions on adjoining property or tenant spaces.
- (c) Specific provisions shall be identified for property storage and disposal of fuels, chemicals, and any other hazardous materials.

**Subd. 3. Automobile, Marine, and Trailer Sales or Rental**

- (a) Inventory shall be stored and displayed inside of a building or within an approved outdoor storage area, which shall meet the standards required herein.
- (b) No inoperative vehicles shall be stored on the premises, unless in the process of being repaired and are stored within a building.
- (c) On-site repair or maintenance of vehicles shall be subject to the conditions established for Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops above.

- (d) No test driving of vehicles shall be permitted on local residential streets.
- (e) All vehicle dealers shall be licensed by the state.

**Subd. 4.** Automobile Repair, Oil Lubrication Service Shops, Auto Body Shops

- (a) The structure containing the use shall be no less than 200 feet from residential districts.
- (b) Vehicles parked outside awaiting service or pick-up shall be located in an area which is fully screened from neighboring properties and from the right-of-way.
- (c) No inoperative vehicles shall be stored on the premises, unless in the process of being repaired and are stored within a building.
- (d) All repair functions shall occur within an enclosed building.
- (e) No sales, storage, or display of automobiles shall be permitted unless a conditional use permit is granted for such a use.
- (f) Equipment specifications shall be submitted. Vibration and noise reduction measures may be required by the city.
- (g) Additional screening may be required to limit sight and noise impacts of service bays.
- (h) Adequate provision shall be made for proper inside storage of all new and used petroleum, chemical, liquid, and other products.
- (j) Towing operations shall be permitted as an accessory use, but only if allowed as part of the conditional use permit and if clearly subordinate to the principal use. The city may apply necessary conditions and limitation on this use.

**Subd. 5.** Automobile Towing

- (a) Towed vehicles shall be stored inside of a building or within an approved outdoor storage area, as regulated herein.
- (b) No inoperative vehicles shall be stored on the premises, unless stored within a building.
- (c) No salvaging, crushing or recycling of vehicles shall be permitted.
- (d) Additional screening may be required adjacent to the area where vehicles are loaded into the building and/or approved outdoor storage area.

**Subd. 6.** Car Washes or Auto Detailing

- (a) The structure containing the use shall be no less than 200 feet from residential districts.
- (b) Additional screening may be required to limit sight and noise impacts of service bays.
- (c) Equipment specifications shall be submitted. Noise reduction measures may be required by the city.
- (d) Adequate provisions shall be made for circulation and stacking. Stacking requirements shall be based on the specifications of the car wash and the amount of time required to wash a car.

**Subd. 7.** Drive-through services

- (a) All parts of the drive-through lane(s) shall be no less than 200 feet from residential land uses.

- (b) Drive-through lanes shall not be permitted within required yard setback areas.
- (c) The site plan shall allow adequate pedestrian circulation, vehicle circulation, and vehicle stacking which does not interfere with on-site parking and loading.
- (d) The drive-through shall allow adequate stacking and circulation so as to avoid impacts on adjacent property or public right-of-way.
- (e) The City may require additional necessary conditions to limit the impact of drive-through lanes on surrounding property, including but not limited to: limiting hours of operation, restricting drive-through lane orientation, limiting the volume of loudspeakers and ordering devises, and/or requiring additional landscaping, berming, or other means of screening.

**Subd. 8. Hospitals**

- (a) Hospital structure(s) shall not be located within 1,500 feet of a residential land use. Additionally, the primary vehicular access point to the hospital shall not be located within 1,500 feet of a residential land use.
- (b) Primary access shall be located on a road designated as a collector or arterial.
- (c) No heliport shall be located within 1,500 feet of a residential land use.
- (d) A traffic analysis shall be submitted which specifically takes emergency vehicle access into consideration.
- (e) A detailed plan shall be submitted for parking (long- and short-term), access, and pedestrian circulation based on the operation of the hospital facility.

**Subd. 9. Indoor Recreational Uses.**

- (a) Entrances for public access, as well as other outdoor areas where patrons may congregate, shall be no less than 200 feet from residential districts.
- (b) Provisions for noise reduction shall be identified based on the type of use proposed.

**Subd. 10. Motor Fuel Stations**

- (a) Fuel pumps and structures shall be no less than 200 feet from residential land uses.
- (b) No ingress or egress to the site shall be provided within 60 feet of the projected curblines of intersecting streets.
- (c) Fuel pumps shall be installed at least 12 feet from required yard setbacks.
- (d) Stacking shall be provided at each fuel pump island which does not interfere with vehicle or pedestrian circulation.
- (e) Site drainage and stormwater facilities shall be designed to limit the potential impact of fuel spills and other hazardous materials.
- (f) Any protective canopy shall meet the required yard setbacks of the district, but in no case shall be located closer than 20 feet from a property line. The canopy structure shall be constructed using materials and architectural design which are compatible with the principal structure. Canopy lighting shall be recessed or fully shielded and shall meet the outdoor lighting requirements of this ordinance.

- (g) No sales, rental, repair, or maintenance of motor vehicles or trailers shall be permitted unless these uses are part of the conditional use permit approval and meet the requirements set forth herein for the specific use.
- (h) Additional screening may be required to limit the impact of headlights on adjacent property.

**Subd. 11.** Outdoor dining and/or drinking areas

- (a) The outdoor space shall be at least 200 feet from any residential land use.
- (b) The area shall be directly adjacent to the principal structure, and be clearly delineated by fencing or decorative landscaping.
- (c) The area shall not interfere with fire safety access to the building.
- (d) Outdoor speakers and lighting shall be designed to limit impacts on adjacent property or right-of-way.
- (e) Pervious surfacing is encouraged, and if utilized, these areas shall not be considered as an impervious surface.

**Subd. 12.** Outdoor display of goods used in conjunction with and on the same site as the permitted use or conditional use

- (a) The display area shall be directly adjacent to a structure or under a permanent canopy.
- (b) The display area shall not exceed two percent of the area of the footprint of the principal building or 400 square feet, whichever is less.
- (c) Goods in the display area shall be organized and neatly stored.
- (d) The display area shall not occupy parking/loading or landscaping areas, and shall not interfere with fire safety access to the building.

**Subd. 13.** Outdoor recreational sports courts

- (a) Conditions shall be required to minimize the impact of noise and lighting, and also to minimize the likelihood of the recreational activity spilling over onto adjacent property or right-of-ways. These conditions may include, but are not limited to: limiting hours of use, restricting the location of the court, and requiring fencing or screening.
- (b) The sport court shall not be located in the front yard or a side yard adjacent to a right-of-way, and shall abide by structure setback requirements.

**Subd. 14.** Retail and Service Uses Related to Animals

- (a) Shall not be located within 200 feet of a residential land use.
- (b) Sufficient space shall be required within the principal structure to accommodate all boarding and exercise activities, if applicable. The size and design of this space shall be appropriate for the planned use according to responsible animal care standards. The space shall be well maintained and animal waste shall be promptly collected, discarded, and the location disinfected. No fenced outdoor area shall be permitted for exercise activities within the MU zoning district.
- (c) Impervious, washable materials shall be required for floor finishes and wall finishes below a height of 24 inches in all areas where animals will commonly

be located. Materials may include sealed concrete or masonry, ceramic tile, or others approved by the City.

- (d) The site and building plans shall be designed in a way to reduce noise. This shall include floor plan layout, ventilation plans, and window and door locations. The City may require improvements to be installed to reduce the impact on neighboring properties or tenant spaces.
- (e) The site plan shall identify provisions for proper storage and disposal of hazardous materials, medical waste, and animal waste.

**Subd. 15.** Outdoor Storage of Materials and Inventory.

- (a) Outside storage shall not be permitted on parcels less than 3 acres in size.
- (b) The area of storage shall not exceed an area equal to 10 percent of the gross area of the lot or 20 percent of the footprint area of the principal structure, whichever is less.
- (c) The area of storage shall not be located within the front yard or a side yard adjacent to a right-of-way.
- (d) The area of outside storage shall be set back a minimum of 50 feet from all property lines, and a minimum of 100 feet from a residential land use.
- (e) The area of storage shall be surfaced with a material approved by the city, and may not be gravel.
- (f) The area of storage shall be fully screened from neighboring properties and from the right-of-way. If a fence is used for screening, additional landscaping shall be required adjacent to the area of storage, which shall not be counted towards the landscaping requirements of the site. Similarly, if natural screening is utilized, these plantings shall not be counted towards landscaping requirements.

**Subd. 16.** Temporary Outdoor Sales Events.

- (a) Sales events shall not be conducted on a property for more than 60 days in a given calendar year, and shall not be permitted on a vacant lot.
- (b) Sales events shall not be permitted on public sidewalks or streets, or within public right-of-way, except if allowed subject to the City special event ordinance.
- (c) The sales area shall not exceed ten percent of the area of the footprint of the principal building or 3,000 square feet, whichever is less.
- (d) The sales area shall abide by the front, rear, and side yard setback requirements of the relevant zoning district and shall be located at least 200 feet from a residential land use.
- (e) The sales area shall not be permitted on an unpaved surface.
- (f) The sales area may be located within a parking lot provided:
  - (i) The City determines that adequate parking will be provided for the needs of both the principal use and sales events. However, in no case shall more than ten percent of the parking spaces on the property be occupied by the sales events.

- (ii) The City determines that adequate vehicular circulation, pedestrian circulation, and emergency vehicle access are maintained.
- (g) Sales shall only be conducted by the owner or a leaseholder of a property, unless a transient merchant license is obtained from the City.
- (h) No outdoor speakers or music shall be allowed.
- (i) Temporary signage for the event shall be regulated by the City sign ordinance.
- (j) Prior to operating a sales event, the applicant shall submit to the zoning administrator a site plan showing sales area, parking area, and emergency access. Additionally, the applicant shall submit a schedule of operation and any additional information required by the zoning administrator in order to review compliance with the requirements of this ordinance. The zoning administrator may require any necessary conditions to the use to ensure compliance with this ordinance and to promote public safety, or may deny an application which does not abide by the conditions or otherwise violates this ordinance. The applicant may appeal a decision of the zoning administrator to the city council. The applicant shall be responsible for costs accrued with review of the application and any appeal, as described by city fee schedule.

**Subd. 17.** Religious Institutions, Places of Assembly, Conference Halls, Lodges, and Similar Uses.

- (a) The minimum lot size shall be increased to 4 acres.
- (b) The minimum lot width and depth shall be increased to 300 feet.
- (c) Shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway.
- (d) No exterior bells or loudspeakers.
- (e) Buffer yard requirements adjacent to or across a street from property of a less intensive land use or the same land use shall be increased to an opacity measurement of 0.5. Buffer yard requirements are described in Section 842.1.03.
- (f) Structures shall cover no more than 20 percent of the lot, and the maximum combined floor area of all structures on a property shall not exceed 40,000 square feet.
- (g) The building's largest meeting space's seating capacity shall not exceed 500 persons.
- (h) The number of persons on-site at any given time shall not exceed two times the capacity of the sanctuary, with the exception of larger events no more than four times per year. The city may place further limitations on the number of persons on-site based on the number of parking stalls provided.
- (i) The property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities.
- (j) Playgrounds and outdoor recreational areas shall be set back a minimum of 100 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts.
- (k) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.



**Subd. 18.** Educational Facilities.

- (a) The minimum lot size shall be increased to 4 acres.
- (b) The minimum lot width and depth shall be increased to 300 feet.
- (c) Shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway.
- (e) No exterior bells or loudspeakers.
- (f) Buffer yard requirements adjacent to or across a street from property of a less intensive land use or the same land use shall be increased to an opacity measurement of 0.5. Buffer yard requirements are described in Section 842.1.03.
- (g) Structures shall cover no more than 20 percent of the lot, and the maximum combined floor area of all structures on a property shall not exceed 40,000 square feet.
- (h) The number of persons on-site at any given time shall not exceed 700, with the exception of larger events no more than four times per year. The city may place further limitations on the number of persons on-site based on the number of parking stalls provided.
- (i) The property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities.
- (j) Playgrounds and outdoor recreational areas shall be set back a minimum of 100 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts.
- (k) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

**Subd. 19.** Vertical Mixed Use Developments.

- (a) Commercial uses are preferred on the first floor of all vertical mixed use developments, however, when consistent with adjacent uses and transitional requirements of the MU District, residential uses may be allowed on the first floor.
- (b) Parcels containing residential components of vertical mixed use developments will be counted towards the overall required residential developable area and density.
- (c) At least one enclosed parking space will be required for all residential units. Required parking spaces shall be either included within or attached to the principal building.
- (d) The maximum building height shall be 45 feet. If taller than 30 feet, the structure shall be equipped with a compliant fire sprinkler system.
- (e) Unless otherwise required herein, building design, landscaping, buffer yards and other relevant site elements shall be as required for commercial uses in this District.

**Subd. 20.** Parking Structures.

- (a) The parking structure shall not exceed the height of the principal structure on the parcel.
- (b) The parking structure shall abide by the exterior building material requirements of the district and be consistent with the architectural design of the principal structure.
- (c) The parking structure shall not extend into required yard setbacks in the same way allowed for surface parking.
- (d) Additional landscaping and screening requirements may be required to reduce the visibility of the parking structure.

### **Section 842.3.07 (MU) Commercial Landscaping Requirements.**

**Subd. 1.** Generally. The entire lot shall be landscaped, except for areas occupied by buildings, walks, trails, parking lots, drives, loading docks, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and ground cover as approved by the city. Properly maintained natural vegetation may also be utilized. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall not be excluded from the gross acreage of the parcel when calculating impervious surface coverage.

**Subd. 2.** Building Setting. At least 10 feet of landscaped area shall be provided adjacent to all buildings except for walks, outdoor sales areas, plaza space and approved loading docks. Walks within this landscaped area shall be limited to where practically necessary to serve access points of buildings.

**Subd. 3.** Overstory Deciduous Shade Trees and Coniferous Trees. A minimum of one tree per 50 feet, or fraction thereof, of lot perimeter shall be required.

- (a) Size. Deciduous trees shall not be less than 2.5 caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.
- (d) Credit for Preserved Trees. The city may reduce the required number of overstory trees if an applicant preserves more existing trees than required by Subd. 9 of Section 838.5.03. The trees shall satisfy the requirements of Subd. 3 of Section 838.5.03. The city shall determine the amount of credit granted for such existing trees.

**Subd. 4.** Ornamental Trees. A minimum of one tree per 100 feet, or fraction thereof, of lot perimeter shall be required.

- (a) Size. Trees shall not be less than two caliper inches measured four feet off ground.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.

**Subd. 5.** Understory Shrubs. In addition to trees, a full compliment of understory shrubs shall be provided to complete a quality landscape treatment of the lot. Shrubs shall be potted and a minimum of 24 inches. In no instances shall the number of shrubs be less than one per 30 feet, or fraction thereof, of lot perimeter.

**Subd. 6.** Parking Lot Landscaping. A minimum of eight percent of the total land area within parking, driveway, and loading dock areas shall be landscaped.

- (a) Landscaping at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.
- (b) Landscaping shall break up rows of parking approximately every 20 spaces.
- (c) Shade trees shall be included within the landscaping. Species selection shall be guided by soils conditions and trees shall be planted in a way which increases the likelihood of long-term survival.
- (d) Where practical, the landscaping areas shall be designed to receive stormwater runoff from the adjacent parking area.

**Subd. 7.** Maintenance. Provisions shall be made to irrigate landscaping areas as necessary, consistent with the water usage regulations. The property owner shall be responsible to see that the approved landscaping plan is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive.

**Subd. 8.** Landscaping Guarantee. The owner shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings. The owner shall submit a financial guarantee, in a form acceptable to the City, prior to issuance of a building permit to ensure the planting and survival of the plantings. Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement should be guaranteed for an additional two growing seasons. The City shall retain financial guarantee in an amount necessary for any replacements.

**Subd. 9.** Tree Preservation. Removal of significant trees and any construction activity within commercial districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

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**Amendment History of this Section**

***Adopted January 5, 2010 (Ord. 474).***

***Amended March 15, 2011 (Ord. 501).*** Amended 842.3.02 and 842.3.06 regarding retail and service uses related to animals.

***Amended March 20, 2012 (Ord. 525).*** Amended section 842.3.06, Subd. 16 regarding temporary outdoor sales events.

***Amended November 7, 2012 (Ord. 539).*** Amended section 842.3.03 regarding regulations of Wind Energy Conversion Systems, Solar Equipment, and Geothermal Systems.

***Amended February 3, 2015 (Ord. 575).*** Amended sections 842.2.02 and 842.2.07 regarding assisted living facilities and nursing homes.

***Amended February 17, 2015 (Ord. 576).*** Amending sections 842.2.03 and 842.3.03 regarding solar equipment.

***December 15, 2020 (Ord. 665).*** Amended Section 842.2.05 regarding minimum area per dwelling unit.