

DIVISION 6. OFFICE DISTRICT REGULATIONS*

Sec. 36-221. Purpose of division.

The provisions of this division deal with office use of land and structures in the city.
(Code 1976, § 14:5-6)

Sec. 36-222. Office district restrictions and performance standards; general provisions.

No structure or premises within any O district shall be used for one or more of the following uses unless its use complies with the following regulations:

- (1) All activities including, but not limited to, offices, sales, rentals, service, storage, merchandise display, repair and processing, except for off-street vehicular parking and off-street loading, which are conducted in an office district shall be conducted wholly within an enclosed structure except as specifically permitted elsewhere in this chapter.
- (2) Outdoor storage shall be prohibited in the O district except when specifically permitted in this chapter.
- (3) Goods produced on the premises in the O district shall be sold only at retail on the premises.
- (4) The processes and equipment employed in the production of any goods on the premises in the O district shall meet the following requirements:
 - a. *Vibration.* Any vibration discernible beyond the property line to the human sense of feeling for three minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.
 - b. *Glare or heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.
 - c. *Noise.* Noise levels both inside and outside of buildings must meet federal, state and local requirements which may be amended from time to time.
 - d. *Air pollution.* All emissions shall meet federal, state and local requirements which may be amended from time to time.
- (5) All delivery service entrances to a building in the O district shall be from a public alley, service alley, off-street parking lot, or all deliveries shall be made from the curb. No delivery vehicle shall be permitted to be within 15 feet of the principal entrances to the business establishment for the purpose of delivering products to that business proprietor.
- (6) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in a manner which complies with the sections regulating refuse.
- (7) There shall be no vehicular access to a structure from which a business is operated which shall be within 50 feet of the intersection of the nearest curb of any public streets.

*Cross reference(s)--Businesses and licenses, ch. 8.

- (8) No storage, display or parking of vehicles shall be allowed in any of the required yards or landscaped areas.
- (9) New structures and structures which expand the gross square footage of the structure occupied for an office use by more than 50 percent shall be required to place all utility service lines including electric, gas, water, sanitary sewer, telephone and cable underground. Any new service to an existing building shall be placed underground.
- (10) Access for all office uses shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

(Code 1976, § 14:5-6.1; Ord. No. 2267-04, 4-12-2004; Ord. No. 2325-07, 5-7-2007)

Sec. 36-223. O office district.

(a) Purpose/effect. The purposes of the O office district are to:

- (1) Provide opportunities for high-density office development in areas outside of commercial districts;
- (2) Establish and maintain in portions of the city the high standards of site planning, architecture, and landscape design sought by many business and professional enterprises;
- (3) Provide adequate space to meet the needs of modern offices, including off-street parking of automobiles and, where appropriate, off-street loading of trucks;
- (4) Provide space for semipublic facilities and institutions that may be located in office districts appropriately;
- (5) Minimize traffic congestion;
- (6) Allow functionally related uses to be located in relatively close proximity to one another to provide efficient and optimum use of the land;
- (7) Provide for the coordination of development plans with plans for transportation, open space, housing, shopping and for the conducting of business and related activities;
- (8) Permit flexibility in the placement of the height of buildings, to allow the use of air rights over streets and other easements;
- (9) Permit joint use of parking facilities;
- (10) Achieve coordinated and harmonious development based on performance standards; and
- (11) Ensure proper provisions for open space, transit, vehicular and pedestrian accessibility to properties, and for ingress and egress to major transportation facilities and to protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses.

(b) Permitted uses. The following uses are permitted in the O district.

- (1) Parks and open spaces.
- (2) Police and fire stations.

- (3) Banks.
- (4) Business/trade school/college.
- (5) Printing process facilities.
- (6) Studios.
- (7) Transit stations.
- (8) Service.

(Ord. No. 2358-08, 8-14-08; Ord. No. 2369-09, 1-30-09)

(c) Uses permitted with conditions. A structure or land in any O district may be used for one or more of the following uses if it complies with the conditions stated in section 36-222 and those specified for the use in this subsection:

- (1) *Adult day care.* The conditions are as follows:
 - a. This use shall be permitted only as a part of a larger development which contains at least one other principal use or as part of a PUD.
 - b. A minimum of 150 square feet of outdoor seating or exercise area shall be provided for each person under care.
- (2) *Group day care/nursery schools.* The conditions are as follows:
 - a. This use shall be permitted only as a part of a larger development which contains at least one other principal use or as part of a PUD.
 - b. A minimum of 40 square feet of outside play space per pupil shall be provided and such space shall be enclosed by a fence.
 - c. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - d. Outdoor play areas shall be located a minimum of 200 feet from any roadway as defined in the comprehensive plan as a principal arterial.
- (3) *Hospital.* The conditions are as follows:
 - a. Buildings located within 100 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, shall be limited to four stories or 45 feet.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. Internal traffic circulation shall be designed to minimize traffic within 100 feet of any abutting property in an R district.
 - d. Screening shall be installed along any abutting R district, and the screening shall include a six foot privacy fence.

- (4) *Libraries.* This use shall be permitted only as a part of a larger development which contains at least one other principal use or as part of a PUD.
- (5) *Medical and dental offices.* The intensity classification shall not exceed 6.
- (6) *Museums/art galleries.* This use shall be permitted only as a part of a larger development which contains at least one other principal use or as part of a PUD.
- (7) *Parks/recreation.* The conditions are as follows:
 - a. The principal structure shall be located a minimum of 50 feet from a lot in an R district.
 - b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
 - c. Swimming pools shall be located a minimum of 50 feet of any lot line and a minimum of 12 feet from any other structure on the same lot.
 - d. A drainage system approved by the city engineer shall be installed.
 - e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.
- (8) *Public service structures.* The conditions are as follows:
 - a. All exterior faces of all buildings shall conform to section 36-366.
 - b. All structures shall be located a minimum of ten feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
 - c. All service drives shall be paved.
- (9) (Repealed Ord. 2311-06, 1-27-2006)
- (10) *Convention/exhibition halls.* The conditions are as follows:
 - a. All buildings, structures and truck maneuvering areas shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
(Ord. No. 2325-07, 5-7-07)
- (11) *Hotel/motel.* The conditions are as follows:
 - a. Building heights shall be limited to four stories or 45 feet within 100 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (12) *Reserved.*

- (13) *Offices.* The intensity classification shall not exceed 6.
- (14) *Private entertainment (indoor) without intoxicating liquor license.* The conditions are as follows:
- a. This use shall only be permitted as part of a larger development which contains at least one other principal use or as part of a PUD.
 - b. The structure in which the use is conducted shall be located a minimum of 60 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to a school, religious institution or community center.
 - c. If there is a wine and/or beer license, the following additional conditions shall apply:
 1. There shall be no separate bar area within the private indoor entertainment.
 2. If the conditions in subsections (c)(14)a.--(c)(14)c. of this section are not met, private indoor entertainment with a wine and/or beer license may apply for a conditional use permit under subsection (d)(8) of this section.
- (15) *Restaurants without intoxicating liquor license.* The conditions are as follows:
- a. This use shall be permitted as part of a larger development which contains at least one other principal use or as part of a PUD.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. All refuse shall meet the requirements of chapter 22 regulating refuse.
 - d. Buildings shall be located a minimum of 25 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to a school, religious institution or community center.
 - e. If there is a wine and/or beer license, the following additional conditions shall apply:
 1. There shall be no separate bar area within the restaurant.
 2. If the conditions in subsections (c)(15)a.--(c)(15)e. of this section are not met, a restaurant with a wine and/or beer license may apply for a conditional use permit under section 36-194(d)(4), provided that the parking requirements for a restaurant with intoxicating liquor license are met.

- (16) *Retail.* The conditions are as follows:
- a. No single use retail establishment over 20,000 square feet is permitted. The retail facility shall be permitted only as a part of a larger development on a single parcel which contains at least one other permitted principal use or as a part of a mixed use PUD.
 - b. These uses shall not result in any exterior building modifications, including truck docks or freestanding signage, overnight truck parking or similar features.
 - c. Retail uses shall be integrated with other principal land uses which are within the O district and shall not exceed ten percent of the gross floor area of the parcel.
- (17) *Communication towers* that are 110 feet or less in height, subject to the provisions of Section 368 (Communication Towers and Antennas).
(Ord. No. 2367-09, 1-23-09)
- (18) *Parking lots.* The conditions are as follows:
- a. Access shall be directly to a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.
- (19) *Parking ramps as principal structure.* The conditions are as follows:
- a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, may not penetrate the height of a line commencing at and perpendicular to such parcel and extending upward away from such parcel at a slope of five horizontal feet for each vertical foot.
 - b. The minimum yard requirement for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, shall be 50 feet.
 - c. Access shall be directly to a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.

- d. The parking ramp shall be screened from any abutting property located within an R district. The screening shall include a six foot berm where the parking ramp is above ground.
- e. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within the parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to the parcel.

(20) *Limited impact sexually-oriented business.* The conditions are as follows:

- a. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
- b. The business owner, manager, or employee shall ensure that no person under the age of 18 years enters the separate area where sexually-oriented materials are provided.
- c. No owner, manager or employee shall allow any person under the age of 18 years to have access to any sexually-oriented materials, whether by sight, purchase, touch, or any other means.
- d. No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
- e. No business may have a license under chapter 3 of this Code other than an off-sale license for nonintoxicating malt liquor.
- f. Both the owner of a sexually-oriented business and the manager of the business shall be responsible for the conduct of their employees and for compliance with this section.
- g. No owner or manager of a sexually-oriented business shall employ a person under the age of 18 years.
- h. No owner, manager or employee of a sexually-oriented business shall have been convicted of violating this section three or more times within 24 months.

(21) *High impact sexually-oriented business.* The conditions are as follows:

- a. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 350 feet from any of the uses listed in this subsection (21). Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two uses. This distance requirement applies to the following uses:

1. Property developed or zoned for residential uses.
 2. Property located in a major recreation zone.
 3. Property frequented by children or designed as a family destination, such as a day care facility, school, library, park, playground, nature center, religious institution and other public recreational facility.
 4. Premises licensed under chapter 3 of this Code, relating to on-sale liquor, beer and wine licensing.
- b. No person shall operate a high impact sexually-oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 1,000 feet from another high impact sexually-oriented business.
 - c. No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
 - d. No owner, manager or employee of a high impact sexually-oriented business shall have been convicted of a sex crime, as identified in M.S.A. §§ 609.293--609.352, 609.746--609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity or domestic abuse.
 - e. No owner, manager or employee of a high impact sexually-oriented business shall allow any sexually-oriented materials or entertainment to be used on any sign or window display.
 - f. No owner, manager or employee of a high impact sexually-oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the high impact sexually-oriented business establishment which is prohibited by any ordinance of the city, the laws of the state, or the laws of the United States. Nothing in this chapter shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
 - g. The business owner, manager, or employee shall ensure that no person under the age of 18 years enters the business.
 - h. No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
 - i. No owner, manager or employee shall allow any person under the age of 18 years to have access to sexually-oriented materials, whether by sight, purchase, touch or any other means.
 - j. Each business shall display a sign on its main entrance door which reads: "This business sells sexually-oriented material or entertainment. Persons under the age of 18 are prohibited from entering." The sign letters shall be a minimum of two inches high.

- k. No business may have a license under chapter 3 of this Code, and no alcoholic beverages may be consumed in the business.
- l. No business shall exceed 10,000 square feet in gross floor area.
- m. No patron, employee or other person may physically contact any specified anatomical area of himself or herself, or of any other person, except that a live performer may touch himself or herself.
- n. Each live performer shall remain at all times a minimum distance of ten feet from all members of the audience, and shall perform on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which the audience is located. No performer may solicit or accept any pay, tip, or other item from any member of the audience.
- o. No business shall have any booths, stalls or partitions which separate any area from a general public room. The restrictions of this subsection (c)(21)o. do not apply to restrooms, storage rooms, or private offices of the owner, manager or employees of the business, if such storage rooms or offices are used solely for running the business and no person other than the owner, manager and employees is allowed in the storage rooms or offices.
- p. The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.

(22) *Educational (academic)*. The conditions are as follows:

- a. When outdoor play areas are provided, a minimum of 40 square feet of outside play space per pupil must be provided and such space shall be enclosed with a fence.
- b. Outdoor areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
- c. Pickup/dropoff areas shall not conflict with other on-site or abutting land uses and shall not create congestion on public streets. Only automobiles and passenger vans shall be allowed to use an alley for pickup and dropoff of students.
- d. The size of the school shall be limited to 20 students.
- e. In multitenant buildings, the school shall have at least one separate building entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

(d) Uses permitted by conditional use permit. No structure or land in an O district shall be used for the following uses except by conditional use permit. These uses shall comply with the office restrictions and performance standards of section 36-222 and all those general conditions provided in section 36-367 and with the specific conditions imposed in this subsection (d).

(1) *Motor fuel station.* The conditions are as follows:

- a. All pump islands, air dispensers and other service devices shall be installed at least 12 feet off and toward the interior of the lot from the required yard line. No display, servicing of vehicles, parking or dispensing of gasoline shall take place within the required yard area. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight feet will be installed in the required yard.
- b. All on site utility installations shall be placed underground.
- c. No outside sales or display shall be permitted except for goods consumed in the normal operation of an automobile such as oil, gasoline and oil additives, windshield cleaner, windshield wipers, tires and batteries, and such products shall not be sold or displayed in any required yard, nor shall the total display area of any one or any combinations of such products occupy more than 150 square feet in area or more than five feet in height. No other vehicular parts and nonautomobile-oriented goods shall be displayed or sold outside.
- d. Any canopy and canopy support systems shall be constructed using architectural design and materials which are compatible with the principal structure.
- e. No public address system shall be audible from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- f. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(2) *Restaurants with intoxicating liquor license.* The conditions are as follows:

- a. Restaurants with intoxicating liquor licenses shall be permitted only as part of a larger development which contains at least one other principal use or as part of a PUD. (Ord. No. 2275-04, 8-3-04)
- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. The building housing the use shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to a school, religious institution or community center.
- d. All refuse shall meet the requirements of chapter 22 regulating refuse.
- e. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.

- f. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (3) *Heliport.* The conditions are as follows:
- a. Offices where intensity classification exceeds 6. All heliports and helicopter flyways shall conform to all applicable Federal Aviation Administration regulations.
 - b. Heliports shall not establish or utilize any approach and departure routing over areas located within an R district.
 - c. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.
 - d. The helicopter pad shall not be located within 300 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. No. 2248-03, 8-18-03)
 - e. The landing pad shall be dust free.
 - f. The use shall be permitted only as an accessory to another principal use, and shall not occupy more than 25 percent of the total site area of the development.
 - g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (4) *Offices where intensity classification exceeds 6.* The conditions are as follows:
- a. The materials used in and placement of all signs shall be integrated with the building design and architecture.
 - b. Landscape berms shall be used to reduce noise, improve views, and to produce other environmental benefits. Berms shall also be used for wildlife refuge, wind and snow breaks, dust reduction and to separate incompatible uses and control drainage.
 - c. Buildings shall be designed with proper provision and orientation for the pedestrianway/skyway system to serve and link development.
 - d. Buildings shall be oriented and designed so as not to detract from one another or to unduly restrict views to open space, malls and vistas.
 - e. All new buildings shall be compatible and complimentary with existing buildings. Elements of compatibility include, but are not limited to building form and mass, exterior materials and their appearance and durability, landscaping, exterior lighting and site improvements.

- f. Loading areas, access, parking, signing, and building equipment shall be prohibited or minimized next to residential areas to the extent appropriate in order to ensure compatible development.
 - g. Open space and pedestrian links shall be established to provide access to buildings, parking and transit; provide space for active and passive recreation; ponding, and for preserving wetlands; and a suitable setting for buildings.
 - h. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (5) *Medical and dental offices where intensity classification exceeds 6.* The conditions are as follows:
- a. The materials used in and placement of all signs shall be integrated with the building design and architecture.
 - b. Landscape berms shall be used to reduce noise, improve views, and to produce other environmental benefits. Berms shall also be used for wildlife refuge, wind and snow breaks, dust reduction and to separate incompatible uses and control drainage.
 - c. Buildings shall be designed with proper provision and orientation for the pedestrianway/skyway system to serve and link development.
 - d. Buildings shall be oriented and designed so as not to detract from one another or to unduly restrict views to open space, malls and vistas.
 - e. All new buildings shall be compatible and complimentary with existing buildings. Elements of compatibility include, but are not limited to building form and mass, exterior materials and their appearance and durability, landscaping, exterior lighting and site improvements.
 - f. Loading areas, access, parking, signing, and building equipment shall be prohibited or minimized next to residential areas to the extent appropriate in order to ensure compatible development.
(Ord. No. 2325-07, 5-7-07)
 - g. Open space and pedestrian links shall be established to provide access to buildings, parking and transit; provide space for active and passive recreation; ponding, and for preserving wetlands; and a suitable setting for buildings.
 - h. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (6) Places of Assembly. The conditions are as follows:
- a. All buildings shall be located a minimum of 30 feet from any lot line of a lot in an R district.

- b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. Seating capacity shall be limited to 150 persons.
 - d. Parking shall meet zoning code requirements, unless it is a religious or other institution that requires walking because of a religious tenet or other rule, then 1 space per every 8 seats shall be required.
 - e. In multi-tenant buildings, noise shall be contained within that space dedicated to the place of assembly use. No noise shall be audible within common areas or in adjacent units.
 - f. In multi-tenant buildings, the place of assembly shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.
 - g. With intoxicating liquor, the following additional conditions apply:
 - i. Buildings shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
 - ii. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.
 - iii. The use must be in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (Ord. No. 2311-06, 1-27-06, Ord. No. 2325-07, 5-7-07)

- (7) *More than one principal building.* Uses where more than one principal building is located on a single lot.
 - a. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.
- (8) *Private entertainment (indoor) with intoxicating liquor license.* The conditions are as follows:
 - a. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - b. The building housing the use shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to a school, religious institution or community center.

- c. Separate pedestrianways shall be constructed to allow for the separation of pedestrian and vehicular movements within the parking lot.
- d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(9) *In-vehicle sales or service.* The conditions are as follows:

- a. Drive-through facilities and stacking areas shall not be located within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers. (Ord. 2248-03, 8-18-03)
- b. Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
- c. This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse affect on the existing level of service on adjacent streets and intersections.
- d. The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
- e. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- f. Any canopy constructed as part of this use shall be compatible with the architectural design and materials of the principal structure.
- g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(10) *Communication towers* more than 110 feet in height but not to exceed 170 feet in height, subject to the provisions of Section 368 (Communication Towers and Antennas).

(Ord. No. 2367-09, 1-23-09)

(e) Uses permitted by PUD. No structure or land in any O district shall be used for the following uses except by the PUD process. These uses shall comply with the requirements of all the general conditions provided in section 36-222 and with the specific conditions imposed in this subsection (e). Uses and structures which are permitted by right, permitted with conditions, or permitted as conditional uses may also be permitted by PUD. Provisions for the PUD and modifications to dimensional standards and densities are provided under section 36-367.

(1) *Multiple-family dwellings.* The provisions are as follows:

- a. The housing is part of a larger development permitted within the district.
- b. The building design and placement provide a desirable residential environment.

- c. Access to off-site parks and open space, plazas and pedestrianways is provided.
- d. Housing-related uses do not represent more than 25 percent of the first story or 25 percent of the second story of any building in the development.
- e. No dwelling units are located below the second story of the building. All housing-related uses located within the first story shall be limited to common areas and rental offices.
- f. The minimum spacing between buildings in a multibuilding project is at least equal to the average heights of the buildings except where dwellings share common walls.
- g. All buildings are located a minimum of 15 feet from the back of the curblines of internal private roadways or parking lots.
- h. The density does not exceed 50 units per acre. The maximum density may be increased by up to 50 percent at the sole discretion of the city council if two or more of the following are provided:
 - 1. At least 80 percent of the required parking is provided in underground or aboveground structures, including all levels of parking ramps.
 - 2. Buildings are placed at or near the street right-of-way and off-street parking is screened from the public right-of-way by buildings.
 - 3. At least 35 percent of the building ground coverage contains structures of six or more stories in height, thereby conserving open space within the development site.
- i. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(Ord. No. 2267-04, 4-12-04)

(2) *Elderly housing.* The provisions are as follows:

- a. All of the requirements of multiple-family dwellings in subsection (e)(1) of this section are met.
- b. Covenants running with the land which restrict the use of the property for occupancy by the elderly in a form approved by the city attorney have been recorded.
- c. A lounge or other inside community room totaling a minimum of 15 square feet for each unit is provided.
- d. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(Ord. No. 2267-04, 4-12-04)

- (3) *Shopping centers.* The provisions are as follows:
- a. The shopping center is part of a larger development permitted within the district.
 - b. All signs shall be integrated with the building design and architecture in terms of the materials and placement of the sign.
 - c. Landscape berms shall be used to reduce noise, improve views, and to produce other environmental benefits. Berms shall also be used for wildlife refuge, wind and snow breaks, dust reduction, and to separate incompatible uses and control drainage.
 - d. Buildings shall be designed with proper provision and orientation for the pedestrianway/skyway system to serve and link development.
 - e. Buildings shall be oriented and designed so they do not detract from one another or to unduly restrict views to open space, malls and vistas.
 - f. All new buildings shall be compatible and complimentary with existing buildings. Elements of compatibility include, but are not limited to, building form and mass, exterior materials and their appearance and durability, landscaping, exterior lighting and site improvements.
 - g. Loading areas, access, parking, signage, and building equipment shall be prohibited or minimized next to residential to the extent appropriate in order to ensure compatible development.
 - h. Open space and pedestrian links shall be established to provide access to buildings, parking and transit, space for active and passive recreation, ponding areas, wetland preservation, and suitable settings for buildings.
 - i. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located and conditions of approval may be added as a means of satisfying this requirement.

(f) Accessory uses. Within any O district, the following uses shall be permitted accessory uses:

- (1) Parking lots.
- (2) Parking ramps, if they comply with all of the following provisions:
 - a. The height of any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers may not penetrate the height of a line commencing at and perpendicular to said parcel line and extending upward and away from said parcel at a slope of five horizontal feet for each vertical foot.

- b. The minimum required yard for any parking ramp located within 200 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers shall be 50 feet.
- c. Access shall be directly to a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.
- d. The parking ramp shall be screened from any abutting property located within an R district. The screening shall include a six foot berm where the parking ramp is above ground.
- e. If the parking ramp is located within 400 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use district at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.

(Ord. No. 2248-03, 8-18-03, Ord. No. 2325-07, 5-7-07)

- (3) Incidental repair or processing which is necessary to conduct a permitted principal use shall not exceed 40 percent of the gross floor area or 40 percent of the labor hours required to conduct the principal permitted use.
- (4) Food service.
- (5) Outdoor seating and service of food and beverages is permitted as an accessory use to a restaurant if:
 - a. The use is separated from any adjacent residential use by a building wall or six foot fence. This provision will not apply if the residential use is located on an upper story above a restaurant.
 - b. The use is located within 500 feet of a residential use, and no speakers or other electronic devices which emit sound are permitted.
 - c. The use is located within 500 feet of a residential use, and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - d. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the restaurant, whichever is less. Parking will be required at the same rate as the principle use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.
- (6) Catering if accessory to a restaurant, food service, delicatessen or retail bakery with the condition that all vehicles used in connection with the catering operation be stored within a building or screened area of a parking structure or in a legal off-site location.

(Ord. No. 2268-04, 4-12-04)

(g) Dimensional standards. The dimensional standards are as follows:

- (1) No structure or building shall exceed the lesser of 20 stories or 240 feet in height, unless authorized by section 36-78 or section 36-367.
- (2) The floor area ratio within the O district shall not exceed 1.5.
- (3) A side yard abutting a street shall not be less than 15 feet in width.
- (4) The minimum lot width shall be 100 feet.
- (5) The minimum lot area shall be 15,000 square feet, except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum.
- (6) The required front yard shall be a minimum of 20 feet deep or a distance equal to the building height, whichever is greater, except that the yard depth need not exceed 100 feet.
- (7) The minimum depth of the required side yard of buildings under 40 feet in height shall be 15 feet on one side and half the building height on the other. The minimum depth of required side yards for buildings over 40 feet in height shall be 15 feet plus one foot for each foot in building height above 40 feet on one side and half the building height on the other. Where the side yard of land in the O district abuts land in the R-1, R-2 or R-3 district, that side yard shall have the greatest yard depth.
- (8) The minimum required rear yard depth for buildings under 40 feet in height shall be 15 feet. The minimum required rear yard depth for buildings over 40 feet in height shall be half the building height.
- (9) The housing density shall not exceed 50 units per acre.
- (10) Each lot shall contain designed outdoor recreation area/plazas at the ratio of 0.12 times the gross floor area of all the structures on the lot; but shall not be less than 12 percent of the total lot area. These areas shall be developed into functional and aesthetic yard areas, plazas, courtyards and/or pedestrian facilities which are compatible with or enlarge upon the pedestrian links and public open space. The designed outdoor recreation area may be provided on a lot separate from the use provided that it is part of the overall development covered by a PUD process or that covenants which ensure the perpetuation of the required designed outdoor recreation area in a form approved by the city attorney be provided. (Ord. No. 2267-04, 4-12-04)

(Code 1976, § 14:5-6.2; Ord. No. 2167-00, 5-15-2000; Ord. No. 2171-00, 7-5-2000; Ord. No. 2188-01, 2-5-2001; Ord. No. 2196-01, 4-2-2001; Ord. No. 2226-02, § 2, 6-3-2002; Ord. No. 2238-03, 4-7-2003; Ord. No. 2267-04, 4-12-2004 Ord. No. 2311-06, 01-27-2006; Ord. No. 2325-07, 5-7-2007; Ord. No. 2358-08, 8-14-2008; Ord. No. 2367-09, 1-23-2009 Ord. No. 2369-09, 1-30-2009)

Cross reference(s)--Businesses and licenses, ch. 8.

Secs. 36-224-36-240. Reserved.