Ordinance No. ___-19

Ordinance relating to the mixed use district and related land use, parking, sign, and architectural design requirements

The City of St. Louis Park does ordain:

Section 1. The City Council has considered the advice and recommendation of the Planning Commission (Case No. 19-08-ZA).

Section 2. Chapter 36 of the St. Louis Park City Code is hereby amended by completely deleting and reinstating Division 9. M-X Mixed Use District and by adding underscored text and deleting strikethrough text. Section breaks are represented by ***.

ARTICLE IV. ZONING DISTRICTS
DIVISION 9. M-X MIXED USE DISTRICT

Sec. 36-261. Purpose.

The purposes of the M-X mixed use district are to:

(1) Provide appropriate areas for and facilitate quality mixed use development in activity centers that are consistent with the Comprehensive Plan's land use and transportation goals and strategies;

(2) Provide a variety of residential housing types and densities to assure activity and support a mix of uses, and enhance the housing choices of city residents;

(3) Integrate new mixed use development with its surroundings by encouraging connections for pedestrians, bicyclists, and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighborhood uses;

(4) Encourage reductions in impervious surface by minimizing surface parking and retain open space by encouraging taller buildings for high-density uses; and

(5) Promote high quality architectural design, materials, and innovative site design.

Sec. 36-262. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Building Height to Street Width means the percentage of the building height compared to the adjacent street width. The street width means half of the right-of-way width from the centerline, including all sidewalks, easements and street yard. This regulation shall not prohibit additional building height with the addition of a stepback.
Example: Building height is 60 percent of the street width.

**Build-to Zone** means the minimum and maximum distance a structure may be placed from a lot line. Build-to zones are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if no public access easement for sidewalk is required or exists.

**Commuter Bicycle Facilities** means bike lockers, on-site showers, and a bicycle repair station.

**Courtyard** means an outdoor area enclosed by a building facade on at least 3 sides and open to the sky.

**Frontage** means the building and lot area facing and directly adjacent to a street right-of-way line.

**Frontage, Primary** means a frontage that receives priority over other frontages, defining a higher level of pedestrian orientation. The primary frontages is identified in the comprehensive plan as a collector or arterial. If there are two primary streets, or no primary streets, the Zoning Administrator shall determine the most appropriate frontage to serve as the primary street. Orientation of other parcels along the street and status of the street shall be considered.

**Frontage, Secondary** means a frontage that is secondary to the Primary Frontage, requiring less streetwall coverage and lower transparency levels, and permitting more interruptions by driveways. Secondary frontages are all frontages not identified as a primary frontage, and are categorized as a side yard abutting a street.

**Impervious Site Coverage** means the percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

**Inclusionary Commercial Space** means a specified reduction of commercial rent only for small local businesses, based on the fair market commercial rents for the building.

**Lot Line Coverage** means the minimum percent of lot frontage that must contain a building.

**Micro Store Front** means a commercial or industrial space a maximum of 1,500 square feet in size only for a small local business.

**Occupied Space** means an interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

**Pedestrianway** means an open and available pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block’s perimeter.
Small Local Business means a local, independently owned, non-franchised business. Local means located in the Twin Cities Metro Area.

Story, Ground. Also referred to as ground floor means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, Half means a story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, Upper. Also referred to as upper floor means the floors located above the ground story of a building.

Street Face means the facade of a building that faces a street right-of-way.

Yard, Street means the space on a lot between the principal structure and the primary or secondary street frontage line or street side lot line for the lot and extending to any minimum side or rear setback line.

Yard Definition. Yard is defined in Section 36-3 Definitions. For the purposes of this Section, the following standards shall supplement and, where inconsistent, supersede the definition of Section 36-3:

1. Side and Rear Yards Abutting Other Lots, an Alley, or a Rail Right-of-Way means a property located in an area designated as Mixed Use MX, only yards abutting a lot, an alley, or a rail right-of-way at the lot line, and not a street, waterway or other Primary or Secondary frontage, are considered side or rear yards.

2. Front Yards and Side Yards abutting a street are regulated through the designation of Primary and Secondary frontages.

Visible Basement means a half story partially below grade and partially exposed above with required transparency on the street facade.

Zoning Administrator means the zoning administrator or her/his designee.

Sec. 36-263. Mixed use restrictions and performance standards.

The following restrictions and performance standards shall govern structures and uses permitted in any MX mixed use district:

(1) All buildings shall have a vertical mix of land uses, such as residential and commercial, with a strong pedestrian orientation. A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.

(2) More than one mixed-use building may be placed on one lot in the MX District.

(3) Along at least 75 percent of the primary frontage, the building must be designed for non-residential uses. Lobbies and amenity areas serving a residential use or a hotel lobby in the building shall not count as a non-residential use.

(4) All non-residential uses located on the ground floor primary and secondary frontage shall have a direct and primary access to and from the primary and/or secondary frontage building facade and the access shall remain open during business hours.
(5) All business activities including but not limited to sales, rentals, service, storage, merchandise display, repair, and processing, except for off-street vehicular parking and off-street loading, shall be conducted wholly within an enclosed structure except as specifically permitted elsewhere in this chapter.

(6) Outdoor storage shall be prohibited except when specifically permitted elsewhere in this chapter.

(7) Business uses shall front on a public way or an interior arcade.

(8) All delivery service entrances to a building shall be from a public alley, service-alley, off-street parking lot, or all deliveries shall be made from the curb.

(9) All trash, garbage, waste materials, trash containers, and recycling containers shall be located within the building or behind all build-to-lines and shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure which shall be constructed of complementary materials as the principal building.

(10) There shall be no vehicular access within 50 feet of the intersection of the projection of the nearest curblines of any public streets to a parcel on which a commercial use is operated.

(11) No storage, display or parking of vehicles shall be allowed in any of the required yards or landscaped areas.

(12) Surface parking spaces, mechanical equipment, refuse and recycling areas, and loading areas shall not be located within any build-to zone, minimum setback, or street yard.

(13) New structures and structures which expand the gross square footage of the structure by more than 50 percent shall be required to place all utility service lines underground. Any new service to an existing building shall be placed underground.

(14) Vehicular access for all non-residential uses shall be from a roadway identified in the comprehensive plan or as a collector or arterial or otherwise located so that access can be provided without generating significant traffic on local residential streets.

(15) Sidewalks shall be provided along all sides of the lot that abut a public street.

(16) A separate pedestrian access shall connect the principal building to the public street or a public trail, on all sides of the lot which front on a public right-of-way or public trail. This access shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk. If a transit stop is located on any adjacent public street, access shall be located convenient to that transit stop.

Sec. 36-264. Uses.

(1) Permitted uses (P). Uses listed in Table 36-264 with a “P” symbol are permitted by-right in the Frontage Types in which they are listed.

(2) Uses permitted in limited stories (PL). Uses listed in Table 36-264 with a “PL” symbol are permitted by-right in the Frontage Types in which they are listed, provided that the uses are located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.

(3) Uses permitted with conditions (PC). Uses listed in Table 36-264 with a “PC” symbol are permitted provided compliance with the listed conditions and requirements.
(4) **Uses permitted by conditional use permit (CUP).** Uses listed in Table 36-264 with a “CUP” symbol require a Conditional Use Permit; refer to 36-33 Conditional Use Permits.

### Table 36-264 Mixed Use District Uses

<table>
<thead>
<tr>
<th>Category</th>
<th>Primary Frontage</th>
<th>Secondary Frontage</th>
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<tbody>
<tr>
<td><strong>RESIDENTIAL &amp; LODGING USES</strong></td>
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<tr>
<td>Multifamily Residential</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>Live-Work Unit</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>Roominghouse</td>
<td>PL</td>
<td>PL</td>
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<tr>
<td>State-licensed residential facility</td>
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<td>PL</td>
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<td>Group home/non-statutory</td>
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<td>PL</td>
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<td>Nursing Home</td>
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<td>Hotel/Motel</td>
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<td>PC</td>
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<td><strong>CIVIC &amp; INSTITUTIONAL USES</strong></td>
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<td>Education/Academic</td>
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<td>Museum/Library Category</td>
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<td><strong>COMMERCIAL USES</strong></td>
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<td>Brewery/Micro-distillery</td>
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<td>Business/trade school/college</td>
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<td>Grocery Store</td>
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<tr>
<td>Liquor Store</td>
<td>CUP</td>
<td>CUP</td>
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<td>Medical Office</td>
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<td>CUP</td>
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<td>Research and development</td>
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<td>Retail, less than 8,000 square feet</td>
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<tr>
<td>Retail, 8,000 square feet or larger</td>
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<td>Restaurants</td>
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<td>Service facilities, less than 8,000 square feet</td>
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<td>Studios</td>
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<td>Printing process/supply</td>
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<td>Showrooms</td>
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<td>PC</td>
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<td><strong>TRANSPORTATION &amp; INFRASTRUCTURE USES</strong></td>
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<tr>
<td>Communication antennas</td>
<td>CUP</td>
<td>CUP</td>
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<tr>
<td>Transit Stations</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Sec. 36-265. Uses permitted with conditions (PC).**

Multifamily Residential Category.

(1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use, or on a secondary, rear, or side façade.

(2) Dwelling unit entrances are not required to be internal to the building, and individual exterior entrances are encouraged for ground floor units.
(3) Balconies shall serve a single dwelling unit.
(4) Buildings are discouraged from being massive in scale or institutional in appearance.
(5) Use may include leasing and/or property management offices, gym or other fitness facilities for tenants, and meeting rooms as accessory uses.

Live-Work Unit.
(1) The units shall only be located on a Secondary Street Frontage.

Hotel/motel.
(1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.
(2) Rooms shall be accessed from the interior of the building.
(3) Secondary service uses may also be provided, such as food service, meeting rooms, pools, and fitness rooms as accessory uses.
(4) A lobby and secondary service uses serving the hotel/motel may be provided along 25 percent of the primary frontage. The remaining 75 percent of the primary frontage shall be non-residential uses.

Bed and Breakfast establishment.
(1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.
(2) Rooms shall be accessed from the interior of the building.
(3) Secondary service uses may also be provided, such as food service and meeting rooms as accessory uses.

Police/Fire Station.
(1) Garage doors are permitted on the front facade.
(2) Stations are exempt from maximum driveway widths.

Brewery/Micro-distillery.
(1) The brewery/distillery shall not produce more than 20,000 barrels of malt liquor or cases of hard liquor per year.
(2) The following additional conditions apply:
   a. The maximum overall gross floor area is limited to 20,000 square feet.
   b. A taproom and/or retail outlet is required and shall be located in the Primary Street storefront of the building.
   c. The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
   d. Retail outlet does not include liquor store, which shall be permitted only in accordance with the requirements for liquor store uses for the frontage type.
(3) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.

Grocery Store.
(1) When the grocery store is part of a mixed use development with residential or office uses above the grocery, the following applies:
   a. No activity results in any noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties.
   b. Hours of operation, including deliveries, shall be limited to 6 a.m. to 12 a.m.

Retail, 8,000 square feet or larger.
(1) The retail space shall have an exterior entrance on the primary facade.
(2) The retail space shall be located at a corner of the building or near a primary building entrance.
(3) The retail space shall not occupy more than 25 percent of the gross floor area of the ground floor.

Retail, Large Item
(1) The establishment shall be less than 20,000 square feet in size.

Restaurant
(1) Restaurants with or without intoxicating liquor licenses.
   a. If there is a wine and/or beer liquor and/or intoxicating liquor license, there shall be no separate bar area within the restaurant.

Service Facilities, 8,000 square feet or larger.
(1) The service space shall have an exterior entrance on the primary facade.
(2) The service space shall be located at a corner of the building or near a primary building entrance.
(3) The service space shall not occupy more than 25 percent of the gross floor area of the ground floor.

Catering; studio; printing process/supply; showrooms.
(1) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.
(2) The maximum overall gross floor area is limited to 12,000 square feet.
(3) A showroom or retail outlet is permitted.
(4) If located on a Secondary Frontage the following additional conditions apply:
   a. The use is permitted only in specifically designated live/work spaces on the ground floor and with its own exterior entrance.
   b. Distribution shall be from a designated loading area only.
(5) If located on a Primary Frontage, the following additional conditions apply:
   a. A showroom and/or retail outlet is required and shall be located in the Primary Street storefront of the building.
   b. The showroom and/or retail outlet shall occupy a minimum of 25 percent of the gross floor area.

Sec. 36-266. Uses permitted by conditional use permit (CUP). Uses listed in Table 36-264 with a “CUP” symbol require a Conditional Use Permit; refer to 36-33 Conditional Use Permits.

Liquor Store.

(1) The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, firearms sales or sexually-oriented business. The distance shall be measured from the portion of the center or building occupied by the liquor store.

Private Entertainment (Indoor).

(1) No activity results in any noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties.

Communication antennas.

(1) Shall be developed in accordance with 36-368 Communication towers and antennas, except that communication antennas located in the MX district shall be co-located atop a permitted building.

Sec. 36-267 Accessory Uses. The following uses shall be permitted accessory uses in any MX district.
(1) **Accessory Off-Street Parking.** The following are types of accessory parking permitted:

a. Parking Lot.

b. Accessory Parking Ramp.

   i. Accessory parking ramps may be located only behind the rear of the building.

   ii. Accessory parking ramps located on the secondary frontage shall have active uses on the ground floor street facing facades, and.

   iii. Accessory parking ramps shall meet the façade requirements for the building.

c. Accessory Parking in the Building. Parking may be provided in the rear of the building or fully in any basement, and shall meet the façade requirements for the building.

d. Residential parking may be allowed for more than 24 hours.

(2) Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10 percent of the gross floor area of the associated permitted use.

(3) Outdoor seating and service of food and beverage, subject to the following conditions:

   a. Shall be directly adjacent to the structure containing the associated use;

   b. No speakers or other electronic devices which emit sound are permitted if the use is located within 500 feet of a residential use;

   c. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if the use is located within 500 feet of a residential use; and

   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 principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.

(4) **Bar,** if accessory to a restaurant, hotel or private entertainment (indoor).

(5) **Catering,** if accessory to a restaurant, food service, delicatessen, grocery store or retail bakery.

(6) Break rooms, if accessory to a non-residential use and are not located along the primary frontage.

(7) Visitor lodging associated with residential care facilities.

(8) Warehouse/storage which is necessary for a permitted use and not to exceed 20 percent of the gross floor area of the associated permitted use.

(9) Home occupations complying with all of the conditions in the R-C district.

(10) **Outdoor sales are permitted only as accessory uses with garden and nursery sales.**

(11) Public transit stops/shelters.

(12) Community gardens
Accessory Utility Structures including:

a. Anaerobic digesters;

b. Small wind energy conversion system, as defined in 36-4 Definitions.

c. Solar energy systems. A solar energy system with a supporting framework that is either placed on, or anchored in, the ground and that is independent of any building or other structure; or that is affixed to or an integral part of a principal or accessory building, including but not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.

d. Cisterns and Rainwater Collection Systems. A container or series of containers for the collection and reuse of rainwater. A cistern may be exempted from inclusion in the Site Impervious Area calculation.

e. Where accessory utility structures are permitted with conditions, the following apply:

i. Accessory Use. The equipment shall be located on a lot with a building and is a secondary use for the lot.

ii. Roof Mounted Location. Roof mounted equipment shall be located per one of the following:

1. Pitched Roof. Locate the equipment on a rear facing surface of the roof, if feasible for communication purposes.

2. Flat Roof. Locate the equipment towards the rear portion of the roof, where visibility is limited from the street to the maximum extent possible.

iii. Ground Mounted Location. Ground mounted equipment is limited to the rear yard. Equipment may be located in the side yard if the equipment is screened from the street with an opaque wall, of the same or similar material of the street facade of the building.

iv. Height. The height of the equipment is either a maximum of 12 feet or the maximum that is not visible from any street sidewalk, whichever is greater.

v. Performance Standards. When noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties, including truck traffic, will be generated by this accessory use above any generated by the principal use, a conditional use permit is required. Refer to 36-33 Conditional Use Permits.

vi. Freestanding Wind Energy Conversion Systems (WECS). Refer to Sec. 36-369, with the exception of the following requirements which shall replace the provisions of Table 36-369 A for all projects within the Mixed use District:

1. Height Limit: 110 feet

2. Maximum Number of WECS per lot: 2

3. Minimum Lot Size: 1.5 acres

Sec. 36-268. Dimensional standards and general requirements.
Notwithstanding the provisions of Section 36-32, the following standards and requirements cannot be modified or waived except as specifically stated:

1. The maximum nonresidential density is 1.5 FAR and the maximum residential density is 50 units per acre. In determining density, the total nonresidential floor area or number of residential units shall be divided by the land associated with each use, including building coverage and parking areas associated with the use and a proportion of the on-site usable open space. Stormwater ponds and public/private streets and alleys shall be excluded from land calculations. Maximum residential densities may be increased by up to 50 percent based on Table 36-268 (a).

<table>
<thead>
<tr>
<th>Table 36-268 (a)</th>
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<tbody>
<tr>
<td>3 points</td>
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<td>6 points</td>
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<td>9 points</td>
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<td>12 points</td>
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<td>15 points</td>
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a. Inclusionary housing (maximum 6 points may be earned)
   i. Provide affordable housing at the levels required in the city’s Inclusionary Housing Policy, as amended from time to time, whether or not the development includes city financial assistance (6 points);

b. Environmental, energy, and water resources (maximum 8 points may be earned)
   i. Meet the requirements of the city’s Green Building Policy as amended from time to time, whether or not the development includes city financial assistance (5 points);
   ii. Provide 0.5 W of on-site renewable energy per gross square foot of building area (3 points)

c. Inclusionary commercial (Maximum 4 points may be earned)
   i. Inclusionary commercial space for retail and service less than 8,000 square feet, food service, and restaurant uses (4 points):
      1. 10 percent of total commercial space provided at 80 percent fair market rent for 10 years; or
      2. 20 percent of total commercial space provided 90 percent fair market rent for 10 years.
   ii. Provide 20 percent or up to 5,000 square feet, whichever is less, of the total commercial space as micro storefronts (4 points)

d. Travel demand management (maximum 2 points may be earned)
   i. Complete a travel demand management plan and implement all recommended strategies (1 points)
ii. Commuter Bicycle Facilities provided onsite (1 points)

1. In addition to the bicycle parking requirements in Section 36-361, an additional 10 percent of the required bicycle parking facilities shall be provided as bike lockers, on-site showers shall be available for building occupants, and a bicycle repair station shall be provided.

e. Gathering spaces (maximum 2 points may be earned)

i. Provide and maintain a publically accessible space which may include a plaza, courtyard, or community room (1 points)

ii. Provide and maintain a publically accessible community garden (1 points)

(2) The development site shall include a minimum of 12 percent designed outdoor recreation area based on private developable land area.

(3) Building shall be constructed to the form requirements specific to the frontage type in Table 36-268(b).

<table>
<thead>
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<th>Table 36-268 (b)</th>
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<tr>
<td><strong>BUILDING SITING</strong></td>
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<tr>
<td>Minimum Primary Lot Line Coverage</td>
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<td>Build-to Zone</td>
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<td>Maximum Building Length</td>
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<td><strong>HEIGHT</strong></td>
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<td>Building to Street Width Minimum</td>
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<td><strong>FAÇADE</strong></td>
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<td>Entrance Elevation</td>
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a. Maximum Building Length may be increased up to 50 percent if a pedestrianway is provided. These pedestrianways can be pedestrian easements and pathways or exterior through building linkages at least every 200 feet.

b. Step-backed stories. All stories that exceed the maximum building to street width shall be stepped back from the front façade a minimum of 10 feet and a maximum of 30 feet.

c. Tall stories: 18’ or more in floor-to-floor ground story height counts as 2 stories toward maximum building height.

(4) Side and Rear Yards:

a. Buildings with side or rear property lines adjacent to R-1 or R-2 zoned and used districts shall have a maximum building height of 40 feet, and minimum side and rear yards of 15 feet. Buildings may exceed 40 feet in height if the portion of the building above 40 feet is stepped back from the side and rear property lines a distance equal to the additional height.

(5) Parapet walls shall be utilized to completely screen rooftop equipment from ground and street level view and rooftop equipment must be painted to match the color of the roof in order to minimize the visual impact as viewed from other buildings.
Developments shall include sidewalks and/or bikeways along all private and public street rights-of-way as determined appropriate and on-site pedestrian/bicycle facilities that provide logical connections to off-site uses and are separated from off-street surface parking areas by curbed, landscaped islands a minimum of 20 feet in width inclusive of sidewalk.

Developments served by public transit must provide at least one transit stop that conveniently serves the development.

Driveway location. Vehicular driveway access is managed through the primary and secondary street frontages. The order of access is as follows:

a. An alley permits unlimited access.

b. If no alley exists, one driveway per secondary street frontage is permitted.

c. If no other option exists, one driveway may be permitted off the primary street and shared access with abutting properties is encouraged.

Signage shall be allowed with the following conditions:

a. Pylon signs are prohibited;

b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility.

c. Maximum allowable number, sizes, heights and yards for signs shall be regulated by Section 36-362, MX requirements.

d. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.

e. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:

   i. Non-residential wall signs permitted by this section that do not exceed seven percent of the exterior wall area of the ground floor tenant lease space.

   ii. The sign is located on the exterior wall of the ground floor tenant lease space from which the seven percent sign area was derived.

   iii. No individual wall sign shall exceed 100 square feet in area.

f. Pedestrian scale signs visible from public sidewalks shall be encouraged. Such signs shall be no more than three feet in vertical dimension unless flush with the building wall.

A development agreement is required as part of the development approval and shall address, at a minimum, approved site and building design criteria, approved sign locations and design criteria, construction phasing, density bonuses, specifications for inclusionary commercial space, cash escrow or letter of credit for construction of on-site and off-site improvements generated by the development, and maintenance.

The development shall comply with all other applicable chapter provisions unless specifically modified by subsections (1) through (10) of this section.
Section 36-115 Land Use

Land uses permitted in limited stories. Land uses listed as “permitted in limited stories” are permitted subject to all of the requirements of land uses permitted by right plus those additional controls which specify the story of a building the use can occur. Land uses permitted in limited stories do not require a public hearing process.

36-361 Parking Regulations

(k) Design Requirements

(10) Yards. Required parking areas shall be subject to the following requirements:

a. In the R-4 and R-C districts, parking areas shall be subject to the requirements for front yards and side yards abutting a street.

b. In the C-2, O, I-P and I-G districts, parking areas shall be permitted in the front yard and side yards abutting a street, provided that the yard shall not be reduced to less than five feet. (Ord. No. 2466-15, 5-18-2015)

c. In the C-1 and MX districts district:
   1. Parking spaces and drive aisles shall not be located between a building and a street, except that a through lot may have parking between the building and less prominent street, as determined by the Zoning Administrator.
   2. The minimum yard requirement for parking spaces and drive aisles shall be zero (0.0) when located adjacent to a non-residential district.
   3. The minimum yard requirement for parking spaces and drive aisles shall be eight feet when abutting a residentially zoned property.
   4. The minimum yard requirement for parking spaces shall be five feet when adjacent to a street. (Ord. No. 2466-15, 5-18-15)

36-362 Sign Regulations

(f) General provisions. Subject to the following regulations, signs are a permitted accessory use in all use districts:

(12) Durable Materials. All permanent sign faces and supports shall be made of durable materials. Canvas, cloth and similar materials such as flexible vinyl, are not allowed except for canopies, awnings and temporary signs other than pedestrian signs. Awnings shall be constructed of heavy canvas fabric, metal, and/or glass. Plastic, vinyl, and backlit awnings are prohibited. All permanent wood signs must be constructed of durable hardwood products. The wood must be treated against rot and decay, and cannot be constructed of plywood, chipped wood, hardboard, fiber board or similar materials. Sign Support structures shall not be constructed of wood.
36-366 Architectural design

(b) Standards.

(1) Building Design.

A. All developments shall consider the effect of sun angles and shade patterns on other buildings. All new multiple-family and nonresidential buildings and additions thereto shall be located so that the structure does not cast a shadow that covers more than 50 percent of another building wall for a period greater than two hours between 9:00 a.m. and 3:00 p.m. for more than 60 days of the year. This section will not prohibit shading of buildings in an industrial use district, two or more buildings on the same lot in the MX district, or as approved for buildings covered by the same PUD, CUP, or Special Permit. Shading of existing public spaces and outdoor employee break areas shall be minimized to the extent reasonable and possible.

Section 3. This ordinance shall take effect (July 2, 2019)

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tr>
<td>First Reading</td>
<td>May 20, 2019</td>
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<tr>
<td>Second Reading</td>
<td>June 17, 2019</td>
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<tr>
<td>Date of Publication</td>
<td>June 27, 2019</td>
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<tr>
<td>Date Ordinance takes effect</td>
<td>July 2, 2019</td>
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Reviewed for administration: Adopted by the City Council (June 17, 2019)

Thomas K. Harmening, City Manager
Jake Spano, Mayor

Attest: Approved as to form and execution:

Melissa Kennedy, City Clerk
Soren Mattick, City Attorney