Ordinance No. ____-20

Ordinance regarding miscellaneous zoning amendments

The City of St. Louis Park does ordain:

Whereas, the city, from time-to-time, updates and clarifies provisions of the zoning ordinance, and

Whereas, the City Council has considered the advice and recommendation of the planning commission (case no. 20-29-ZA), and

Now, therefore be it resolved that the following amendments shall be made to the City Code:

Section 1. Chapter 36, Section 36-32 Planned Unit Development (PUD) District of the St. Louis Park City Code is hereby amended to add the following underlined text to the list of land use descriptions.

(e) Status of planned unit developments established prior to February 27, 2015. Planned unit developments approved prior to February 27, 2015 are either permitted, permitted with conditions, conditional uses, or nonconforming uses under the provisions of this chapter. This section establishes the status of planned unit developments approved under the previous ordinance based upon the five categories described in this subsection and sets forth procedures for the termination, and in some cases conversion, of planned unit developments.

1 Planned unit developments now permitted or permitted with conditions. Planned unit developments issued for land uses which, under this chapter, are now permitted or permitted with conditions uses in the zoning district in which the property is located are hereby continued in full force and effect. The owner of property subject to a continued planned unit development may request termination of the planned unit development by providing the city with a letter requesting termination. Upon receipt of a letter requesting termination, the city shall issue a written termination to the applicant which shall be recorded on the title to the property by the city. The owner of the property shall sign an assent form provided by the city wherein the owner agrees to indemnify and hold harmless the city for any actions or consequences arising from termination of the planned unit development. Upon termination of the planned unit development, the land use shall be governed by the regulations of this ordinance, and other applicable ordinances. Once a planned unit development is declared terminated, it may not be reinstated.

2 Planned unit developments now conditional uses. Planned unit developments issued for land uses which, under this chapter, are now conditional uses in the zoning district in which the property is located are hereby continued in full force and effect. The holder
of a continued planned unit development may request the city to verify compliance of the property with the terms and conditions of the continued planned unit development. A holder of a planned unit development requesting such verification shall submit such plans and other documentation necessary to demonstrate to the zoning administrator that the property complies with the terms and conditions of the continued planned unit development. Upon a satisfactory demonstration of compliance with the conditions of the continued planned unit development, the zoning administrator shall issue a certificate of zoning compliance stating that the property complies with the terms and conditions of the continued planned unit development. The certificate of zoning compliance shall be recorded on the title of the subject property by the city.

The holder of a continued planned unit development may request the city to convert the planned unit development to a conditional use permit under the terms of this chapter, provided the property meets all conditions and requirements of this ordinance and other applicable city ordinances. The procedure for converting a continued planned unit development to a conditional use permit shall be the same as that procedure required for adoption of a conditional use permit as specified in section 36-33(d).

(3) Planned unit developments now nonconforming uses. A land use which was permitted by planned unit development and which is now a nonconforming land use in the district in which it is located, may continue to operate as defined in the planned unit development. It cannot, however, be expanded or intensified unless rezoned into a new planned unit development zoning district or the use is otherwise altered to confirm to current code.

(f) General conditions for continued planned unit development. All land uses subject to a continued planned unit development are subject to the following general conditions:

(1) Any property covered by a continued planned unit development shall comply with all provisions of the planned unit development. If it is subsequently determined that a property is not in compliance with the provisions of the continued planned unit development, the holder of the continued planned unit development shall take whatever actions are necessary to bring the property into compliance with the conditions and provisions set forth in the planned unit development. Failure to bring the planned unit development into compliance within 12 months of written notification of noncompliance by the city shall be grounds for termination of the continued planned unit development. The procedure to be followed in terminating the planned unit development shall be that specified in subsection 36-38(a)(8). Upon termination of the continued planned unit development, the use shall be subject to the provisions of Article VI of this chapter pertaining to nonconformities and all other applicable provisions of this chapter, including the regulations for the district in which the use is located.
If the property is damaged or destroyed and the cost to repair such damage or destruction exceeds 60 percent of the assessor's market value of the structure at the time of the damage, the property shall be brought into compliance with this chapter.

Property covered by a continued planned unit development may be expanded, altered or modified, subject to all of the following:

a. Any nonconformities existing on the site shall be brought into greater or complete compliance with other provisions of this chapter to the extent reasonable and possible, except that greater or complete compliance will not be required with the following provisions:
   1. Lot area.
   2. Lot width.
   3. Required yards.
   5. Floor area ratio.
   6. Ground floor area ratio.
   7. Density.

b. The expansion, alteration or modification may be permitted when it is consistent with the comprehensive plan and shall follow the procedures outlined below:

   1. **Major Amendment.** A major amendment to a continued planned unit development is required when the proposed changes or modifications will have an effect on required parking, required yards, floor area ratios, ground floor area ratios, signage, building height, density, covenants or agreements required by the continued planned unit development, or changes to the continued planned unit development issued in the FW, FF or FP districts. A major amendment shall follow the same process required for an initial CUP application.

   2. **Minor Amendment.** Any amendment to a continued planned unit development not considered a major amendment as defined above may be approved by the City Council. The minor amendment shall follow the same process as an initial CUP application, except that a public hearing and planning commission review is not required.

**Section 2.** Chapter 36, Section 36-37(d) General conditions for continued special permit uses of the St. Louis Park City Code is hereby amended to delete the strikethrough text, add the following underlined text, and renumber accordingly.

(1) Any property covered by a continued special permit shall comply with all provisions of the special permit which were in effect on December 31, 1992. If it is subsequently determined that a property is not in compliance with the provisions of the continued
special permit, the holder of the continued special permit shall take whatever actions are necessary to bring the property into compliance with the conditions and provisions set forth in the special permit. Failure to bring the special permit into compliance within 12 months of written notification of noncompliance by the city shall be grounds for termination of the continued special permit. The procedure to be followed in terminating the special permit shall be that specified in subsection 36-33(b)(5)38(a)(8). Upon termination of the continued special permit, the use shall be subject to the provisions of Article VI of this chapter pertaining to nonconformities section 36-401 and all other applicable provisions of this chapter, including the regulations for the district in which the use is located.

(2) The property shall comply with all provisions of this chapter which require compliance with certain provisions by a certain date, including the dates listed in subsection 36-362(i)(7), subsection 36-36(k), subsections 36-36(f) and (h).

Section 3. Chapter 36, Section 36-79 Grading; filling and land reclamation; excavation and mining, of the St. Louis Park City Code is hereby amended to add the following underlined text.

(c) Permit not required. A conditional use permit for filling, land reclamation, mining or excavation is not required when the activity has been reviewed and approved in conjunction with construction or activity approved under a building permit, conditional use permit or planned unit development.

Section 4. Chapter 36, Section 36-38(a) of the St. Louis Park City Code pertaining to enforcement is hereby amended to delete the strikethrough text and add the following underlined text.

(8) Abandonment, revocation and cancellation of permit or variance. If the zoning administrator determines that any holder of an existing planned unit development approved before February 27, 2015, a special permit, variance, or conditional use permit has violated any of the conditions or requirements imposed as a condition to approval of the permit or variance, or has violated any other applicable laws, ordinances, or enforceable regulation, the planned unit development, special permit, variance or conditional use permit granted by the city may be revoked and canceled by the following process:

a. The zoning administrator shall notify the holder in writing of the violation. The notice shall be given in person or by United States Postal Service addressed to the address of the applicant stated on the original application. Notice shall also be served upon the occupant of the premises for which the planned unit development, special permit, conditional use permit or variance was issued or, if no occupant can be found, notice shall be posted in a conspicuous place upon such
premises. Notice shall be effective on the date of mailing, personal service or posting.

b. The notice shall state that after the expiration of ten days from the date of the notice, the planned unit development, special permit, conditional use permit or variance is terminated without further action or proceeding.

(9) New construction required within two years. All variances and conditional use permits shall be revoked and canceled after one two years has elapsed from the date of the adoption of the resolution granting the variance or conditional use permit if a new structure or alteration or substantial repair of an existing building is required by the conditional use permit or variance and the holder has failed to complete the work within that year, unless a valid building permit authorizing such work has been issued and work is progressing in an orderly way.

Section 5. Chapter 36, Section 36-82(b)(7)b. of the St. Louis Park City Code pertaining to temporary uses is hereby amended to delete the strikethrough text and add the following underlined text.

b. The temporary use shall be located in the C-1 district, C-2 district, O district, M-X district, PUD district, in a public park or closed right-of-way as approved by the city.

Section 6. Chapter 36, Section 36-141(d) of the St. Louis Park City Code pertaining to land use definitions is hereby amended to add the underlined text as follows and renumber accordingly.

(19) Marijuana dispensary means a dispensary location where patients or consumers can access cannabis in a legal and safe manner. Users get assistance from experts (bud tenders) who find an optimal dosage and recommend the delivery method to achieve optimal results when using medical cannabis.

Section 7. Chapter 36, Section 36-162(d) of the St. Louis Park City Code pertaining to accessory structures is hereby amended to add the following underlined text.

(3) Height.

a. Accessory buildings – Shall not exceed 15 feet in height. The maximum height may be increased to 24 feet where the primary exterior materials of the accessory building match the primary exterior materials of the principal building and the roof pitch matches a roof pitch of the principal building, and provided the wall height shall not exceed 9 feet from the building ground floor to the highest top plate of the exterior non-gable end walls. Dormers are exempt from the height measurement if the combined width of the dormers is less than 50% of the side of the building they are located on.
Section 8. Chapter 36, Section 36-162(e)(7) of the St. Louis Park City Code pertaining to accessory dwelling units is hereby amended to delete the strikethrough text, add the following underlined text and renumber accordingly.

7. Accessory dwelling units that are detached from the principal residential structure shall comply with the regulations for accessory structures in Division 4 Residential District Regulations, and must comply with the following additional requirements:
   a. Detached accessory dwelling units shall be located a minimum of 15 feet from any rear lot line unless the rear lot line is adjacent to an alley, in which case it may be located five (5) feet from the rear lot line.
   b. Detached accessory dwelling units located less than six (6) feet from the principal dwelling is subject to the same side yard as required for the principal dwelling. Detached accessory dwelling units located six (6) feet or more from the principal dwelling shall be located a minimum of five (5) feet from any side property line.
   c. Detached accessory dwelling units shall have a minimum of 200 square feet of floor area.
   d. Balconies and decks above the ground floor shall not face an interior side yard or a rear yard not abutting an alley. Rooftop decks for an accessory dwelling unit shall not be allowed.

Section 9. Chapter 36, Section 36-193(d) of the St. Louis Park City Code pertaining to the C-1 Neighborhood Commercial District is hereby amended to add the underlined text as follows.

(10) Restaurants 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. 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.
   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.
Section 10. Chapter 36, Section 36-362 of the St. Louis Park City Code pertaining to sign regulations is hereby amended to add the following underlined text:

(12) Illuminated signs at residential properties with four or fewer dwelling units.

Section 11. Chapter 36, Section 36-366(b)(1) of the St. Louis Park City Code pertaining to architectural design is hereby amended to delete the strikethrough text and add the following underlined text:

d. No building may display more than fifteen percent of any elevation surface in bright, high-intensity or pure tone-accent primary or secondary colors. No fluorescent or neon colors shall be used on any exterior elevation surface.

Section 12. Chapter 36, Section 36-366(b)(8) of the St. Louis Park City Code pertaining to architectural design is hereby amended to add the following underlined text:

e. Buildings, and additions to existing buildings, shall maintain a minimum of 50 percent ground floor transparency on the front façade, and 20 percent on all other ground floor street facing facades. Buildings which expand the gross square footage of the building by more than 50 percent shall bring the entire building into compliance with these transparency requirements.

Section 13. This ordinance shall take effect January 29, 2021.

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<th>First Reading</th>
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<tbody>
<tr>
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<td>January 4, 2021</td>
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<tr>
<td>Date of Publication</td>
<td>January 14, 2021</td>
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<tr>
<td>Date Ordinance takes effect</td>
<td>January 29, 2021</td>
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Reviewed for administration: Adopted by the City Council January 4, 2021

Thomas K. Harmening, City Manager

Attest:

Approved as to form and execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney