
March 27, 2024
7:00 p.m.

City of Brooklyn Park – Conference Room A203
5200 85th Avenue North
Brooklyn Park, MN 55443

PLANNING COMMISSION WORK SESSION – AGENDA #6

For reasonable accommodations or alternative formats, please provide a 72-hour notice by calling 763-424-8000 or emailing Chris Xiong at chris.xiong@brooklynpark.org. Si usted necesita esta información en español, llame al 763-424-8000 y solicite un intérprete. Yog xav tau kev pab, hu 763-493-8059.

Commissioners: Chair Liam Cavin, Vice Chair Kathy Fraser, General Officer John Kiekow, Christopher Udomah, Philip Gaye-Bai, Teshite Wako, Maggie Borer, Shereese Turner.
City Council Liaison: Councilmember Tony McGarvey.
Staff Liaison Paul Mogush, Amber Turnquest, Erin McDermott and Matt Hayes-Regan.

A. CALL TO ORDER

B. GENERAL INFORMATION

C. DISCUSSION ITEMS/GENERAL ACTION ITEMS

C.1 Zoning Code Update

A. 152 Article 3 Land Use Performance Standards

The proposed amendments comply with the changes made to the Comprehensive Plan through the new land use designations and the adoption of new zoning districts. Technical changes for consistency throughout the Land Use title are also made.

D. VERBAL REPORTS AND ANNOUNCEMENTS

1. COUNCILMEMBER LIASON COMMENTS

2. PLANNING COMMISSION COMMENTS

3. STAFF LIASON COMMENTS

E. ADJOURNMENT

MEMORANDUM

Date: March 20, 2024
To: Planning Commission Members
From: Amber Turnquest, Principal Planner
Subject: Comprehensive Plan Land Use Code Update

Zoning Code Text Amendment – Articles 3, Performance Standards

The Zoning Code was amended to comply with the changes made to the Comprehensive Plan through the new land use designations and the adoption of new zoning districts. Technical changes for consistency throughout the Land Use title were also made.

Attachment A – Summary of Changes
Attachment B – Redline Text Amendment

Section	Title	Summary of Changes
152.901	Accessory Residential Performance Standards	Overly restrictive. Technical changes for consistency.
152.903	Nonresidential Performance Standards (Principal Uses)	Removing restrictions on beehives. Technical changes for consistency. Removing landscape restrictions imposed only on places of worship.
152.904	Accessory Nonresidential Performance Standards	Technical changes for consistency.

CHAPTER 152: ZONING CODE

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ARTICLE 3. STANDARDS

ARTICLE 9 SECTION 1. LAND USE PERFORMANCE STANDARDS.

§152.900 RESIDENTIAL PERFORMANCE STANDARDS (PRINCIPAL USES)

All residential principal uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

- (A) Single family (detached). All new detached single-family dwellings must comply with the following conditions:
 - (1) All dwellings, including manufactured or mobile housing, must include a basement.
 - (2) No single-family dwelling may be constructed less than 25 feet wide, as measured along 50% of its length.
 - (3) Once the front yard has been established and an address determined, the building or yards may not be reversed.
 - (4) The minimum required finished floor area must comply with the following:
 - (a) UR district: 960 square feet.
 - (b) R-1 district: 1,040 square feet.
 - (c) R-2 district: 1,040 square feet.
 - (d) R-3 district: 960 square feet.
 - (5) All residential parking and driveways shall be paved with bituminous or asphalt surface, or permeable pavement with approval by the City Engineer.
- (B) Two-family (attached). The conditions for the construction and zero-lot line subdivision of attached two-family dwellings are as follows.
 - (1) No attached two-family dwellings may be constructed less than 20 feet wide (per unit).
 - (1) For a two-unit building that is split by ownership, the applicant or the property owner(s) must execute and record at their expense a declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City Attorney.
 - (2) The authority to divide a single structure containing two dwelling units may be subject to Chapter 151 of the City Code and the Council may impose other reasonable conditions as required by the situation.
 - (3) All residential parking and driveways shall be paved with bituminous or asphalt surface, or permeable pavement with approval by the City Engineer.
- (C) Townhouses. All townhouses, attached or detached, must comply with the following conditions.

- (2) All yard requirement areas must be free of encroachments, such as buildings, accessory structures, and interior vehicular circulation systems. Driveways that provide direct access to the garage area are not considered an encroachment.
 - (3) All buildings within an attached townhouse development must be a minimum of 15 feet apart, except for adjacent garages, which shall be set back a minimum of 10 feet.
 - (4) All residential parking and driveways shall be paved with bituminous or asphalt surface, or permeable pavement with approval by the City Engineer.
 - (5) A declaration of covenants, conditions and restrictions or the equivalent document shall be submitted for review and approval by the City Attorney.
- (D) Mobile Home Park. Subject to the approval of a site plan which includes:
- (1) Internal street system with all-weather hard surfaced roadways, to city standards, not less than 25 feet in width.
 - (2) All units must be connected to city sewer and water systems prior to occupancy.
 - (3) All hydrant locations must be approved by the city prior to occupancy of any units.
 - (4) All mobile homes must be setback a minimum of 25 feet from any internal roadway.
 - (5) Minimum lot size or lot size equivalent per mobile home must not be less than 40 feet wide by 100 feet long or 4,000 square feet.
 - (6) Each mobile home park must provide a recreation area(s) equal to 800 square feet per unit and a development plan shall be submitted and approved. None of the 800 square feet must be included in the minimum lot calculation.

§152.901 ACCESSORY RESIDENTIAL PERFORMANCE STANDARDS

All accessory residential uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

- (A) Community garden.
 - (1) Shall adhere to the same standards as a principal use community garden.
- (B) Day care (14 or fewer persons).
 - (1) Permitted only within single family structures.
- ~~(C) Garden.~~
 - ~~(1) If a home garden is present, it shall be maintained by one or more individuals who reside in a dwelling unit located on the subject property.~~
 - ~~(2) Food and/or horticulture products grown in the home garden may only be used for personal consumption.~~
- ~~(D)~~(C) Home Occupations.
 - (1) All vocations based in a dwelling unit shall have an administrative permit.
 - (2) All home occupations shall adhere to all applicable city, county, state, and federal regulations. Home occupations that violate or cannot operate in compliance with those regulations are prohibited.
 - (3) Any hazardous materials handling permits must be reported to the City Manager or his/her designated agent.
 - (4) Deliveries are limited to the type that typically service residences.
 - (5) The home occupation may be carried out by the residents of the dwelling unit and no more than one nonresident employee.
 - (6) Repair Services.
 - (a) Repair services are limited to those appliances or other goods small enough to be carried by one person.
 - (b) Motor and recreational vehicles and equipment and small engine repair are not permitted except for minor emergency repairs and minor maintenance to autos, non-commercial trucks, or recreational vehicles and equipment that are licensed to residents of the property, provided they can be completed within a 24-hour period or are conducted inside a garage or accessory structure and are in compliance with the City Code.
 - (c) Vehicle painting ~~will not be permitted~~ is prohibited in residential districts.
 - (7) Parking.

- (a) Parking for clients or customers coming to the property must comply with Section ## and all other applicable sections of the City Code.
- (b) Parking is limited to five vehicles at any one time.
- (8) Sales. No retail sale of merchandise produced off-site is permitted, except those products that are not marketed and sold in wholesale or retail outlets.
- ~~(E)~~(D) Keeping domestic and farm animals on residential properties.
 - (1) Farm animals may be kept on parcels five acres or larger at the rate of one animal unit per acre.
 - (2) Boarding or breeding for commercial purposes may not be permitted in residential districts.
 - (3) The keeping of animals must be in conformance with all other sections of the City Code.
- ~~(F)~~(E) Live/work units.
 - (1) The commercial portion of a live/work use shall not occupy more than 50 percent of the entire square footage of the structure/or unit.
 - (2) The residential portion of the live/work use, if located on the ground floor, shall be completely located behind the commercial portion of the structure or unit such that the ground floor street façade is a commercial use and commercial façade.†
- ~~(G)~~(F) Outdoor Storage.
 - (1) Storage of agricultural equipment may be permitted only on land assessed, used, and zoned as agricultural and must comply with all other applicable sections of the City Code.
 - (2) *Commercial vehicles.* Outdoor storage of commercial vehicles is limited to one vehicle per dwelling unit. Additional parking of commercial vehicles is permitted in a garage. Parking of commercial vehicles must comply with §§ 152.140 through 152.146. Semi trucks, semi trailers, dump trucks, tow trucks, and commercial vehicles with a registered gross weight over 15,000 pounds or in excess of 30 feet in length are not permitted.
 - (3) Firewood storage.
 - (a) Firewood must be stacked on an impervious surface or be elevated at least 3.5 inches off the ground and may not include more than two cords of wood per property.
 - (b) Unrestrained stacks may not exceed 6 feet in height.
 - (c) Firewood stacks located next to structures and supported by restraints, may not exceed 10 feet in height and may be so contained as not to constitute a safety hazard, as determined by [a Zoning Enforcement Officer/City Manager](#).
 - (d) Firewood storage must comply with accessory structure setbacks in Section ##.
 - (4) Personal vehicles.
 - (a) Vehicles stored outside on residential property must be owned by a person who resides on that property.
 - (b) Students who are away at school for periods of time or persons on military leave, but still claim the property as their legal residence, will be considered residents on the property. This does not include vehicles or equipment being used by occasional guests or a commercial vehicle regularly used by a resident of the property.
 - (5) Private outdoor recreational equipment provided the equipment is not for display, storage or sales in connection with any vocation except a daycare.
 - (6) Recreational vehicles, equipment, and trailers. If stored in a front yard, the following standards shall apply:
 - (a) Items stored in the front yard must be located on a continuous impervious surface.
 - (b) Storage is not allowed on landscaped or grass areas in the front yard.
 - (c) Gravel parking areas is not permitted.
 - (d) All front yard storage must not encroach on any sidewalk or obstruct visibility of vehicle or pedestrian traffic.

§152.902 TEMPORARY RESIDENTIAL PERFORMANCE STANDARDS

All temporary residential uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

- (A) Garage sale.
 - (1) Each property is limited to 4 garage sales per year.

- (2) Each sale is limited to 3 days.
- (B) Model homes.
 - (1) Model home or temporary real estate office lighting must comply with ##.
 - (2) Signs must comply with the sign regulations as contained in ##.
 - (3) The model home or temporary real estate office is permitted only until all the other lots in the subdivision have active building permits.
 - (4) The applicant for a model home may be required to submit a cash bond to guarantee the conversion of the model home to a single-family home in a timely manner if alterations to the site have occurred such as the provision of paved parking, removal of lighting, and similar uses. Such conversion includes, but is not limited to, the provision of landscaping, turf restoration and the removal of parking lots, signage, and lighting.
- (C) Portable storage containers.
 - (1) One temporary portable storage container is allowed per dwelling unit for a maximum of 30 consecutive days in a calendar year.
 - (2) The storage container must be located on the driveway of the dwelling unit it is serving. An alternate location may be approved by the City Manager.
- (D) Temporary family healthcare dwellings.
 - (1) The city opts out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.
- (E) Equipment, materials, and dumpsters may be stored outside if in compliance with the following:
 - (1) All items must be directly related to a current on-site construction or landscaping project.
 - (2) Except as otherwise allowed in division (#) below, no items may be stored outside for more than three months in any calendar year.
 - (3) All items directly related to a project for which a valid building permit has been issued are allowed to be stored outside while the permit is active.
 - (4) All debris must be contained within the dumpster and prevented from becoming airborne.
- (F) All items must be located on private property and must not block sidewalks, trails, hydrants, or emergency access.
 - (1) All items must be immediately removed from the property upon completion of the current on-site project.
 - (3) Sale of motor and recreational vehicles.
 - (a) The vehicle(s) must have current registration plates.
 - (b) The vehicle(s) must be licensed to a resident of the property.
 - (c) The vehicle(s) must comply with the parking requirements in all applicable sections of the City Code and this chapter.
 - (d) No more than two vehicle and equipment sales may be permitted per parcel per calendar year.

§152.903 NONRESIDENTIAL PERFORMANCE STANDARDS (PRINCIPAL USES)

All nonresidential principal uses shall comply with the following supplemental regulations, which shall be in addition to all other regulations of this Zoning Code. In the event there is a conflict between these supplemental regulations and other portions of this Zoning Code, the more restrictive regulations shall govern.

- (A) Automobile sales and showrooms.
 - (1) Impervious surface. All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale, or storage of automobiles or other vehicles are permitted on landscaped areas.
 - (2) Parking. In addition to the requirements of ##, the parking areas must be:
 - (a) Shown and designated on the site plan.
 - (b) Kept free of display vehicles, on a continual basis.
 - (c) Appropriately designated with signs for use by customers and employees.
 - (3) Damaged and inoperable vehicles. All damaged and inoperable vehicles may be kept in an enclosed building or area completely screened from public streets and adjacent property.

- (4) Display vehicle parking.
 - (a) Each display vehicle parking space must meet the required size of a parking space as defined in ### and must be striped accordingly.
 - (b) No vehicles may be displayed on elevated platforms, jacks, or berms; however, parking will be allowed in approved/designated concrete display areas with a maximum height of 6 inches above the parking lot surface.
 - (c) No rows of display vehicles may be longer than 180 feet. Landscaped areas with overstory deciduous trees are required to separate rows of display vehicles. Required parking lot open space areas may be larger than typically required in the district to accomplish this objective.
 - (d) No display parking of vehicles may be permitted in the drive aisles.
 - (5) No outside storage of scrap metal, auto parts, or the like is allowed.
 - (6) No vehicles may be unloaded from transport trucks in the public rights-of-way.
 - (7) Signs. In addition to the regulations found elsewhere in the City Code, the following may apply:
 - (a) No signs may be permitted in or on any display vehicles except the following, and no signs may be readable from a public right-of-way or adjacent property:
 - (1) Disclosure statements required by state and/or federal law.
 - (2) Identification of the displayed vehicles by make, model, year, and price.
 - (8) All outdoor illumination on sales lots may be provided with lenses, reflectors, or shades that concentrate the light upon the premises to prevent glare or direct rays of light from being visible upon any adjacent public right-of-way or any private property occupied for residential purposes. Lighting from any source on the property may not exceed 3 foot candles as measured from the centerline of any adjacent street nor 3 foot candles at any property line which is not also a public right-of-way line.
- (B) Car wash.
- (1) All car wash operations shall be staffed during operating hours.
 - (2) All drive-through car washes shall contain room for a minimum stacking of six cars and must not extend into drive aisles.
 - (3) All car wash bays shall have a separate entrance and exit.
 - (4) If within 200 feet of a residential district or use, the car wash bays shall be closed when in operation.
- (C) Community garden.
- (1) Private community garden areas may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.
 - (2) A community garden may include common areas (e.g., storage sheds) maintained and used by the groups.
 - (3) The community garden must comply with the lot and building standards for its zoning district.
 - (4) Community garden or private garden may serve as a permitted accessory use in any residential, business, public institution district or city owned park or open space. A community garden may be permitted as an interim use on a vacant lot in any residential district. A community garden area may count towards required open space in any zoning district. The following conditions shall be met for all community gardens:
 - (a) The garden area shall be limited to growth of food crops and/or non-food ornamental crops such as flowers. Maintaining ~~beehives~~, livestock and poultry shall be prohibited.
 - (b) Community gardens may not be located within any easement without the property owner obtaining written permission from the easement holder.
 - (c) The garden shall be set back a minimum of 5 feet from all property lines to provide a vegetated buffer of grass or other plants to minimize the transfer of sediment and to delineate the edges of the garden.
 - (d) Paths may be installed to access the garden and individual garden plots provided the paths are constructed using natural landscape materials including wood chips, mulch, landscape rock or pea gravel.
 - (e) Fences are allowed as permitted by this chapter and provided they are made of sturdy, rust resistant woven wire and/or rot resistant wood, are well maintained and neat in appearance.
 - (f) The garden area shall be properly maintained throughout the year by:
 - (1) Weekly collecting rotting vegetables/fruits from garden areas and providing off-site disposal of this waste.

- (2) Weekly collecting and removing all trash and debris that is deposited on the site.
 - (3) Providing for season end removal of all dead plant growth/waste no later than October 1.
 - (g) Trash containers may be provided on site provided they have a cover and meet accessory structure setbacks for the underlying zoning district. All trash shall be removed from the site at least once per week.
 - (h) Compost bins are permitted provided they meet the accessory structure standards of the district in which it is located.
 - (i) One non-illuminated sign not exceeding 4 square feet in area and 6 feet in height shall be permitted. The content of the sign shall be limited to identification of the site as a community garden, sponsorship contact information and rules/guidelines for the community garden.
 - (j) Parking for the garden shall be provided on streets where parking is permitted or on an existing parking surface with the written permission of the owner of the parking surface.
 - (k) Seasonal sales stands shall be permitted but must be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use. All products sold must be grown within the community garden.
 - (l) One portable restroom shall be permitted on the site.
 - (m) One utility shed shall be allowed on the site under the following conditions:
 - (1) Maximum area of 200 square feet.
 - (2) Must be located within the rear yard setback and at least five feet off the side and rear property lines.
 - (3) Maximum height of ten feet.
 - (n) Any power equipment and attachments, hand tools, fertilizer, chemicals and other equipment and materials that is kept on the site shall be stored within a utility shed.
 - (o) The following miscellaneous improvements shall be permitted on the site:
 - (1) Trellises.
 - (2) Raised planting beds.
 - (3) Benches.
 - (4) Covered trash receptacles.
 - (p) Negative impacts. The site shall be designed and maintained to prevent negative impacts to adjacent properties from individual gardeners and gardening activities including, but not limited to, irrigation, fertilizer, soils, stormwater, cultivated areas, trespassing and garden debris.
 - (q) Site restoration. Upon cessation of the community garden, the site shall be fully restored to the pre-garden status. All aboveground remains of the garden shall be promptly removed, and the ground leveled and restored so it can be utilized for uses permitted in the zoning district.
- (D) Currency exchanges.
- (1) All entrances to the business, except for emergency fire exits which are not usable by patrons, must be visible from the public right-of-way. When such businesses are located within an enclosed commercial complex, all patron entrances must open onto the common concourse.
 - (2) Layout of the publicly accessible areas must be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale.
 - (3) The site must be at least 500 feet from the property line of a pawnshop, an adult entertainment/adult service, or any residential district and one-half mile from a site containing another currency exchange business. The site plan must show the location of the proposed currency exchange business and any other currency exchange business if any are located within one mile of the proposed site.
 - (4) All establishments may apply for and obtain a license from the State of Minnesota before a building permit may be issued.
- (E) Fuel and service stations.
- (1) All applications for fuel and service stations must be accompanied by the following:
 - (a) An evaluation of subsurface conditions, soil resistivity and groundwater table conditions prepared by a professional engineer, licensed by the State of Minnesota.

- (b) Information that demonstrates compliance with the installation requirements of §§ 93.30 through 93.41 of the City Code and the requirements of the Minnesota Pollution Control Agency.
- (2) The minimum frontage on any street must be 150 feet for a station with four pump/meter stations or less, and stations with additional pump/meter stations may provide additional frontage and area to provide equivalent and sufficient space for servicing vehicles, off-street parking, safe vehicular approaches into the station, and visibility for pedestrians and drivers.
- (3) Canopies or other weather protection structure (free standing or projecting from a building).
 - (a) Maximum height. 25 feet.
 - (b) Lighting.
 - (1) Except for permitted signs, no lighting on the face of the canopy is allowed. This includes a prohibition on backlit panels on the face of the canopy.
 - (2) All lighting installed must be recessed into the canopy and lights must be directed downward and away from adjacent properties in compliance with **##**.
- (4) Pump/meter islands.
 - (a) Setbacks.
 - (1) From public right-of-way - 50 feet.
 - (2) Interior side or rear - 40 feet.
 - (3) [From a Residential district or use](#)- 100 feet.
 - (b) Vehicle stacking.
 - (1) Vehicle stacking for gas pump dispensing must be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required vehicle stacking area for gas dispensing may not interfere with the internal circulation drive aisles or designated parking aisles.
 - (2) Vehicle stacking for gas pump dispensing may not be permitted in any public right-of-way, private access easement, or within the required parking setback area.
- (5) All paved areas must be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage, designed to meet the requirements of a minimum seven-ton axle load.
- (6) Layout of the publicly accessible areas on the site may be designed so that the employees of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale in the building or are at fuel pumping areas.
- (F) Funeral home and mortuary.
 - (1) Loading and unloading areas used by ambulances, hearses or other such service vehicles shall be screened from public off-site views.
 - (2) If a crematorium is included as part of a funeral home, no more than 33% of the gross floor area of a funeral home may be devoted to the crematory, including area for the cremator, cremation observation, crematory access and maintenance areas, and any additional areas used primarily for services related to cremation.
 - (3) An employee residence is permitted.
- (G) Hotel or motel.
 - (1) A lodging license pursuant to Chapter 117, shall be provided.
 - (2) At least two amenities, such as pool, restaurant, lounge, fitness center, office center, or similar ancillary use, shall be provided in conjunction with the hotel or motel.
- (H) Indoor sales of automobiles, trucks, and recreational vehicles and the like.
 - (1) Must meet minimum state guidelines for dealer license under M.S., Chapters 168, 168A, and 325F, pertaining to dealer licensing and motor vehicle titles and registration, as well as Minnesota Rule, sections 7400.0100 through 7400.6000.
 - (2) Storage and display of vehicles must be completely enclosed inside a building if vehicles are located on site.
 - (3) No vehicles may be unloaded from transport trucks in the public rights-of-way.
- (I) Licensed daycare facilities.
 - (1) The pick-up/drop-off area(s) must be near the front of the building and adjacent to a pedestrian area.
- ~~(J) Light food processing. TBC~~

~~(K)~~(J) Pawnshops.

- (1) All entrances to the business, except for emergency fire exits which are not usable by patrons, must be visible from the public right-of-way. When such businesses are located within an enclosed commercial complex, all patron entrances must open onto the common concourse.
- (2) Layout of the publicly accessible areas must be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale.
- (3) The site must be at least 500 feet from the property line of a site containing a place of worship, school, day-care/preschool, another pawnshop, an adult entertainment/adult service business, a currency exchange, or any residential district.
- (4) All establishments must apply for and obtain a license from the City of Brooklyn Park, before a building permit may be issued.

~~(L)~~(K) ~~Public utility~~Essential services. All uses must provide the following evidence:

- (1) The use is in conformance with the surrounding neighborhood and required setbacks and side-yard requirements are met.
- (2) Equipment is completely enclosed in a permanent structure with no outside storage, except for electrical substation structures.
- (3) Adequate screening and landscaping from neighboring residential districts are provided.

~~(M)~~(L) Places of Worship.

- (1) Architectural materials allowed for places of worship shall follow the regulations for **Business Nonresidential** Districts (see §).
- ~~(2) No more than 60% of the site may be covered by impervious surface. The remaining 40% must be landscaped or sodded. Tree and shrub quantities shall be calculated using the B-1 requirements of § for all religious institutions located within a residential zoning district.~~
- ~~(3)~~(2) Residential districts. Places of worship may only be located on sites located directly at the intersections of two collector streets or along an arterial street as designated in the Comprehensive Plan.
- ~~(4) In the B-3 Zoning District, religious institutions are only allowed as one tenant in a multi-tenant building, up to 49% of the building, located on a single tax parcel. All tenants must have separate, independent accesses through a public corridor or directly from outside. All building code requirements must be met.~~
- ~~(5)~~(3) An office for a place of worship is considered an office use provided no worship services, events, or the like are conducted on site.
- ~~(6)~~(4) Places of worship with additional uses operating concurrently with a worship service must be figured into parking requirements.
- ~~(7)~~(5) Places of worship may conduct worship and educational programs as permitted accessory uses in public schools in all zoning districts outside of normal school instructional hours. Formal site plan review as described in § is not required.

~~(N)~~(M) Restaurants.

- (1) If the restaurant has an outdoor seating area, refer to the requirements in § .
- (2) If the restaurant has a drive-through, refer to the requirements in § .

~~(O)~~(N) Sexually oriented businesses.

- (1) All entrances to the business, except for emergency fire exits which are not usable by patrons, must be visible from the public right-of-way. When such businesses are located within an enclosed commercial complex, all patron entrances may open onto the common concourse.
- (2) Layout of the publicly accessible areas must be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale.
- (3) The site must be at least 750 feet from any school, daycare/preschool, library, park, playground, or other public or private recreational facilities in any zone and another adult entertainment/adult service business.
- (4) No establishment may be open to the public from the hours of 11:00 p.m. and 8:00 a.m.
- (5) Signs visible to the public comply with the city's sign ordinance and may not contain graphic descriptions or representations of the adult theme of the operation.
- (6) All establishments may apply for and obtain a license from the City of Brooklyn Park before a building permit may be issued.

~~(P)~~(O) Schools, elementary, secondary, or post-secondary.

- (1) All public and private schools must conform to the minimum guidelines for open space and recreational space of the State of Minnesota.
- (2) ~~Public and private~~ schools must conform to the landscaping requirements for business zoning districts (see § ~~152.003~~). For sites zoned PI, the B3 landscaping requirements must be used.
- (3) ~~Public and private~~ schools located in business zoning districts must conform to the following performance standards:
 - (a) The city must find that the school use would be compatible with existing or planned adjacent uses.
 - (b) Schools which include grades kindergarten through eight must be adjacent to another public elementary school. Schools which include only grades nine and higher must be within 1,000 feet to public parks.
 - ~~(c) The site must conform to all parking requirements of § ~~152.003~~.~~
 - ~~(d)~~(c) The city must find that traffic speeds and volumes on adjacent streets do not pose a safety hazard.
 - ~~(e)~~(d) The city must find that the site has adequate space for school bus loading and movement, including turnarounds.
 - ~~(f)~~(e) The site must include sidewalks and/or other pedestrian facilities appropriate to the site for student safety.
- (4) Non-affiliated public and private schools are allowed by conditional use permit when located within a building primarily used for a place of worship.
- (5) Job training programs, ~~including those training programs for people with a physical, mental, or developmental disability,~~ are not considered schools for zoning purposes, but shall be classified by the skill or job being taught.
- (6) Public and private schools in all zoning districts may permit use of their facilities to community, civic, charitable, or religious organizations outside of normal school instructional hours.

~~(Q)~~(P) Self-service storage facility. Drive aisles between and around storage buildings must be 30 feet to accommodate through traffic and parking outside individual storage units.

~~(R)~~(Q) Social clubs.

- (1) The hours of operation available to customers are limited to 10:00 am to midnight daily. Minor patrons must follow curfew ordinances.
- (2) The business owner must provide an up-to-date security plan that is acceptable to the Police Chief. The security plan must be reviewed annually.
- (3) Commercial kitchen facilities must be licensed and maintained on-site for preparation and service of food and non-alcoholic beverages available to patrons.
- (4) Disorderly conduct, as listed in Section 112.003(C), shall be grounds for revocation of a Conditional Use Permit.
- (5) The establishment may impose a cover charge.
- (6) The establishment may have live entertainment (including, but not limited to bands, comedians, and disc jockeys)
- (7) The establishment is not eligible for alcoholic beverages under any license type.

~~(S)~~(R) Wholesale, broker, and auction dealer of automobiles.

- (1) Must meet minimum state guidelines for dealer license under M. S., Chapters 168, 168A, and 325F, pertaining to dealer licensing and motor vehicle titles and registration, as well as Minnesota Rules, sections 7400.0100 through 7400.6000.
- (2) No storage and display of vehicles is allowed.

§152.904 ACCESSORY NONRESIDENTIAL PERFORMANCE STANDARDS

(A) Accessory uses listed in ~~###~~ are permitted/conditional in the individual commercial zoning districts provided that:

~~(1) Such uses are subordinate and incidental to the principal use of the property.~~

~~(2)~~(1) No accessory use is permitted that changes the character, rating or appearance of the property or any structures on the property.

~~(3)~~(2) No accessory use or structure other than a fence or a temporary construction office for a project to be built on the property is permitted in any business district without a principal use occupying the property.

- ~~(4)(3)~~ No exterior storage or display of equipment, materials or products is allowed, except as permitted by this section and Chapter 150 of the City Code.
- (B) Day care.
- (1) All daycares in business districts and as an accessory use within multi-purpose buildings (i.e., places of worship, schools, private businesses) must comply with the following:
 - (a) ~~Dependent on the size and capacity of the structure and the availability of parking~~ Provide parking at in compliance with 152. .
 - (b) The pick-up/drop-off area(s) must be near the front of the building and adjacent to a pedestrian area.
- (C) Car wash.
- (1) The use must be accessory to a vehicle fuel station.
 - (2) The lot must be a minimum of two acres.
 - ~~(3)~~ The building/structure housing the car wash must ~~be no closer than~~ meet the minimum setback of 100 feet to the residential district boundary.
 - ~~(4)(3)~~ Additional regulations may be required through the Conditional Use Permit process to mitigate noise and/or other potential nuisances.
- (D) Crematories/crematoriums.
- (1) Licensure by the Minnesota Commissioner of Health shall be required and compliance with M.S. § 149A.95.
 - (2) Crematoriums shall not be used for the disposal of any waste materials.
 - (3) Crematoriums shall not emit any visible air emissions nor generate odors.
- (E) Drive-throughs.
- (1) Drive-through facilities and lanes must be located behind the principal building.
 - (2) All drive-throughs must contain room for a minimum stacking of six cars from the serving window and stacking must not extend into drive aisles.
 - (3) Queuing lanes must not interfere with pedestrian circulation.
 - (4) Drive-through canopies and other structures, where present, must be constructed from the same materials as the primary building, and with a similar level of architectural quality and detailing.
- (F) Within the MU districts, drive-throughs shall only be accessory to a mixed-use building containing both residential and commercial uses.
- (G) Exterior food and beverage machines, ice machines, and propane tank exchanges.
- (1) Must be in conjunction with approved fuel or vehicle service businesses, convenience, grocery, or variety goods store.
 - (2) Must be adjacent to and project no further than five feet from the primary building.
 - (3) Where sidewalks are present, a minimum access width of four feet must be provided and may not be blocked by the vending machines or containers.
 - (4) Propane tank exchanges must be located within a metal cabinet painted to blend into the building. The cabinet, not to exceed 52 cubic feet, must receive a permit from the Fire Chief.
 - (5) Exterior food and beverage vending machines, ice machines, and propane tank exchanges must be in good repair at all times.
- (H) Farmer's market.
- (1) Location.
 - (a) No portion of the use or event shall take place within 200 feet, as measured in a straight line from the closest point of the property line of the property upon which the farmers' market is located, to the property line of any R-1 zoned property with residential buildings.
 - (b) A farmer's market shall be conducted only within a parking lot that has a minimum of 200 off street parking spaces. It is not required that all 200 spaces be used for the market.
 - (c) Sales merchandise trailers, temporary stands, etc., shall be located on an asphalt or concrete surface.
 - (2) Displays.
 - (a) Parking and display areas associated with the sale shall not distract or interfere with existing business operations or traffic circulation patterns.
 - (b) Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.
 - (c) No uses or displays shall be permitted in required green areas, parking setback areas, or any right-of-way or other public property.

- (d) Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- ~~(3) Duration.~~
~~(a) All products, materials, quantities to be sold or displayed, and the dates, times, and duration of the market must be approved by the City Council.~~
- ~~(4) Permission.~~
~~(5)(3) The owner/operator shall have the written permission of the current property owner to locate on a specific site.~~
- ~~(6)(4) Signage shall be limited to one sign not to exceed 32 square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. The sign may be illuminated but must comply with all requirements of Chapter 30 of this title.~~
- ~~(7) All lighting shall comply with the lighting standards of Chapter 150 of the City Code.~~
~~(8)(5) Operation and maintenance.~~
- (a) All producer merchandise shall be unloaded prior to the opening of the market and confined to the off-street parking lot area. No on street parking or unloading shall be allowed.
- (b) No public address system or speakers shall be used.
- (c) The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste, which results in offensive odors or unsightly conditions.
- (I) Gas tanks (above ground) for propane, liquid nitrogen, etc.
 (1) Such tank shall be fully screened or located out of public view.
 (2) Motor vehicle fuel is not permitted.
- (J) Mobile food units.
 (1) The owner/operator shall have written permission of the current property owner to locate at a designated area.
 (2) The proprietor of the business must keep copy of the mobile food unit license with the unit and demonstrate compliance with the license upon inspection.
 (3) The area(s) designated for the mobile food unit and accessory outdoor seating may not block sidewalks, impede pedestrian or vehicular traffic, or interfere with public safety.
 (4) No mobile food unit or accessory outdoor seating area may occupy parking spaces which may be leased to other businesses or used to fulfill its minimum parking requirements or any handicap accessible parking space.
 (5) Mobile food unit locations are limited to private property in a business district as listed in § .
 (6) Mobile food units shall be located on an asphalt or concrete surface.
 (7) The owner/operator must provide trash receptacles for customer use and keep the site in a neat and orderly fashion, free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions.
 (8) Temporary signage is permitted in accordance with §150.06(A)(6) pedestrian signs.
~~(9) Mobile food units cannot locate within 100 feet of from the main entrance of an eating establishment or any outdoor dining area.~~
- (K) Outdoor entertainment and the use of sound-amplifying equipment.
 (1) The volume of sound shall not violate § of this ordinance.
 (2) The sound amplifying equipment shall not be used between the hours of 10 p.m. and 8 a.m.
- (L) Outdoor sales and display.
 (1) The designated sales area must be identified on an approved site plan.
 (2) The designated sales area cannot block sidewalks.
 (3) The designated sales area must not encroach into setbacks.
- (M) Outdoor dining.
 (1) Outdoor dining is permitted if depicted on an approved site plan. The following additional standards relate to outdoor dining areas:
 (a) Outdoor seating is permitted within any setback area and temporary seating may be permitted with rights-of-way, provided the sidewalk remains clear to a width of 5 feet.
 (b) Service and consumption of alcohol on outdoor patios and decks in conjunction with an intoxicating liquor "on-sale" license or a 3.2 percent malt liquor license may be permitted under the following conditions:

- (1) The patio or deck area must be contiguous to the licensed premises and shall be enclosed with a fence that meets standards set forth in this code that does not allow entrance from outside the fenced area onto the patio or deck area.
- (2) Receptacles for rubbish, garbage, etc., must be provided and adequately screened.
- (3) Lighting must be sufficient to promote public safety, directed downward, and compatible with the surrounding area.
- (4) Smoking may be allowed on the patio or deck area, provided it complies with the Minnesota "Freedom to Breathe Act of 2007."
- ~~(5) The patio or deck area shall be controlled and monitored continuously during the hours of operation and unruly patrons shall be removed immediately.~~
- ~~(6) Patrons shall not leave the premises with a drink nor can drinks be taken onto a public sidewalk.~~
- ~~(7)~~(5) The outdoor patio or deck area must be included in the required liquor liability insurance for the premises.
- ~~(8)~~(6) These areas may be covered with a canopy or awning but may not be enclosed.

(N) Outdoor display.

- (1) Outdoor displays of inventory, such as automobiles, tires, nursery stock, lumber and other merchandise customarily displayed or stored in the outdoors are permitted, subject to compliance with standard building setback requirements of the respective zones and all other applicable ordinances and standards.
- (2) Outdoor display is limited to no more than 10% of the facade of the structure in which the business is located.
- (3) Outdoor display cannot ~~occur without the permission of the owner of the business,~~ cause a public nuisance, or be located within the required parking areas or ingress or egress aisles of the lot.

(O) Outdoor storage.

- (1) Outdoor storage areas shall be depicted on an approved site plan.
- (2) The items in the area designated for outdoor storage must be completely screened from view from adjacent public rights-of-way or adjacent properties.
- (3) Outdoor storage areas must not be used for the storage of junk vehicles, trash, debris, or other nuisance items as defined elsewhere in the City Code.
- (4) The area designated for outdoor storage must be clearly defined by fencing, striping, paving, or other means. Any storage outside of the designated area shall be a violation of the conditional use permit.

~~(5) Outdoor storage is not permitted in the Highway Overlay (HO) District.~~

~~(6)~~(5) Height of materials, vehicles, or equipment in outdoor storage area shall not exceed the height of the principal structure.

Figure ##. Outdoor storage requirements

		Zoning Districts			
		B3	B4	BP	I
Area limit on storage allowed		50% of site	70% of site	15% of building footprint	80% of site
Setbacks	From ROW	15 feet	15 feet	75 feet	15 feet
	From side and rear	5 feet	5 feet	50 feet	5 feet
	Adjacent to residential districts	35 feet	35 feet	NP	35 feet
Location restriction		Side or rear yard only	Side or rear yard only	Must be located to the rear of the front entrance	Side or rear yard only

- (P) Restaurants, retail, or services.
 - (1) May be located within the principal building or as a single tenant in a multi-tenant building.
 - (2) The area of the building for restaurants, retail, or service businesses are restricted to one-half of the total gross floor area of the ground level floor of a multistory building but may not be restricted to any location in the building, or 10% of the gross floor area of a single story building.
- (Q) *Detached Accessory Structure*
 - (1) *Setback adjacent to rights-of-way.* No detached accessory structures are permitted between a public right-of-way and the principal structure.
 - (2) *Interior side or rear setbacks.* No detached accessory structure are permitted closer than five feet from interior side property lines.
 - (3) *Structure size.* Detached accessory structures may not exceed 2,000 square feet, or 15 percent of the principal structure footprint, whichever is less.
 - (4) *Structure height.* Detached accessory structures may not exceed 16feet in height, or the height of the principal structure, whichever is less.
 - (5) No more than one detached accessory structure is permitted per lot of record.
 - (6) Detached accessory structures shall not be designed or used for human habitation.
 - (7) Detached accessory structures shall have the same or similar exterior finish as the principal building.
- (R) Warehousing, incidental repair, or processing.
 - (1) In the B1 - B-4 Districts, accessory warehousing may only be conducted in up to 30% of the gross floor area of the principal building.
 - (2) Must be necessary and related to the permitted principal use.

§152.905 TEMPORARY AND SEASONAL NONRESIDENTIAL PERFORMANCE STANDARDS

- (A) Christmas tree sales.
 - (1) All temporary buildings or trailers associated with the sales lot, as well as all tree-related debris and materials, are permitted between November 15 and December 31.
 - (2) The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.
 - (3) The sales area shall be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.
- (B) Construction buildings.
 - (1) Buildings temporarily located for purposes of construction may be placed for a period not to extend beyond the issuance of a certificate of occupancy or the end of construction
- (C) Firework sales.
 - (1) An annual retail fireworks permit shall be required per Section 93.25.
 - (2) Fireworks sales shall only be permitted between June 15 and July 5.
 - (3) The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.
 - (4) Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.
 - (5) No fireworks shall be sold or dispensed from a motor vehicle or towed vehicle.
 - (6) Outdoor sales lot for consumer fireworks sales shall meet the specialized requirements laid out in Minnesota statute, section 624.20, and all other applicable ordinances or statutes.
- (D) Gas/fuel tanks (above ground).
 - (1) Above ground gas and fuel tanks shall be screened from view of a public street or adjacent residential property.
- (E) Greenhouse and garden centers.
 - (1) The area(s) designated may not be located in the required parking areas, block sidewalks, or interfere with public safety.
 - (2) The area(s) designated may not be permitted in the required setback from residential districts or public rights-of-way.
 - (3) The proprietor of the business must keep a copy of the Conditional Use Permit on the premises and demonstrate compliance with the permit upon inspection.

- (4) Conditional Use Permits may be revoked by the City Council if the activity is not used on an annual basis or if violations to any of the above regulations have been documented and were not corrected in a timely manner as determined by the City Manager.
 - (5) Garden center sales shall only be permitted between April 1 and June 30.
 - (6) The sales area shall be separated from vehicular uses by the placement of a fence or barrier to prevent pedestrian and vehicular conflicts.
 - (7) Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.
- (F) Outdoor storage of snow removal equipment.
- (1) The area of storage shall not be placed in any established yard abutting a street.
 - (2) The area of outdoor storage shall be screened from view from streets and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.
 - (3) All areas of storage shall be paved.
- (G) Temporary events. The events include outdoor religious events, tent sales, employment fairs, and other similar outdoor uses and events as determined by the City Manager. Construction activities related to the construction, demolition, or rehabilitation of a dwelling, building, or structure are not regulated by this section.
- (1) Permits are required for any event with temporary structures or tents, preparation and service of food or beverages for sale, road blockage, or traffic or parking congestion beyond that expected without the event.
 - (2) All events may be conducted by the proprietor of the business conducted within the principal structure on the property.
 - (3) Performance standards for temporary events. Temporary events include, but are not limited to, outdoor religious events and rental or employment fairs, but do not include construction activities related to the construction, demolition, or rehabilitation of a dwelling, building, or structure.
 - (a) Events are limited to ten days per calendar year and all equipment, structures, signs, or other evidence of the use must be removed from the property one week after termination of the event.
 - (b) Disturbed turfed areas must be restored to their pre-event condition within three weeks.
 - (c) Sanitary facilities must be provided as required by the Building Official.
 - (d) Any impairment to traffic flow must be mitigated to the satisfaction of the City Engineer, Fire Chief, and the Police Chief.
 - (e) All other sections of the city code, including but not limited to compliance with residential quiet hours and the creation of nuisances, apply.
- (H) Temporary uses. Temporary uses may include environmental monitoring of a use and structures for hiding the monitoring equipment and other similar outdoor uses as determined by the City Manager. No administrative approval of temporary uses may be given for structures primarily for storage associated with the principal use.
- (1) Permits are required for temporary uses.
 - (2) The permit must include a specific date, not to exceed one year, during which time the use may exist. By the specified date, the use and any associated structure(s) must be removed from the property and the site returned to a condition that meets or exceeds the pre-use condition.
 - (3) All uses may be conducted by the proprietor of the business conducted within the principal structure on the property.
 - (4) Financial guarantees or a cash escrow may be required at the time of permit application to guarantee the restoration of the site to its pre-use condition.
- (I) Transient sales.
- (1) Location.
 - (2) The location for the sale must have a minimum 150-foot setback from any intersection.
 - (3) The location for the sale must meet the minimum setbacks for a principal building on the property and may not be permitted on the following: public rights-of-way, landscaped areas, fire lanes, or drive aisles.
 - (4) The location for the sale may not occupy more than 100 square feet.
 - (5) The location for the sale may not occupy the required minimum parking spaces for the principal use(s) on the site.

- (6) The location for the sale must be large enough to provide adequate parking.
- (7) Hours and duration.
 - (a) Use of the property for transient sales may not exceed ten days within a maximum period of six months.
 - (b) Transient sales may not take place between the hours of 6:00 p.m. and 10:00 a.m.
 - (c) No overnight storage of transient merchant equipment or merchandise may be allowed.
Transient merchant equipment may be permitted on the premises only between the hours of 8:00 a.m. and 8:00 p.m.
- (8) A license may be issued pursuant to the City Code and may be conspicuously posted in the transient merchant's location.
- (9) Written permission to occupy the property must be filed with the application for conditional use permit.