

City of Brooklyn Park Planning Commission Staff Report			
Agenda Item:	6.6	Meeting Date:	April 10, 2024
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:		Prepared By:	Erin McDermott, Associate Planner Amber Turnquest, Principal Planner
Ordinance:	X		
Attachments:	5	Presented By:	Erin McDermott, Associate Planner Amber Turnquest, Principal Planner
Item:	Code Text Amendment: Revisions for consistency and legal sufficiency to Chapter 152: Zoning Code.		

Proposed Actions:

MOTION _____, SECOND _____, TO RECOMMEND THE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Staff Recommendation:

Staff recommends approval of the proposed ordinance changes.

Overview:

The Brooklyn Park City Council (Council) adopted the Brooklyn Park 2025 community plan in February 2017. Roughly 1,000 participants supported this yearlong effort which captured resident and staff input and documented the City’s goals. That process involved many public engagement sessions to understand the vision that Brooklyn Park residents had for the city as it grows and changes, including a visioning session in 2016, public open house in 2017, mailed notices, door knocking, and surveys sent to residents. Building upon that work, the Brooklyn Park Planning Commission held a public hearing in 2018 over a two month period in March and April on the 2040 Comprehensive Plan (2040 Plan). The Council voted on the final draft on May 29, 2018, with the comment period closing on October 26, 2018. The 2040 Plan was approved for submission to the Metropolitan Council (Met Council) for final review on December 10, 2018.

The 2040 Plan looked at the entire community with an emphasis on special planning areas. The City identified a need to address community-wide issues and desires, redevelopment and reinvestment in the older parts of the community, sustainability of new development, and to create a “community of the whole”.

The City Council adopted the 2040 Comprehensive Plan on March 30th, 2020. State law requires that official controls – the Zoning Code – be updated within 9 months of Plan adoption. The consultant firm, WSB, who worked on the 2040 Plan was retained to work on the Zoning Code Update. The challenges associated with the COVID-19 pandemic, staff turnover in the Planning Division, and the 2023 development moratorium all contributed to a delay in completing this work.

Planning staff is using this opportunity to make minor, technical updates to the entire Land Usage Title of the Brooklyn Park Code of Ordinances. Title XV includes four chapters, which are listed below with a highlight of the changes:

Chapter 150 Signs

Technical changes that clarify regulations in zoning districts and the City’s attorney is reviewing for conformance with statute and current case law.

Chapter 151 Subdivisions

Technical changes to update referenced information.

Chapter 152 Zoning Code

Incorporation of the principles identified with the 2040 Plan that WSB identified and worked closely with City Staff, Planning Commissioners, and City Council to update. The bulk of the work that WSB completed was to bring the Zoning Code into compliance with the 2040 Plan. A limited number of changes are being made outside of those that have already had extensive review and discussion during the 2020 working period.

Chapter 153 Stormwater Management

Technical changes to update referenced information.

Work To Date:

A Public Hearing was held during the March 13, 2024, meeting of the Planning Commission. The Planning Commission voted to transmit recommendation of approval to the City Council of Chapters 150, 151, and 153 of the Code of Ordinances, in their entirety. Articles 1 and 2 of Chapter 152 were also recommended for approval. The Land Use Performance Standards and the Development Standards of Chapter 152, Article 3 are being heard separately. At the March 27, 2024 Work Session, the Planning Commission discussed the proposed changes to the Land Use Performance Standards.

Summary of Changes:

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.

Alternatives to Consider:

1. Approve the amendments as presented.
2. Approve the amendments with modifications.
3. Decline to approve the amendments.

Budgetary/Fiscal Issues:

Not applicable.

Attachments:

- A. REDLINE CHANGES
- B. TECHNICAL CHANGES DOCUMENT
- C. SUPPORTING DOCUMENTS
- D. RESIDENT COMMENTS
- E. SUMMARY ORDINANCE

CHAPTER 152: ZONING CODE

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ARTICLE 3. STANDARDS

ARTICLE 9SECTION 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.~~
 - ~~(0) 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.~~
 - ~~(0) Food and/or horticulture products grown in the home garden may only be used for personal consumption.~~
- ~~(F)~~(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.
- ~~(G)~~(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.
- ~~(H)~~(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.†
- ~~(I)~~(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 § ~~5~~). 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 § ~~5~~.~~
 - ~~(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.

AGENDA ITEM 6.6A - REDLINE CHANGES

- (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.

6.6B – TECHNICAL CHANGES DOCUMENT

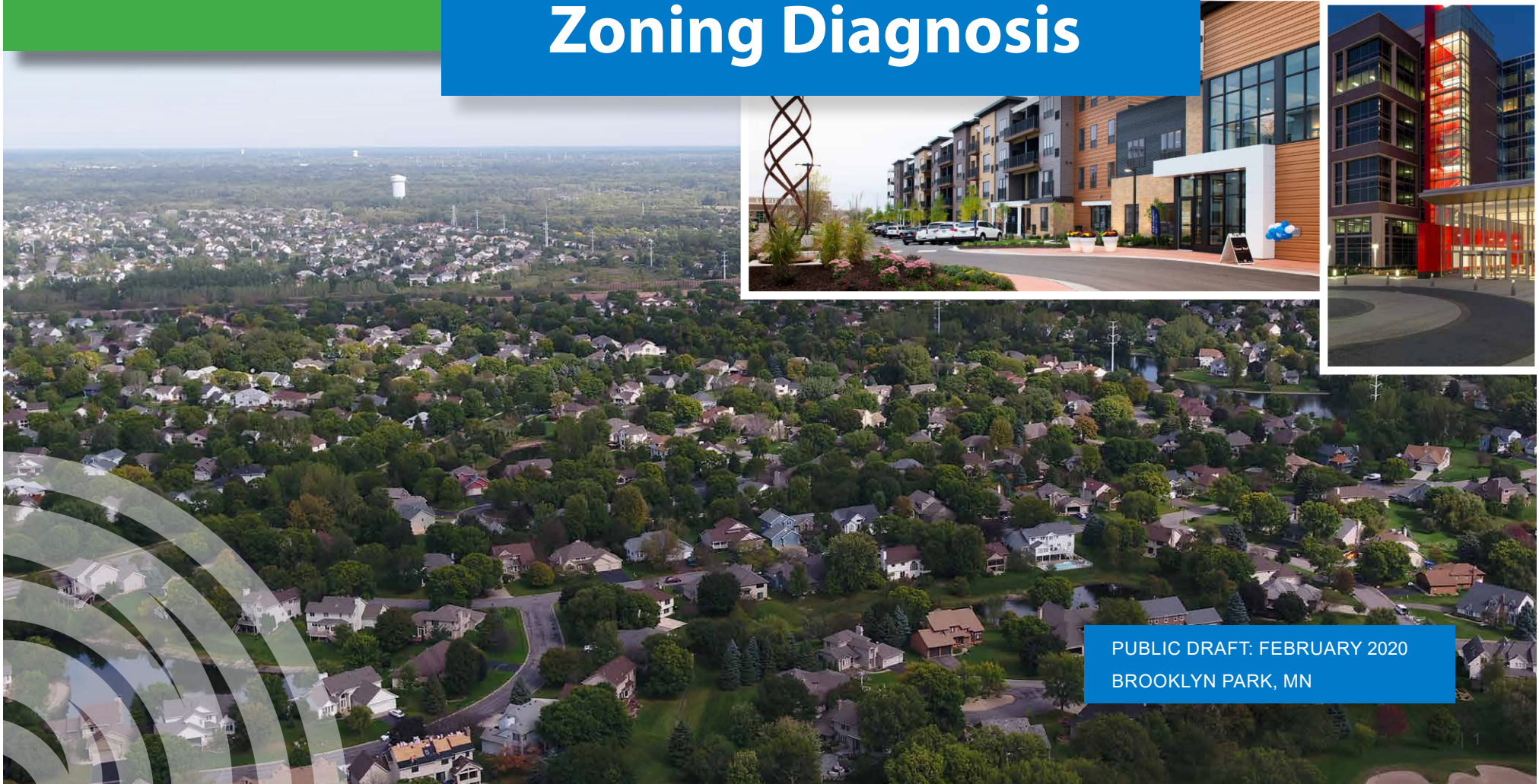
Section	Title	Changes
152.901	Accessory Residential Performance Standards	<ul style="list-style-type: none"> • 152.901(C) removed performance standards for gardens. • 152.901(C) [revised] struck “will not be permitted” replaced with “is prohibited”. • 152.901(F) struck “a Zoning Enforcement Officer” replaced with “City Manager”.
152.903	Nonresidential Performance Standards (Principal Uses)	<ul style="list-style-type: none"> • 152.903(C)(4)(a) removed “beehives”. • 152.903(E)(4)(a)(3) inserted “from a” and “district or use” to clarify language. • 152.903(J) removed “light food processing” to be addressed in the next stage of work. • 152.903(K) struck “Public utility” replaced with “Essential services”. • 152.903(L)(1) struck “Business” replaced with “Nonresidential”. • 152.903(L)(2) language struck. • 152.903(L)(4) language struck. • 152.903(O)(3)(c) struck reference to parking requirements, which already exist. • 152.903(O)(5) struck language for types of training institutions. • 152.903(Q)(4) inserted reference to “Conditional Use Permit”.
152.904	Accessory Nonresidential Performance Standards	<ul style="list-style-type: none"> • 152.904(A)(1) struck “Such uses are subordinate and incidental to the principal use of the property”. • 152.904(B)(1) struck “Dependent on the size and capacity of the structure and the availability of parking” replaced with “Provide parking in compliance with 152. ___”. • 152.904(C) removed “be no closer than” replaced with “meet the minimum setback of”. • 152.904(C)(3) struck language reference Conditional Use Permits as this requirement is articulated elsewhere. • 152.904(H)(3) removed language related to duration and permission. • 152.904(H)(4) removed subjective language. • 152.904(H)(7) removed lighting language as standards exist elsewhere in the code. • 152.904(J)(9) removed restrictions on the location of mobile food units.

6.6B – TECHNICAL CHANGES DOCUMENT

- 152.904(M)(5) and 152.904(M)(6) removed language related to operation covered by other provisions of the code.
- 152.904(N)(3) removed language covered by other provisions of the code.
- 152.904(O)(5) removed reference to obsolete district.

Brooklyn Park

Zoning Diagnosis



PUBLIC DRAFT: FEBRUARY 2020
BROOKLYN PARK, MN

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1

Introduction



Introduction

The City of Brooklyn Park is a growing, dynamic, and diverse community. It is unique in the Twin Cities in that it is a majority minority suburb. It has the density of an urban center along with the vacant greenfields of the urban fringe. There is a history of development in “nodes” or places to be, each providing a different mix of services, shopping, dining and entertainment. The City has stated a commitment to racial equity, being age friendly and accessible to all. Light rail transit is coming to five station areas in the City. Each of these characteristics is tied to the zoning ordinance, which regulates all growth, development and redevelopment in the City.

The first and most important job of the zoning ordinance is to protect the health, safety and welfare of the City’s residents, business owners, and visitors. The main way zoning does this is by implementing the goals and policies set forth in the Comprehensive Plan. Brooklyn Park’s 2040 Comprehensive Plan lays out a bold vision for the future of housing, employment, economic development, and transportation. Policies in each of these areas require changes to the zoning ordinance which enable the types of change envisioned.

During this zoning diagnosis, we examine the current ordinance to determine where there are conflicts; where zoning may be an obstacle for the type of development the City wants; and where there is outdated language that needs to be updated.

Cities use zoning to guide development of privately-owned land to ensure the land is used in a way that promotes both the best use of that land and the prosperity, health, and welfare of its residents. Cities derive the authority to zone from Minnesota and United States supreme court cases and from the Municipal Planning Act found in Minnesota Statutes. The Municipal Planning Act establishes a consistent and comprehensive procedure for adopting, amending, and implementing a zoning ordinance.

While zoning is a primary way for communities to impact the built environment, it is important to understand what zoning can and cannot do.

WHAT ZONING CAN DO:

- Allow the type of development envisioned in the Comprehensive Plan
- Describe what uses are permitted and where
- Establish the parameters for development related to:
 - Lot size, width, depth
 - Setbacks or build-to lines
 - Building coverage
 - Building height minimums and maximums
 - Landscaping requirements
 - Parking minimums and maximums
 - Design standards



WHAT ZONING CAN'T DO:

- Guarantee development
- Take away allowed uses
- Preempt state and federal law
- Act as a building code
- Control behavior

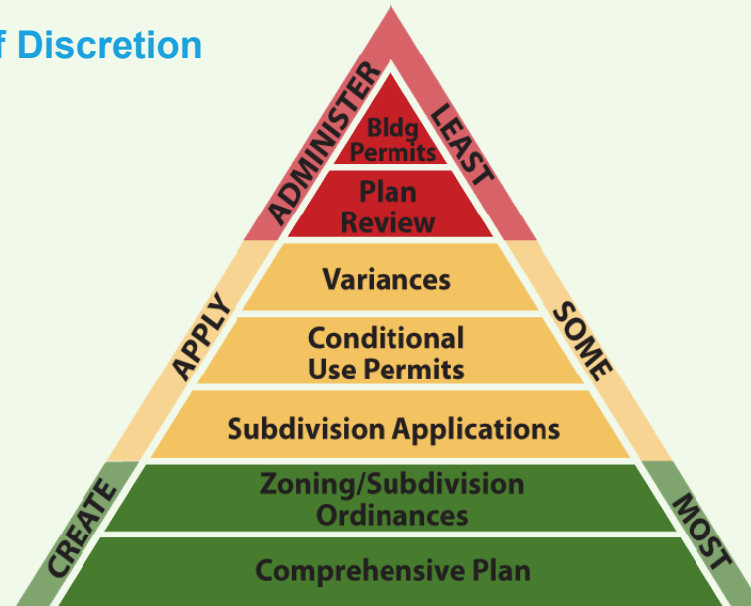


Introduction

The limits to zoning are steeped in history and documented in case law. When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising its so-called “legislative” authority. The city council creates new plans and laws (ordinances) for the entire community to advance its health, safety, and welfare. When acting legislatively, the council has broad discretion. In contrast, when applying existing plans and laws, a city council is exercising so-called “quasi-judicial” authority. It is limited to determining the facts of a specific request, and then applying those facts to the relevant law. A city council has less discretion when acting quasi-judicially.

It can be helpful to visualize this as a “**pyramid of discretion**” that shows cities have greater discretion when making land use decisions and policies at the base of the triangle, and less as decision-making moves up the pyramid. Discretion is greatest when officials are creating and drafting the comprehensive plan and writing the zoning code and the least when administering those plans and codes, such as when reviewing a building permit for compliance with the dimensional requirements of the zoning district.

Pyramid of Discretion



Source: League of Minnesota Cities

When acting legislatively, such as with this update to the zoning ordinance, a city can engage in broad policy discussions, and sort through competing views about what plans and laws would be in the best interest of the city. Although not everyone may be on board with the outcome, the more public participation in the planning (comprehensive plan) and law-making (zoning code update) stage, the better the understanding among the public of why the city has put a plan or law in place.

The zoning ordinance begins with a purpose statement which outlines the community’s reasons for adopting the ordinance. The purpose statement links the rules and regulations listed in the ordinance to the community’s values, plans, and goals. What follows is a side-by-side comparison of Brooklyn Park’s current purpose statement and that for the City of Duluth, MN. Duluth’s purpose statement clearly conveys its values and goals. This update is an opportunity for Brooklyn Park to be clear about the type of development it intends to promote with its ordinance.

Introduction

Brooklyn Park

The intent of this chapter is to protect the public health, safety, and general welfare of Brooklyn Park and its people through the establishment of minimum regulations governing the development and use of property within the city. Such regulations are established to:

- a. Implement the Comprehensive Plan;
- b. Promote orderly development and redevelopment;
- c. Provide adequate light, air and convenience of access to property;
- d. Prevent congestion in the public right-of-way;
- e. Prevent overcrowding of land and undue concentration of structures and population by regulating land, building, setbacks, and density of development;
- f. Provide for the compatibility of different land uses, and protect from incompatible uses;
- g. Provide for the administration of this chapter and any amendments;
- h. Prescribe penalties for violation of such regulations;
- i. Define powers and duties of the City Staff, the Planning Commission, and the City Council in relation to this chapter.

Duluth

The purpose of this unified development chapter is to protect public health, safety, and welfare and to implement the goals and objectives of the comprehensive land use plan using those authorities over the development, redevelopment, use, and occupancy of land and structures, and over the protection of the environment, granted to the city by the state. This general purpose includes, but is not limited to, the following:

- a. To provide for more sustainable development within the city by reducing carbon emissions, vehicle miles traveled, energy consumption, and water consumption, and by encouraging production of renewable energy and food production;
- b. To control or eliminate soil erosion and sedimentation within the city;
- c. To protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry;
- d. To enhance the visual and aesthetic character, diversity and interest of the city;
- e. To promote the use and preservation of historic landmarks and districts for the educational and general welfare of the

people of the city;

- f. To regulate erection and maintenance of signs in the city in order that signs might fulfill their necessary and useful function in such a way to preserve the public welfare and safety;
- g. To preserve the integrity of residential areas and the character and dignity of public structures, parks and other open spaces;
- h. To enhance property values and the general appearance and natural beauty of the city;
- i. To protect the public investment in streets and highways;
- j. To establish a comprehensive system of sign controls governing the display, design, construction, installation and maintenance of signs and to promote the orderly and effective display of outdoor advertising;
- k. To promote, preserve, and enhance the water resources and environment within the city and protect them from adverse effects caused by poorly sited or incompatible development in wetlands, shorelands and floodplains.

2

Executive Summary



Executive Summary

Brooklyn Park’s last major zoning update was in 2000. Since then, there have been several minor updates to address changes in state statute and current case law. Meanwhile, the City’s development pattern changed considerably. The zoning ordinance has yielded an auto-centric and segregated commercial development pattern. It also limits housing choices and creates lifestyle requirements for single-family housing, such as basements, garages, and storage space. These standards have a direct impact on the cost of every unit built. These commercial and housing prescriptions do not promote or enable the type of community that the City wants to be according to the goals in the Comprehensive Plan. In this diagnosis we discuss updates needed to the ordinance to reflect the desired vision for the City.

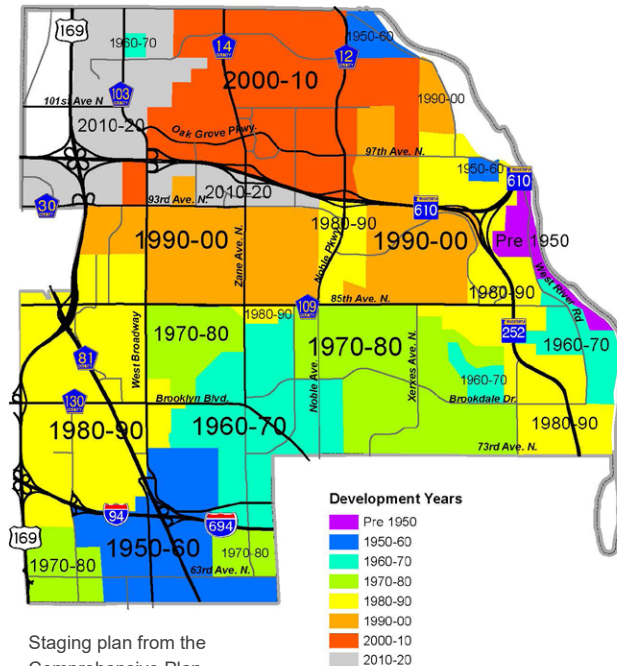
As part of the City’s 2040 Comprehensive Plan public engagement effort, the community identified what it wants to be like in the year 2025. This is articulated through goals. These goals have been used to define the project values for this zoning update. How does the current code measure up to the goals? The goals serve as standards against which we judge our work.

Simply put, Brooklyn Park is a thriving community inspiring pride where opportunities exist for all. We have identified important key words from each goal that can be reflected through the City’s zoning and subdivision ordinances.

Brooklyn Park is:



1. A united and welcoming community, strengthened by our diversity



Staging plan from the Comprehensive Plan

What it looks like:

- We have **connected neighbors** who understand and celebrate our unique **cultures**.
- Brooklyn Park is unified with a strong positive **identity** and image.
- Our community’s activities, events and services are inclusive, multi-cultural, and **accessible**.
- We have places and spaces for diverse communities to **gather**.
- Residents of **every age** contribute to our community.

Executive Summary



2. Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination



3. A balanced economic environment that empowers businesses and people to **thrive**.

What it looks like:

- Modern **transportation options** (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality **recreation** and **park** amenities inspire activity for all ages and interests.
- Our rich **diversity** is showcased through our vibrant music, arts, food, entertainment, and cultural scene.
- **Attractive key corridors, corners, and city centers** create destinations that meet community needs.
- Quality and **well-maintained** housing for all ages and incomes are integrated throughout the community.

What it looks like:

- People of all ages and backgrounds enjoy **financial stability**.
- Residents and visitors support an **abundance** of retail stores, restaurants, and entertainment venues.
- Our **business environment inspires** private investment and job growth for the purpose of increasing the tax base.
- Businesses and organizations of **all types, sizes** and specialties start, stay and grow here. (e.g. local networks and resources support businesses)
- We are a leader in **environmental sustainability**, benefiting our economy and community.

Executive Summary



4. People of all ages have what they need to feel **healthy** and **safe**

What it looks like:

- Neighborhoods are empowered and supported by strengthened positive **relationships with police**.
- **Youth are engaged** in positive and quality experiences.
- Aging adults have services and amenities to thrive and **age in place**.
- Everyone has access to quality healthy **food options**.
- People have access to quality **medical** and emergency care.



5. Partnerships that **increase** racial and economic **equity** empower residents and neighborhoods to prosper.

What it looks like:

- Each resident has **access** to the **training** and **support** needed to **get** and **keep** a **living wage** job. (e.g. Job skills training, **childcare**)
- Each student graduates high school with a pathway to college or career. (e.g. Pre-k, rec programs, BrookLynk)
- Aging neighborhoods and commercial centers are **revitalized** through continuous investment.
- The community provides necessary **supports** and **services** for community members to overcome life challenges such as hunger, mental illness, and homelessness.

Executive Summary



6. Effective and engaging government recognized as a leader.

What it looks like:

- The City provides **quality services** at a **reasonable cost**.
- Elected **officials**, commissions, and city staff reflect the **diversity of the community** and are **culturally competent**.
- City information is **clear, accessible**, and delivered in ways that **meet the community's needs**.
- City laws are **understandable, equitably enforced, and relevant** to the community.
- The City is well-managed and recognized as a **great place to work**.



3

Summary of Key Findings



Summary of Key Findings

Brooklyn Park’s current ordinance does not reflect the goal of providing regulations that are responsive to the community’s needs, accessible, and clear. The issues to be addressed with this update fall into four broad categories: **substance; procedures; organization and maintenance; and policies.**

Substance.

The impetus for this update is the Brooklyn Park 2040 Comprehensive Plan. The City has a bold vision that necessitates revisions to its regulatory tools to enable and promote the build out of the City according to this vision. The comprehensive plan and recently adopted mixed-income housing policies advance the City as an equitable, united, and welcoming community. The current code is too

conventional, restrictive, and complex to successfully partner with residents, businesses, and the development community to realize this vision.

The American Planning Association’s Planning for Equity Policy Guide defines equity as “just and fair inclusion into a society in which all can participate, prosper, and reach their full potential.” (APA 2019) Broadly, we suggest the City address equity through zoning by focusing more on neighborhood building and the

supportive function of zoning than the use-separating function of zoning. Land use regulations have direct and measurable impacts on household affordability and choice. There are three broad categories where we identify areas of inequity in the City’s planning and zoning, but a lack of housing choice is perhaps the most critical category to address.

Residential: Brooklyn Park is a thriving community with a diverse population with diverse housing preferences and needs. Minimum lot size and unit size and width become arbitrary in mature communities where new and redevelopment often occur on (what have become) nonconforming lots. The code’s requirements for basements, garages, and storage space impose costly lifestyle requirements on by-right development. Single family housing is the prevailing unit type allowed by the code, with 7 of 10 residential districts being single-family districts. Limiting housing choice is not consistent with the City’s vision. Additional unit types should be considered in single family districts. “Missing Middle” housing is discussed later. What follows are examples of unit types that would blend seamlessly in a single-family zoning district and could be allowed by-right, with performance (design) standards.



Example of Stacked Duplex



This structure could be a duplex (side by side or stacked) or quadplex



This structure is a 5-unit multiplex but could be a single-family home, or anything in between.

Summary of Key Findings

Commercial: The standards for commercial development are auto centric. Commercial uses are segregated from each other and are separated from sidewalks and residential uses. The code promotes isolating commercial uses in some districts and in some, few commercial uses are allowed, or none are allowed by-right. While the purpose statement and design standards are clear and could support by-right development, there are no permitted uses in the Town Center Zoning District. All uses require approval of a Conditional Use Permit. The auto-centric and segregating nature of the commercial standards are inconsistent with the goal of creating vibrant commercial and mixed-use nodes and make it difficult to access jobs and local businesses as well as placing barriers on starting a business in Brooklyn Park.

Public Realm: The Comprehensive Plan and the City's goals talk extensively about welcoming, abundant, and accessible public spaces for all. The transit station area plans do a wonderful job of addressing the public realm. Existing commercial nodes will require retrofit to achieve such public spaces. Retrofitting existing nodes with streetscape amenities, robust crosswalks, context sensitive pocket parks, and achieving parking lot landscaping on private property will require participation by the City, landowners with new or redevelopment, and public-private partnerships.

Procedures.

Procedures are needed to support development of the residential, commercial, and public realm envisioned in the 2040 Comprehensive Plan and outlined in the City's goals. Through its procedures, the City engages private landowners in community building. Procedures should provide a clear and efficient path to enable the type of development the community envisions. The uses and form of development the City wishes to promote should be allowed by-right, by-right with performance

standards, or by approval from the City Council using a process that is transparent, reliable and efficient; where approval criterion are directly related to encouraging the development clearly defined in the ordinance. The more uses allowed by-right or by-right with performance standards the better. The code currently relies on conditional use permits (CUP) and application of the Planned Community Development District (PCDD) zoning designation to regulate uses and enable a desired form of development. Often, the uses

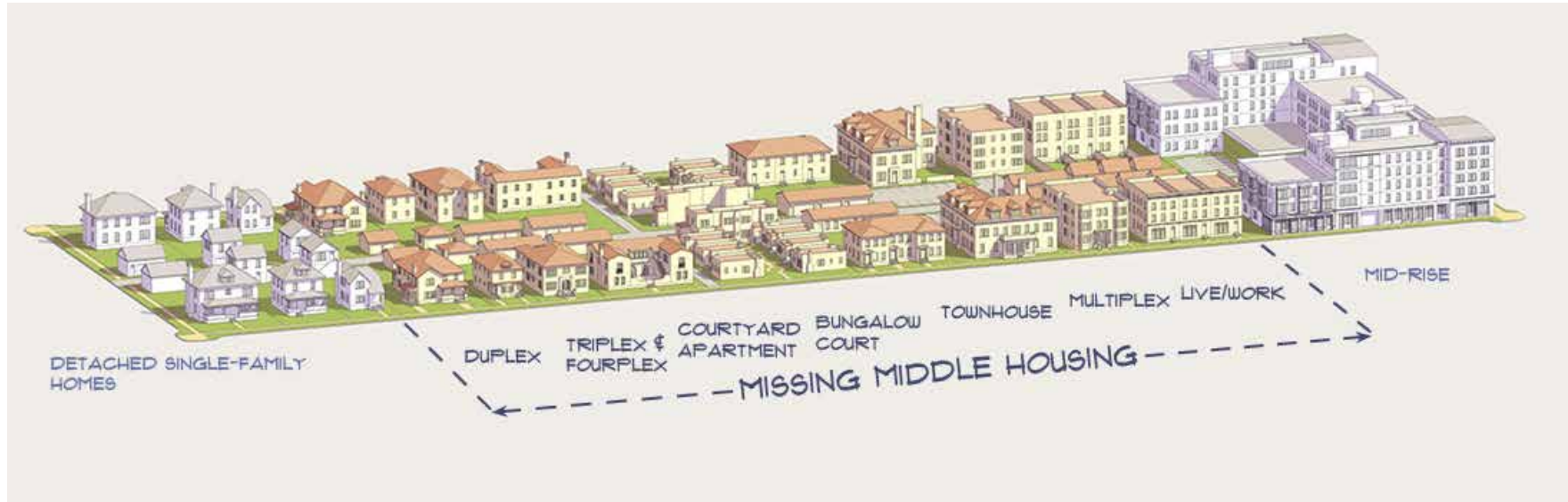
and desired development could be achieved by-right with performance standards or with fewer approvals.

Organization and Maintenance.

The code could be improved through maintenance alone. Consolidation of districts, modernization of uses and use tables, updates to reflect recent court cases, and elimination of unnecessary and repetitive provisions would result in a satisfactory code refresh but would not meet the City's goals. Brooklyn Park has a goal of being an effective

and engaging government that is recognized as a leader in this regard. To that end, city information should be clear, accessible, and delivered in ways that meet the community's needs. City laws should be understandable, equitably enforced, and relevant to the community. We will address sections from the code from which variances are frequently sought. Land use regulations should be consolidated into one document that is made easy to find and easy use on the City's website.

Summary of Key Findings



Policy Considerations.

In addition to changes related to the land use chapter of the comprehensive plans, there are policies in other chapters with zoning implications. Before finalizing the work plan, we are seeking direction on these policy matters. Major examples that would require changes to the zoning ordinance include:

Expanding Housing Choice. With the changes in the post-World War II

development patterns came changes in both the development and financial lending systems. These changes lent themselves to models of development that were narrowly focused and targeted to individual markets, such as single-family homes on large lots, large apartment complexes, commercial strip centers, and indoor malls. Each was developed and placed in isolation in contrast to the older patterns of neighborhoods where single-family, multifamily, and commercial were more

integrated and mixed. The art of both mixing these kinds of development and building smaller lower- and middle-density housing types were lost.

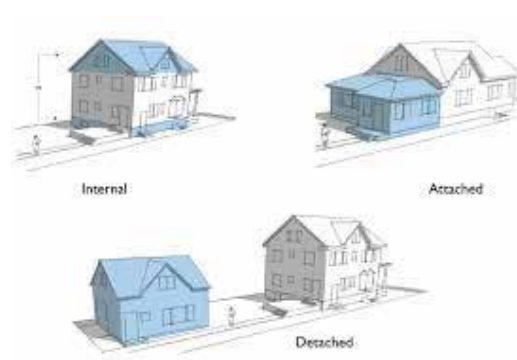
These “Missing Middle” housing types continue to provide a range of housing choices in scale with nearby single-family residential uses and provide a residential intensity that help support neighborhood centers. Existing in between single-family development and higher intensity and mixed-use residential development, the Missing

Middle housing types provide the housing that is needed and desired by a broader range of age groups and the full spectrum of income levels. Providing a full range of housing options is critical to the prosperity of Brooklyn Park’s residents and employers.

Summary of Key Findings

A place to start to increase housing choice and affordability within the current single-family zoning structure is Accessory Dwelling Units. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as single-family home. ADUs provide an opportunity to house a family member, gain additional income, and provide attainable housing for others. ADUs go by many different names throughout the country, including accessory apartments, secondary suites, mother-in-law suites, and granny flats. ADUs can be converted portions of existing homes, additions to new or existing homes, or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures. ADU ordinances often address lot size, unit placement, parking, and design criteria. The zoning code specifies the allowed ADU types. Examples include:

- an apartment over the garage;
- a small living quarters on a separate foundation in the backyard;
- a space within the primary residence with a separate entrance; or
- a space within the primary residence using the same entrance as the homeowners.



Example of Accessory Dwelling Unit Types



Detached



Attached to Primary Dwelling



Interior to Primary Dwelling



Attached to Accessory Structure

Summary of Key Findings

Mixed-Income Housing Policy. To further the housing goals of the 2040 Comprehensive Plan and Brooklyn Park 2025, the City of Brooklyn Park has adopted a policy to create and preserve affordable housing opportunities. The City recognizes the need to provide affordable housing to households of a broad range of income levels in order to support a diverse population and to provide housing for those who live or work in the City. The requirements are intended to provide a structure for participation by both the public and private sector in the production of mixed-income housing developments across the city. Specifically, affordable rental housing is to be required when 10 or more residential units are developed and receive:

- i. A Comprehensive Plan amendment;
- ii. A zoning code or map amendment;
- iii. Approval of a PUD; or
- iv. Financial assistance from the City or Economic Development Authority (EDA)

Developers may choose from the following:

Options	Minimum Number of Affordable Units Required	Minimum Affordability Standard
1	At least 5% of total project units	Affordable for households at 30% Area Median Income (AMI)
2	At least 10% of total project units	Affordable for households at 50% Area Median Income (AMI)
3	At least 15% of total projects units	Affordable for households at 60% Area Median Income (AMI)

Additional terms include, but are not limited to:

- I. An affordability term of at least 20 years.
- II. The ability to provide units or enable the provision of affordable units off-site. The ordinance should include details and options for meeting the requirement off-site
- III. The City may grant incentives to developments providing affordable housing, such as relief from specific zoning provisions. Would these incentives be written into the zoning district or considered as part of a development agreement?
- IV. The City may grant a minimum 10% density bonus for the provision of affordable rental housing units. Would this density bonus be written into the zoning district or considered as part of a development agreement?

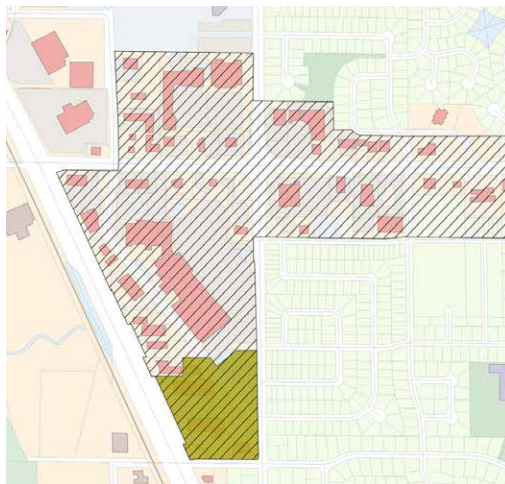
Summary of Key Findings

Transit Oriented Development. One major change in the development pattern of the City since the last comprehensive plan is the planned introduction of light rail service at several station areas in the western part of the City. Station Area Plans are included in the Comprehensive Plan and the City has done some work establishing a Transit Oriented Zoning Overlay District. Most of the recommendations in the station area plans have been incorporated into the TOD Overlay, but there are a few outstanding items which are included in the work plan. We seek direction on which components of the station area plans should be built by developers, which will be built by the City, and which would be appropriate for a public-private partnership.

Economic Development. The Comprehensive Plan sets a goal of 50,000 jobs by 2040 (25,000 exist as of 2017). It is important to be able to understand how land use translates to jobs. The City should consider establishing an employment density ratio. Currently, the City has an overall employment density of 2.4 employees per thousand sq ft. Generally, the following accepted ratios would assist in monitoring progress toward achieving the goal.

- i. Office – 5 jobs per 1,000 sq ft
- ii. Industrial 2 jobs per 1,000 sq ft
- iii. Institutional – 5 jobs per 1,000 sq ft
- iv. Commercial – 4 jobs per 1,000 sq ft
- v. Medical – 4 jobs per 1,000 sq ft

For example, a 3,000 sq ft commercial space would yield 12 jobs; a 125,000 sq ft office building would yield 625 jobs; and a 20,000 sq ft industrial space would yield 40 jobs. If the goal is simply to increase the number of jobs in the City of Brooklyn Park, institutional and office uses would be best. However, these may have the greatest impacts on traffic and the lowest benefit to the City’s tax base. The vibrant mixed-use community envisioned in the Comprehensive Plan and Brooklyn Park 2025 enable all of these uses and so the impact of one use would likely be offset by another use.



Transit Oriented Development Overlay



Oak Grove Station

4

Work Plan



Work Plan

The work of a zoning code update involves a broad, strategic look at the code, relative to the planning framework in which the update is taking place, as well as a detailed look to address common issues with zoning codes. The planning framework includes the existing conditions in Brooklyn Park as well as the 2040 Comprehensive Plan, Brooklyn Park 2025 and the current land use regulations (the City Code sections to be included with this update). With that in mind, we start with broad recommendations to modernize the code and then move on to necessary and suggested updates to the code and zoning map to realize the vision for the City of Brooklyn Park. Fundamental to realizing the vision for the City will be addressing the policy issues described above and adding them to this work plan. As we draft zoning updates, we will provide a range of options to address the policies through zoning.

Compliance with the Comprehensive Plan. We have identified code changes necessary for compliance with the Comprehensive Plan. The Metropolitan Council requires that all official controls be updated within nine months of the Plan's adoption. The zoning ordinance must incorporate the tools to enable private development to meet the City's vision. Some of the key changes that need to be made include:

- a. Ensure densities in all residential districts meet densities prescribed in the comp plan
- b. Ensure districts reflect the Future Land Use Plan designation
- c. Create a mechanism for tracking the mix of uses (as a percentage of area or floor area) as a whole where allowed/required districtwide.
- d. Enable affordable housing and senior housing near transit
- e. Require pedestrian connection to transit in high density housing and commercial areas.
- f. Modify the zoning near station areas to meet minimum density requirement of 20 units per acre

- g. Create a Mixed-Use district reflecting the Mixed-Use designation on the Future Land Use Plan

Per direction from the Metropolitan Council, cities will not be required to proactively rezone property so that it is in compliance with the Future Land Use map of the comprehensive plan. However, there may be some general changes the City wishes to consider at this time. For example, the City should consider whether changes should be made to the following areas.

- i. Areas North and west of 610/169 to be rezoned for mixed use
- ii. Parcels just north of 94 and east of 169 to be rezoned for mixed use
- iii. B2 parcel to the south of 610, west of 169 to be rezoned for mixed use

Ease of Use. To make administering the ordinance easier, there are several districts that we recommend for consolidation, as they are nearly identical. During the consolidation process, it is important to take inventory of the existing conditions in these areas to make sure that the new districts reflect the existing character and development patterns.

- a. Consider consolidation of single-family residential districts (R-2 through R3A). This would consolidate five zoning designations into one, with no change to the purpose (single-family detached residential) and land use guidance (low density residential).
- b. Consider consolidation of multi-family residential districts (R5-R7). The primary difference between these designations is that R5 does not allow for more than two stories. This form of development can be achieved other ways within the current ordinance. The R6 and R7 designations both call for multi-story development in areas guided for high density residential development.

Work Plan

Existing Zoning Districts

Zoning District		Description
R-1	Urban Reserve	Allows for the orderly phasing and development of land until city services, including sanitary sewer, storm sewer, and water, are extended into the area; Typically requires significant amounts of open land area such as athletic and cultural facilities, country clubs, government buildings, educational uses, and land reclamation; Short-term agriculture uses and very low density residential uses and those accessory uses customarily incidental to them.
R-2	Detached Single-Family Estate	Large lot detached single-family dwellings
R-2B	Detached Single-Family Residential	Detached single-family dwellings
R-3	Detached Single-Family Residential	Detached single-family dwellings
R-3A	Detached Single-Family Residential	Detached single-family dwellings
R-4	Detached Single and Attached Two-Family Residential	Detached single and attached two-family dwellings
R-4A	Townhouse	Low or medium density attached residential dwellings
R-4B	Detached Single Family	Low or medium density single family homes within association-maintained communities
R-5	Multiple Family Residential	Two story multiple family structures
R-6	Multiple Family Residential	Multiple family dwellings over two stories
R-7	Multiple Family Residential	Multiple family dwellings
B-1	Office Park	Office uses, with other accessory retail and service uses offered on site to serve the primary use or their employees
B-2	Neighborhood Retail Business	Commercial or mixed use development centers for retail sales and services that serve the adjacent neighborhoods and to preserve and protect the general character of the adjacent areas.
B-3	General Business	Centralized areas for commercial or mixed use development that have a community or regional customer base in that they generally draw customers from farther away than the adjacent neighborhoods
B-4	Vehicle Sales and Showroom	Vehicle sales businesses that draw from a regional customer base and has outdoor storage, display and/or sales of vehicles and/or recreational equipment

Work Plan

Existing Zoning Districts

Zoning District		Description
BP	Business Park	Office, commercial, industrial, or mixed use that enhance the city’s tax base, have few customers coming to the site, but may have a large employee base, involve manufacturing, warehousing, office uses, and other accessory retail and service uses offered on site to service the primary use or their employees.
I	General Industrial	Warehousing and industrial uses that may present negative off-site impacts to adjacent properties and are potentially environmentally sensitive due to the characteristics of the use of the property, and/or have an extensive amount of outdoor storage requirements.
PCDD	Planned Community Development District	Designed for use where the general areas contain a unique physical or recreational feature or require detailed, coordinated planning efforts to achieve specific goals.
PUB	Planned Unit Development	Development that is in compliance with the land use designation that allows innovation in development standards.
TC	Town Center	High quality, comprehensively designed commercial and residential neighborhoods with developments designed to promote walking, bicycling and transit use.
CD	Conservancy	Valuable environmental qualities which are to be preserved as park or open space amenities and to prevent the over-crowding of land, to avoid undue concentration of population, a specific public purpose, and/or alleviate the burden of development from environmentally sensitive lands.
PI	Public Institution	Public buildings, uses and needs that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose.
VR	Village Redevelopment	Implement the goals and objectives of the Village Redevelopment Plan and to define strategies and design standards for the implementation of the Plan. The district is intended to promote creative and efficient use of land within the Redevelopment District by providing flexibility in design and to allow mixed land uses while encouraging compact and pedestrian oriented development

Work Plan

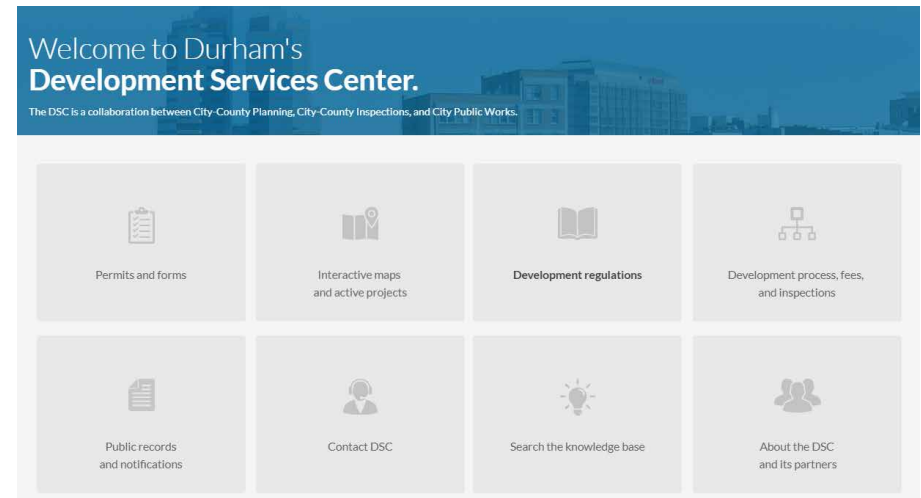
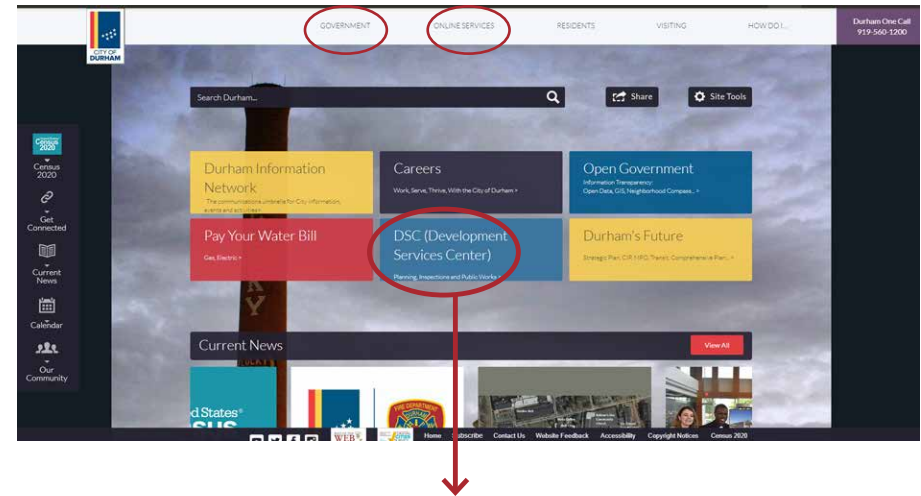
Maintenance. Federal and state law relating to zoning and land use are consistently changing and this update provides an opportunity to ensure compliance with changes to laws such as:

- a. Federal Telecommunications Act
- b. Fair Housing Act Amendments
- c. Americans with Disabilities Act
- d. Religious Land Use and Institutionalized Persons Act
- e. In 2011 MN Statute changed regarding the threshold for obtaining a variance. The threshold had been the requirement to demonstrate that the code represented an undue hardship but that changed to practical difficulty. Both standards are currently referenced in the ordinance.

Accessibility of the Code. Brooklyn Park has a goal of being an effective and engaging government that is recognized as a leader in this regard. City information should be clear, accessible, and delivered in ways that meet the community's needs. City laws should be understandable, equitably enforced, and relevant to the community.

- a. On-line Presence. Successful engagement with planning and zoning customers outside of City Hall requires an on-line experience that is reflective of the way online searches are conducted today. From the homepage of the City's website, it should be clear how to find the planning department or find planning and zoning information. Getting from the homepage to the planning department should only take one click. The City's website should enable developers, potential residents, and prospective businesses to buy into the City's vision. What follows is an example of this "one click" approach.

Sample Website





Work Plan

- b. Ineffective Digital Code. A digital zoning code should be a tool to improve the usability and clarity of the code. A zoning code update is an opportunity to address outdated and unrefined formatting and user interface that is unclear and does not enable effective engagement with government. There can be a tension between the hosting website for the City Code and the city's goals for their on-line presence. Resolving this tension may require a more comprehensive departmental webpage where the desired information is presented in a context sensitive and user-friendly manner.

Unified Development Code. We recommend consolidating the City regulations governing land use and development into a Unified Development Code (UDC). The UDC is the official body of rules and regulations to guide land use and development. It is a document in which traditional zoning and subdivision regulations are combined with other desired city regulations such as design guidelines and water management. It serves as a local policy instrument in implementing the City's land use plans and goals.

We have created an outline of a UDC for the City of Brooklyn Park which can be viewed on the next page.

Work Plan

Proposed Unified Development Code Structure

Article 1. General Provisions	
Article 2. Zoning Districts	
Article 3. Permitted Uses	
<ul style="list-style-type: none"> A. Permitted Use Table B. Use Specific/ Performance Standards 	
Article 4. Development Standards	
<ul style="list-style-type: none"> A. Dimensional Standards B. Building Form Standards C. Connectivity and Circulation D. Parking and Loading E. Landscaping F. Screening and Fences G. Signs* H. Stormwater Management* I. Sustainability Standards J. Design Standards K. Exterior Lighting L. Housing and Property Maintenance Code* M. Plat Design* N. Maintenance and Operating Standards 	
	Article 5. Administration and Procedures
	<ul style="list-style-type: none"> A. Summary Table (new feature) B. Reviewers and Decision-Makers (new feature) C. Review and Approval Procedures <ul style="list-style-type: none"> a. Comprehensive Plan adoption or amendment b. UDC Text or zoning map amendment c. Subdivision plat approval or amendment* d. Vacation of Street* e. Variance (sign, lot, structure) f. Conditional use g. Interim use h. Temporary use i. Site plan j. Administrative Review k. Zoning permit l. Building permit* m. Certificate of occupancy* n. Accessory home share permit (Airbnb) D. Nonconformities E. Enforcement and Penalties
	Article 6. Definitions
	<ul style="list-style-type: none"> A. Rules of Constructions B. Definitions
	Appendix: Zoning Map

Work Plan

What follows is a typical approach to addressing uses and establishing districts in a Unified Development Code.

1. Analyze and consolidate zoning districts
2. Create a use table based on broad use categories and use-specific performance or design standards for the use whether by-right or conditional use permit.
 - a. Residential Use Categories. For each subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Group living
 - ii. Household living
 - b. Commercial Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Commercial Outdoor Recreation
 - ii. Commercial Parking
 - iii. Quick Vehicle Servicing
 - iv. Major Event Entertainment
 - v. Office
 - vi. Retail Sales and Service
 - vii. Self-Service Storage
 - viii. Vehicle Repair
 - c. Industrial Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Bulk Fossil Fuel Terminal
 - ii. Industrial Services
 - iii. Manufacturing and Production
 - iv. Railroad Yards
 - v. Warehouse and Freight Movement
 - vi. Waste Related
 - vii. Wholesale Sales
 - viii. Enable medical device and technologies, biosciences, precision manufacturing, R&D facilities, and professional offices (employment-focused uses)
 - d. Institutional Use Categories. For each possible subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Basic Utilities
 - ii. Colleges
 - iii. Community Services
 - iv. Daycare
 - v. Medical Centers
 - vi. Parks and Open Areas
 - vii. Religious Institutions
 - viii. Schools
 - e. Mixed Use
 - i. Check Town Center district for appropriate allowable uses and densities to match future land use map in the vicinity of Zane and 610
 - ii. Include allowance for mixed use in the neighborhood retail (B2) district (or rewrite this district as a mixed-use district)
 - f. Transit Oriented Development

Work Plan

- i. Density / activity: right now, there are no minimum density or FAR requirements
 - 1. Recommended 20 units/acre for any residential
 - 2. Target 40-75+ units/acre
 - 3. Min. activity threshold 7,000 residents, jobs or students within station areas (min. FAR?)
- ii. Density / activity: right now, there are no minimum density or FAR requirements
 - 1. Add crosswalk requirements (one mention of mid-block crossings in TOD-G District) – safe crossings
 - 2. Require interior connections / pedestrian improvements on private property (i.e.- through parking lots, to building entrances)
 - 3. Require pedestrian connections to public non-motorized network
 - 4. Include requirements for short- and long-term bicycle storage
 - 5. Consideration/incentives for public art?
 - 6. Consider restrictions on first floor residential in TOD-C?
 - 7. Require vehicular access in rear lanes, alleys or side streets (some of this is in there now)
- iii. Parking
 - 1. Include reduced parking ratios for all uses in the TOD districts (there is currently an allowance for a 10% reduction in required parking within ¼ mile of a transit stop, but this needs to be revised and made more specific)
 - 2. Also, in general, consider allowing for parking reductions in other circumstances outside of the PUD process (such as shared uses, presentation of demand information, provision of car sharing spaces, proximity to on-street public parking or parking structures and others)
 - 3. Incentivize structured parking
- g. Other Possible Use Categories. For each subcategory, provide its characteristics, accessory uses, examples, and exceptions.
 - i. Agriculture
 - ii. Aviation and Surface Passenger Terminals
 - iii. Detention Facilities
 - iv. Mining
 - v. Radio Frequency Transmission Facilities
 - vi. Rail Lines and Utility Corridors
 - vii. Enable solar energy systems



Memorandum

To: Erin Perdu, AICP

From: Molly Just, AICP

Date: 8/25/20

Re: Brooklyn Park Code Update: Review for Consistency with State and Federal Law
WSB Project No. 015207

What follows are my findings on review of the City's ordinance for consistency with certain elements of state and federal law. These findings do not replace those of an attorney. My findings are based on my experience with the subject matter and my knowledge of best practices.

Federal Telecommunications Act

City Code Chapter 102 complies with current laws and the League of Minnesota Cities (LMC) model codes on Right-of-Way Regulations and Undergrounding.

Fair Housing Act Amendments (FHAA)

Under the FHAA, the definition of family shall not be applied to prevent reasonable accommodation for handicapped persons. The Minnesota Department of Human Services licenses such housing which is further regulated by local zoning ordinances. Generally, small facilities (1-6 person(s)) should be a permitted use where detached single-family dwellings are allowed. Medium facilities (7-16 persons) should be allowed by Conditional use Permit (CUP) where multiple family structures are permitted. Some communities also provide for large facilities (17-32 persons) but the City is not obligated to do so. I suggest the following changes to the City's ordinance

152.008 Definitions:

FAMILY. An individual or two or more persons each related by blood, marriage, or adoptions, including foster children, living together as a single housekeeping unit; or no more than four unrelated persons maintaining a common household and using and maintaining common cooking and kitchen facilities as distinguished from a group occupying a boarding or rooming house, or licensed ~~day care~~ residential facility.

LICENSED RESIDENTIAL FACILITY (~~GROUP HOME~~). A facility required to be licensed by the state or county that provides one or more persons with 24 hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation or treatment that cannot be furnished in the person's own home. Licensed residential facilities (~~Group Homes~~) are limited to those facilities licensed and/or regulated by the Department of Human Services and the Department of Health. This does not include licensed facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or facilities licensed by the Department of Corrections.

Or adopt this simpler definition

LICENSED RESIDENTIAL FACILITY. A facility where one (1) or more persons reside on a twenty-four-hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

While detached single-family dwellings are not permitted in the R-5 – R-7 districts, consider permitting small facilities in these zones.

As multiple family dwellings are allowed by CUP in the B-2 and B-3 business districts, I suggest allowing medium facilities by CUP in these districts.

While I am hesitant to suggest adding regulations for this type of use, it is common and reasonable to apply spacing and compatibility standards to prevent clustering of facilities and promote neighborhood fit. To that end, the following may be reasonable:

(1) The use shall be located at least one-fourth (¼) mile from all existing community residential facilities.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. and

(3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and/ or other site improvements consistent with the character of the neighborhood.

Americans with Disabilities Act (ADA)

The ADA provides that a person with a disability, or an organization serving people with disabilities, is entitled to a reasonable accommodation, meaning an exception to the requirements of a comprehensive plan or zoning code. Accessibility is most frequently addressed in zoning by allowing modifications to setbacks to allow for ramps. Currently only the front and rear setbacks may be modified and only in Residential zones. This modification is not allowed in Business districts. I suggest enabling modifications to all setbacks in all zones. The adjustments are depicted below.

Religious Land Use and Institutionalized Persons Act (RLUIPA)

The law mandates that land-use regulations grant "equal treatment" to a religious assembly or institution as compared with secular assemblies or institutions; not discriminate against any assembly or institution based on religion or religious denomination; and not impose or implement a land-use regulation that totally excludes religious assemblies from a jurisdiction or unreasonably limits religious institutions within a jurisdiction. RLUIPA does not exempt religious uses from land-use regulations.

Currently, the City's ordinance allows churches as a permitted use in all Residential districts and all Business districts except Business Park (BP) and General Industrial (I) districts where they are not permitted. While the use is allowed "by-right" Site Plan approval is required, and the use is further regulated in Section 152.181 (attached as Exhibit LLL).

I suggest that the Site Plan process is not the right tool for considering this use and that the additional use standards in 152.181 are somewhat arbitrary.

I suggest the City allow the use by Conditional Use Permit (CUP) in all districts. This is a commonly used way to review the use on a case-by-case basis and apply conditions as may be appropriate. This is also a way to enable the City to review the use as it may change. Contemporary religious institutions change and adapt to serve their communities. The approval procedure for a Conditional Use Permit is generally the same as for a Site Plan. Site Plan approval would still be required if triggered by Section 152.033.

Where the use would collocate within an established primary use, I suggest the use be allowed on an interim basis, though an Interim Use Permit (IUP), pursuant to Section 152.193-196

Lastly, I find the parking requirement is high at 1 space per 2.5 seats or 1 space per 22 inches of pew space. I suggest 1 space per 3 persons at the maximum occupancy load of the main assembly hall. Furthermore, where the use is part of a large retail center complex, consider allowing 1 space for every 4 persons. Shared parking arrangements should also be considered.

Variance

Minnesota statutes delegate to local governments the authority to approve a variance. In 2011, statute was revised to reduce the threshold for approval of a variance. The threshold was reduced from undue hardship to practical difficulty. The City's variance provisions are clear and succinct but there are some inconsistencies. I suggest adoption of the model variance language provided by the LMC which is provided below and deleting the definition for undue hardship.

~~**UNDUE HARDSHIP.** Undue hardship, as used in connection with the granting of a variance, means that the property in question cannot be put to a reasonable use if used under conditions allowed by the controls defined in this chapter, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone may not constitute an undue hardship if reasonable use for the property exists under the terms of the chapter. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems and ability to construct earth sheltered homes when in harmony with this chapter.~~

Conditional Use Permit (CUP)

Minnesota statutes delegate to local governments the authority to approve a CUP. Conditional uses are generally allowed but they must be reviewed on a case-by-case basis for impacts inherent in the use itself or impacts that its proposed location may present. State statute provides that a CUP is in effect as long as the conditions of approval are met. City code Section 152.035 provides the process for CUPs in Brooklyn Park. I suggest staff consider making the following changes as statute does not clearly provide for revocation other than for noncompliance. Staff may want to confer with the City Attorney on this matter.

(F) *Duration.* The Conditional Use Permit remains with the property as long as the property and use are in compliance with the conditions attached to the permit by the City Council. ~~A Conditional Use Permit expires if the use has been discontinued for more than 364 consecutive days from the date that the use ceased or the business owner fails to meet the certification requirement of the Conditional Use Permit. The revocation of the Conditional Use Permit may be recorded with the county by the city.~~

Nonconformities

Minnesota statutes provide for the continuation of use or occupation of land or premises in a manner no longer allowed by local ordinance. In 2004, statute changed to prohibit amortization of nonconformities, except for adult uses. While nonconformities may continue, including through repair, replacement, restoration, maintenance, and improvement, they may not be expanded.

I suggest that the City revise its provisions for nonconformities (Section 152.050 – 152.055) to refer to statute, which may change from time to time. The suggested approach is simple, concise, and less likely to be misinterpreted. The suggested language is included below.

Suggested changes for compliance with the Americans with Disabilities Act (ADA)

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

152.222.02 (B) *Front setbacks* (measured in feet, from the property line):

~~—(5) Handicap access ramps may encroach into the front setback in order to meet the running slopes required by the Minnesota Accessibility Code.~~

152.222.04 (D) *Rear setbacks* (measured in feet, from the property line):

~~—(2) Handicap access ramps may encroach into the rear setback in order to meet the running slopes required by the Minnesota Accessibility Code.~~

(G). Accessible building entrance components may encroach into the setback in order to meet the running slopes required by the Minnesota Accessibility Code.

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR BUSINESS DISTRICTS

152.322 Principal buildings and accessory structures must comply with the following setback restrictions from property lines within the business districts:

(F). Accessible building entrance components may encroach into the setback in order to meet the running slopes required by the Minnesota Accessibility Code.

Suggested changes for compliance with statutes for variances

152.034 VARIANCE

(A) Purpose. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

(B) Review Standards.

(1) Variances shall only be permitted

- i. when they are in harmony with the general purposes and intent of the ordinance and
- ii. when the variances are consistent with the comprehensive plan.

(2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

"Practical difficulties," as used in connection with the granting of a variance, means that

- i. the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- ii. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- iii. the variance, if granted, will not alter the essential character of the locality.
- iv. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(C) Procedure. The procedures for application and public hearing of a variance request is described in Sec.152.031

(D) Conditions. Variances shall be granted for earth sheltered construction when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The board may impose conditions in the granting of variances. A

condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Suggested changes for compliance with statutes for nonconformities

152.050 Purpose.

It is the purpose of this subchapter to provide for the regulation of non-conforming buildings, structures, uses, and lots, and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures, uses, and lots will be operated, maintained, and regulated. It is necessary and consistent with the establishment of this chapter that non-conforming buildings, structures, uses, and lots not be allowed to continue in compliance with Minnesota Statutes §462.357, Subd. 1e. Nonconforming uses at the time of the adoption of this Chapter shall be allowed to remain so long as the use is not expanded or expired.

152.051 Conditional Uses

Any established use, building or lot legally existing prior to adoption of this ordinance and which is herein classified by this Chapter as requiring a CUP may be continued in like fashion and activity and shall automatically be considered as having received CUP approval. Any change to such a use or building shall however require a new CUP be processed according to 152.035.

152.052 Interim Uses

Any established use, building or lot legally existing prior to adoption of this ordinance and which is herein classified by this Chapter as requiring an IUP may be continued in like fashion and activity and shall automatically be considered as having received IUP approval. Any change to such a use or building shall, however, require a new IUP be processed according to 152.035.



Memorandum

To: Brooklyn Park Planning Commission Members
 CC: Cindy Sherman, Planning Director

From: Erin Perdu, Planning Consultant

Date: 08/20/2020

Re: Zoning Update
 WSB Project No. 015207

Project Update/Overview

Since our last meeting (just before COVID-19), we have been working to implement the zoning changes discussed as part of the Zoning Diagnosis. Those have focused on changes required by the comprehensive plan, including updating density requirements in some districts and creating a transit station-area overlay. Other work has been done on modifying/creating mixed use districts to meet the intent of the Comprehensive Plan as well as adding some additional standards to the TOD district.

We have had much help from planning staff, and we have met with both planning and housing and economic development staff for feedback. We are now bringing forth the work done to date for confirmation, feedback and direction from the Planning Commission.

Residential Densities

First, we revised minimum lot sizes in the existing zoning districts to match with the future land use categories in the Comprehensive Plan (shown in Attachment A). Note that these minimum lot sizes/maximum densities are carried over into the proposed district consolidations discussed in the next section. These changes mean that the maximum allowable densities in the comprehensive plan would be allowed in the associated zoning districts.

Also, to conform to the Comprehensive Plan's requirement that density within ½ mile radius of the new light rail station areas must be at least 25 units per acre, we have created a Light Rail Station Overlay District (Attachment B).

Residential Consolidations (Attachment C)

Districts R-2, R-2A, R-2B, R-3, and R-3A were consolidated into one district, R-2. Those districts essentially shared the same purpose: accommodating detached single-family structures. Aside from minor location standards, the most significant difference between them was the minimum lot area. And among those districts, there are already lots that do not meet their respective district's minimum lot area requirement. So, to avoid a significant number of nonconforming lot sizes after consolidation, the minimum lot area for the new R-2 District is 9,750 square feet.

The current R-4B District has been maintained and renamed R-3. Consolidation was not warranted as lots within this district are approximately 5,000 square feet and exclusively feature detached, single-family residential structures.

Districts R-4 and R-4A were consolidated into one R-4 District. This new district now has both detached and attached single-family residential structures. It is set up with a minimum lot area standard that differs based on residential type. If a lot in the new R-4 District holds one townhome

unit as part of multiple townhome development, the minimum for that single unit is 3,600 square feet. If there is detached residential structure on a lot in the R-4 District, the minimum area of that lot is twice that of a townhome lot, or 7,200 square feet. This consolidation recognizes that some lots accommodating townhomes are mixed among lots with detached single-family structures, or are immediately adjacent to detached, single-family residential developments.

The proposed consolidation now shows only two multifamily districts as opposed to the current three. R-5 and R-6 are now R-5; R-7 has been renamed R-6. A significant difference between the new R-5 and R-6 is the density range for each, R-6 having a higher range than R-5. In addition to consolidation, some standards were altered, such as the removal of height restrictions, a lower minimum lot width, and smaller setbacks.

As part of this consolidation, we have also posed some questions that will help us address equity issues as we move forward with zoning updates. These are on the last page of the attachment and restated below.

Mixed Use District (Attachment D)

The Comprehensive Plan includes a new mixed-use district designation. The designation is located mostly in the City's northwest corner and so is written with that area in mind. Consistent with the Comprehensive Plan guidance for the new designation, highlights of the Northwest Mixed-Use District (NWMUD) district include the following:

- Residential density between 12 and 50 units per acre
- Medium to large scale development consisting of medium to high intensity office, residential, retail, restaurant, and service uses in a suburban setting
- At least 30% of the land area is to be developed with residential uses
- Outside the highway 610 and 169 corridors, a mix of residential densities and unit types may be considered mixed use
- Compliance with the Mixed-Income Housing Policy is required and bonus residential density up to 10% may be considered by the City Council

Removal of Town Center District (Attachment E)

As part of the strategy for changing how the City regulates Mixed Use, we discussed several options for changing the Town Center District to better reflect the aspirations of the Comprehensive Plan. In the end, the consensus from the team was to work toward eliminating the Town Center district and reverting to other existing districts. We came to this conclusion largely based on the fact that the Town Center district has not produced the type of development that was envisioned. Town Center also requires a Conditional Use Permit for all uses established in the district, something Planning Commission and staff want to move away from.

The proposed rezoning of lots within the Town Center District was informed by conversations with staff, alignment with the underlying land use described in the 2040 Comprehensive Plan, and observation of existing development patterns within the area.

A map showing the proposed rezonings is in Attachment E.

Questions and Considerations for Discussion

As you read through the attached materials in preparation for the work session, please consider the following questions that we will discuss at the meeting:

- Do you have any concerns with the proposed district consolidations? Are there any development rights that you see are being lost? Does any of the additional flexibility or density concern you?
- Are you in favor of eliminating any/all of the items mentioned in Attachment C to help address equity concerns?

- The Northwest Mixed-Use District (NWMUD) would be the only reference in the zoning ordinance to the City's Mixed-Income Housing Policy. Do you have any concerns that the policy is not established formally elsewhere in the ordinance?
- Based on the anticipated market for residential development in the northwest corner of the City, it is likely that the higher end of the guided residential density (50 u/ac) will be the exception and that most residential land area may consist of single-family units. While it is possible to achieve an overall average density of 12 u/ac (the minimum guided density) this should be monitored and understood that to reduce the guided density in the NWMUD would require a comprehensive plan amendment.

Next Steps

Once we complete the sections, we are reviewing with you at this meeting, we will be tackling the following:

- Revisions to B2 District to include mixed use as is contemplated in the district's intent
- Additions to the Transit Oriented Development District to include minimums for density and activity in non-residential areas as well as some additional design standards
- Revisions to Use Tables to de-emphasize the use of Conditional Use Permits and simplify the lists of uses
- Review for statutory and case law compliance
- Reorganization into UDC
 - Review of performance standards

Comp Plan District	Zoning Districts
<u>Low Density Residential</u>	<u>R-1, R-2, R-2A, R-3, R-3A</u>
<u>Medium Density Residential</u>	<u>R-4, R-4A, R-4B</u>
<u>Medium-High Density Residential</u>	<u>R-5, R-6</u>
<u>High Density Residential</u>	<u>R-7, Convalescent Centers</u>

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

§ 152.220 PURPOSE.

The purpose of this section is to establish minimum area and dimensional requirements for residential properties to allow conformance with the residential densities and policies of the Comprehensive Plan, promote open space around structures, provide green area and space for enjoyment by residents, and protect public easements.

(Ord. 2000-936)

§ 152.221 STANDARDS.

The following standards are established for all lots in the residential zoning districts (R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-6, and R-7) and lots in the residential portions of the PCDD and PUD. Lots in residential portions of the PCDD and PUD may be further governed as defined elsewhere in City Code.

(A) No required lot area, yard or open space allocated to a structure or lot in compliance with this chapter may be used to satisfy the minimum lot area, yard, or open space requirement for any other structure or lot, unless modified by this chapter.

(B) The maximum total building footprint, including principal and accessory buildings, may not exceed 25% of the lot area. The maximum amount of impervious surface in front yards, as measured from the public right-of-way to the front facade of the principal building, may not exceed 40%.

(C) Minimum lot area and width for each residential zone are defined in the following table:

Figure 152.221.01 Required Minimum Lot Width and Area <i>in Residential Districts</i>		
Zoning District	Minimum lot area in square feet (unless otherwise specified)	Lot width in lineal feet as measured at the front setback
R-1	20 Acres	330 feet*
R-2 <u>(LDR)</u>	13,500	100*
R-2A <u>(LDR)</u>	12,825	95*
R-2B <u>(LDR)</u>	11,475	85*
R-3 <u>(LDR)</u>	10,800	80*
R-3A <u>(LDR)</u>	9,750	75*
R-4 (lots for single-family dwellings) <u>(MDR)</u>	8,500	70*
R-4 <u>(MDR)</u> lots for two-family dwellings (for lots of record prior to	10,800	80

AGENDA 6.6C - SUPPORTING DOCUMENTS

<p>2/1/80 and on which two-family dwellings were existing on the effective date of this chapter) Each half of two-family dwelling to be subdivided (for lots of record prior to 2/1/80 and on which two-family dwellings were existing on the effective date of this chapter)</p>	<p>5,400</p>	<p>40</p>
<p>R-4 <u>MDR</u> lots for two-family dwellings (for lots of record after 2/1/80 and on which two-family dwellings were not existing on the effective date of this chapter) Each half of two-family dwelling to be subdivided (for lots of record after 2/1/80 and on which two-family dwellings were not existing on the effective date of this chapter)</p>	<p>16,200</p> <p>8,100<u>3,630 or 12 units per acre maximum</u></p>	<p>120</p> <p>60</p>
<p>R-4A for townhouse (<u>MDR</u>)</p>	<p>8,700<u>3,630 or 12 units per acre maximum with basements, 10,890 without basements</u> (buildable land only, excludes wetlands, surface waters, flood plains)</p>	<p>NA</p>
<p>R-4B (<u>MDR</u>)</p>	<p>5,000<u>3,630 square feet or 12 units per acre maximum</u></p>	<p>45</p>
<p>R-5 for multiple family dwellings (<u>MHDR</u>)</p>	<p>22,000 or 3,400 square feet for each 1 bdrm unit, 4,500 square feet for each 2 bdrm unit, and 6,300 square feet for each three bdrm unit plus 500 square feet for each bdrm over 3; whichever is greater<u>1,742 sf. per dwelling unit or 25 units per acre maximum</u></p>	<p>120</p>
<p>R-6 for multiple family dwellings (<u>MHDR</u>)</p>	<p>160,000 or 2,400 square feet for each 1 bdrm. unit, 3,000 square feet for each 2 bdrm unit, and 3,500 square feet plus 500 square feet for each bdrm over 3; whichever is greater<u>1,742 sf per dwelling unit or 25 units per acre maximum</u></p>	<p>400</p>

AGENDA 6.6C - SUPPORTING DOCUMENTS

<p>R-7 for multiple family dwellings <u>HDR</u></p>	<p>5 acres or 3,400 square feet for each 1 bdrm unit, 4,500 square feet for each 2 bdrm unit, and 6,800 square feet for each three bdrm unit plus 500 square feet for each bdrm over 3; whichever is greater <u>871 sf. per dwelling unit or 50 units per acre maximum</u></p>	<p>500</p>
<p>R-5, R-6, and R-7 for Care centers and convalescent homes <u>HDR</u></p>	<p>750 square feet of lot area for each person cared for (design capacity)</p>	<p>See District Requirements Above</p>
<p>*See § 152.275.04 for additional lot width requirements on corner lots</p>		

(D) In order to promote individual ownership of two-family dwellings the minimum lot areas and lot widths contained in this section do not apply to lot splits along the common wall where an existing two-family dwelling is being converted into two separate, attached single-family dwellings.
(Ord. 2000-936; Am. Ord. 2001-961, passed 11-26-01; Am. Ord. 2004-28, passed 12-13-04; Am. Ord. 2006-1055, passed 2-6-06)

ATTACHMENT B

Overlay district or modification of existing districts to meet minimum 20-acre density requirement within the station area overlay districts shown on the 2040 FLU Map.

Title XV: Land Usage

Chapter 152: Zoning Code

Section 152.037: Zoning Overlays

152.495 Light Rail Station Area Overlay

The intent of this designation is to ensure that development within the designated overlay occurs at appropriate densities as a result of proximity to a light rail transit station. The boundary of the overlay extends 0.5 miles outward from each transit station. The overlay area is established and shown on the City's official Zoning map.

(Ord. _____)

Light Rail Station Area (LRSA) Overlay

152.575 Purpose.

The purpose of the Lightrail Station Area (LSA) Overlay is to ensure that development within the designated overlay occurs at appropriate densities as a result of proximity to a light rail transit station.

152.576 Uses.

Within the LSA overlay, permitted, conditional, and accessory uses are determined by the underlying zoning district and in harmony with the Comprehensive Plan. Section 152.342 provides the use tables allowed within business districts.

152.577 Applicability

(A) All provisions of the Zoning Code shall apply to the properties in the overlay, however, in any instance where the provisions of the overlay zoning conflict with the provisions of a primary zoning district, the more restrictive provisions take precedence and govern.

152.578 General Requirements

(A) Density

(1) Residential Development

(a) Residential development projects located within the LSA Overlay shall achieve a minimum density of 20 units per acre.

(2) Mixed-Use Development

AGENDA 6.6C - SUPPORTING DOCUMENTS

(a) That portion of the development dedicated to residential use shall achieve a minimum density of 20 units per acre.

(1) In this case density shall be measured based on the land area dedicated to residential use.

(B) Design Guidelines

(1) Development shall be designed in accordance with the Brooklyn Park Station Area Plan to ensure a focus is placed on connectivity, land use, and placemaking.

ATTACHMENT C

Existing District	Purpose	Guided	Uses	Lot Area	Lot Width	Front Setback	Side Setback ¹	Rear Setback ²	Height	Proposed District	Purpose	Density (units/acre)	Lot Area	Lot Width	Front Setback	Side Setback ³	Rear Setback	Height	
R-2	Det SF estate	Low	Same R2-R3	13,500	100	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40	R-2	Det SF	Min 1.5 Max 3	9,750	75	25	I - 7.5 C - 20	30	3 St or 40	
R-2A	Det SF	Low	Same R2-R3	12,825	95	75, 30 or 40	I - 7.5 C1 - *	S1 - 75 S2 - 30 S3 - **	3 St or 40										
R-2B	Det SF	Low	Same R2-R3	11,475	85	75, 40 or 40	I - 7.5 C1 - *	S1 - 75 S2 - 30 S3 - **	3 St or 40										
R-3	Det SF	Low	Same R2-R3	10,800	80	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-3A	Det SF	Low	Same R2-R3	9,750	75	50, 30 or 25	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4B	SF	Low-Med		5,000	45	50 or 30			3 St or 40	R-3	Det SF	Min 3 Max 8	5,000	50	25	I - 7.5 C - 20	30	3 St or 40	
R-4	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1980	8,500	70	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40	R-4	Det/Att SF	Min 3 Max 12	Det - 7,200 Att - 3,600	60	25	I - 7.5 C - 20	30	3 St or 40	
R-4 <2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	10,800	80	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4 >2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	16,200	120	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4A w/ BSMT	TH	Med	Same as R3, plus Att SF & TH	8,700	NA	75 or 30	75 or 30	75 or 30	3 St or 40										
R-4A w/o BSMT	TH	Med	Same as R3, plus Att SF & TH	10,890	NA	75 or 30	75 or 30	75 or 30	3 St or 40										
R-5	2 St MF	Med-Hi	MF, TH	22,000	120	50	I - 15 C1 - 25	S1 & S2 - 40 S3 - 50	3 St or 40	R-5	≥2 St MF	Min 12 Max 25	22,000	120	25	I - 15 C - 25	40		
R-6	>2 St MF	Med-Hi	MF, TH	160,000	400	50	I - 15 C1 - 25	S1 & S2 - 40 S3 - 50	3 St or 40										
R-7	MF	High	MF, TH	5 acres	500	50	50	S1 & S2 - 40 S3 - 50	3 St or 40	R-6	≥2 St MF	Min 25 Max 50	22,000	120	25	I - 15 C - 25	40		

- 1 I = Interior lot
C1 = Corner Lots - Principal, "A" or "B" Minor Arterials, or Class I Collector streets or any other public streets when the adjacent lot fronts the side street
C2 = Corner Lots - All other public streets when the adjacent lot does not front the side street
- 2 S1 = Rear setback from Principal, "A" and "B" Minor Arterial and Class I Collectors
S2 = All other public streets and interior property lines
S3 = Double frontage lots
- 3 I = Interior lot
C = Corner lot
- * Front setback of the adjacent property
- ** Same as front setback of any adjacent residential zoned properties

Residential Standards – Equity Considerations

Consider Eliminating These to Address Equity

- (A) Basement requirement
- (B) Unit and bedroom minimum size requirement
- (C) Interior storage requirement
- (D) SF Attached - Two units side by side only and each unit with an exterior front door
- (E) Consider eliminating garage requirement
- (F) Front yard garden

DRAFT

Northwest Mixed-Use District

§ XX PURPOSE. Mixed-Use districts promote and allow the emergence of complete neighborhoods with a mix of residential, commercial, and office activities. These districts de-emphasize use restrictions. Instead, design standards are used to promote and maintain the desired scale, connectivity, and character of the area. The Northwest Mixed-Use District (NWMUD) is guided Mixed-Use on the 2040 Future Lane Use Plan. The intent of the Northwest Mixed-Use District is to promote an integrated development pattern in a generally suburban setting that accomplishes the following objectives:

- (A) Establish a mixed-use land use pattern and neighborhood design that is consistent with the vision, goals, and policies of the Brooklyn Park comprehensive plan.
- (B) Medium to large scale development consisting of medium to high intensity office, residential, retail restaurant, and service uses in a suburban setting.
- (C) An overall mix of uses occurring both horizontally and vertically, on a common site, development area, or within the same building. In individual developments the mix of uses shall be complimentary and compatible.
- (D) Residential uses shall make up at least 30% of the land area in the district. The district shall consist of a range of housing options that respond to the needs of residents in each stage of their life.
- (E) Compliance with the Mixed-Income Housing Policy to meet the city's goal of preserving and promoting economically diverse housing options.

§ XX PROCEDURES. To ensure that the desired mix and connection of uses occur in the NWMUD, approval of a Master Plan is required to guide individual developments within the district. Master Plans require Site Plan approval pursuant to Section 152.033. Individual development consistent with an approved Master Plan may be approved administratively pursuant to the Administrative Site Plan Review procedures.

§ XX USES. All land uses within the district shall conform to the type and location of uses described in an approved Master Plan, and:

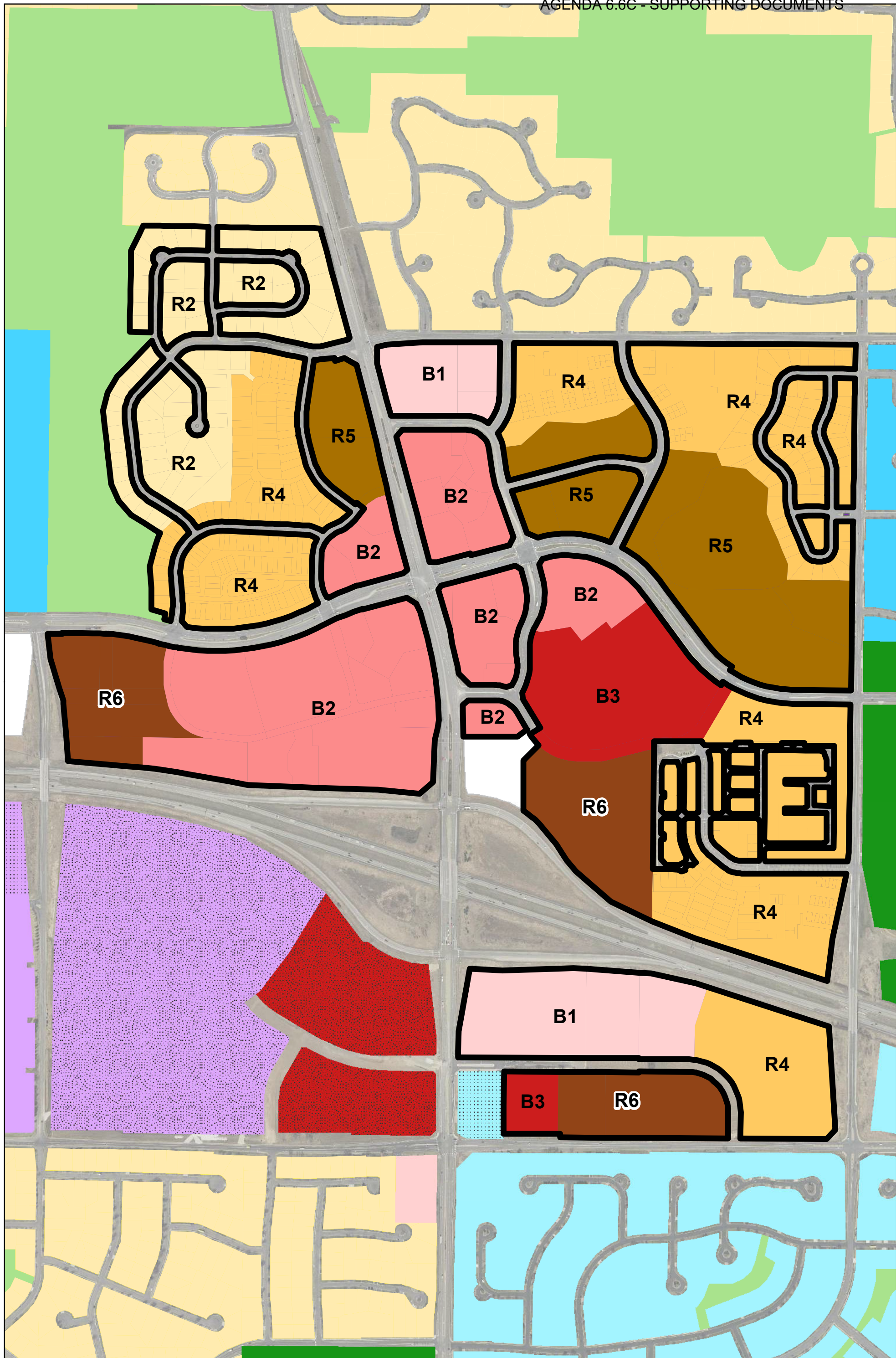
- (A) Along highways 169 and 610 there shall be a mix of land uses
- (B) Elsewhere in the district, a mix of residential unit types and densities may be considered mixed use
- (C) Mixed use shall be measured by acreage in the district

§ XX PERFORMANCE STANDARDS. The design of all sites and buildings within the district shall conform to the design guidelines established in the Master Plan. Variations from the Master Plan may be approved by Administrative Site Plan Review if the approval criteria are met and the variation is generally consistent with the Master Plan. The General Performance Standards of this chapter shall be considered the minimum standards. In addition, the following shall apply in the NWMUD:

- (A) Lot area, lot width and yard requirements
 - (1) There is no minimum lot size or width
 - (2) The Master Plan shall establish the build-to line
 - (3) Maximum block size
- (B) Residential use. The district shall consist of a minimum residential density of 12 units per acre and a maximum of 50 units per acre. Residential development shall address the City of Brooklyn Park Mixed-Income Housing Policy. Bonus residential density up to 10% may be considered by the City Council.

- (C) Building and site design. The Master Plan shall address:
- (1) Building height
 - (2) Minimum frontage build-out
 - (3) Parking and loading setbacks
 - (4) Façade types
 - (5) Minimum glazing

DRAFT





Memorandum

To: Brooklyn Park Planning Commission Members
 CC: Cindy Sherman, Planning Director

From: Erin Perdu, Planning Consultant

Date: 09/16/2020

Re: Zoning Update
 WSB Project No. 015207

Project Update

Since our last meeting in August we have been working on the additional information you requested on the district consolidations and equity considerations. We have also moved ahead with revisions to the use tables and TOD districts, which we will discuss at the September meeting.

Residential Consolidations (Attachment A)

Following up on our discussion at the last meeting, we have done some analysis of the R-2 and R-4 districts. Concern was expressed that the proposed reductions in lot area and lot width from current R-2 to proposed R-2 (and similarly for R-4 after 2/1/80 to new R-4) could result in infill development that would negatively impact the character of existing neighborhoods.

A map showing parcels that could potentially be split under the proposed R-2 consolidation based on lot size is included in Attachment A. The lots shown in red are currently zoned R-2 and are at least twice (19,500 sf) the minimum lot size in the proposed R-2 district (9,750 sf). So based on lot size, they could theoretically be split. These lots account for approximately 13% of proposed R-2 parcels. *However*, we estimate that about 3% (384 out of 11,293) of all proposed R-2 lots have the required lot area and width to be split.

A similar map in Attachment A shows the number and spatial distribution of parcels that have an area at least twice (14,400 sf) the minimum lot size in the R-4 district (7,200 sf for detached single-family structures). The amount of lots with an area of at least 14,400 sf is about 17%. We estimate about 2% (114 out of 6,276) of all proposed R-4 lots have the required lot area and width to be split.

We have also consolidated the changes to residential densities and the district consolidation table presented at the last meeting. This is also included in Attachment A.

Residential Standards - Modifications for Equity

At the August meeting we discussed several areas of the ordinance that do not advance equity or allow for evolution in the residential real estate market. Our experience and research tell us that the ordinance is too specific and goes beyond the basic dimensional standards that are typical and necessary for residential zoning districts.

While our research of Plymouth, Maple Grove, Robbinsdale, Bloomington, and Burnsville reveal that not all require parking garages in order to meet the parking requirement most do, and we understand that this is important in Brooklyn Park. None have requirements for interior storage space or basements. We suggest elimination of the basement and interior storage requirement.

Here are two options to consider:

- A. For residential dwelling units, the parking requirements of this ordinance must be met within an attached or detached parking garage.

Option A does not set a size requirement but requires that the parking required for the use be met within a structure. Option A does not set a requirement for storage space.

- B. For residential dwelling units, the parking requirements of this ordinance must be met within an attached or detached parking garage.

In the R-2 district dwelling units are required to have either a basement or 120 square feet of contiguous interior storage area.

Option B addresses parking the same way and requires interior storage space in either a basement or other storage in the newly consolidated R-2 district.

Use Tables

To help simplify the ordinance, we are proposing changes to the use tables as shown in Attachment B. There are notes included with some of the uses that we will review with you at the meeting. The idea is to consolidate uses where possible and put them into larger, more general use groups.

We have included references to other standards or state statute as applicable. Highlighted areas are districts where we feel those uses should be considered to be permitted

TOD District Modifications

For this round of zoning amendments, we have made some additions to the Transit Oriented Development (TOD) districts that reflect the adopted station area plans. Edits made to the district are shown in excerpts in Attachment C, and generally include:

- Addition of site design features and “public art” to the purpose statement
- Minimum “activity levels” and dwelling unit densities
- Restrictions on first floor residential along certain roads
- Bicycle parking requirements
- Crosswalk and Interior Connections standards

Next Steps

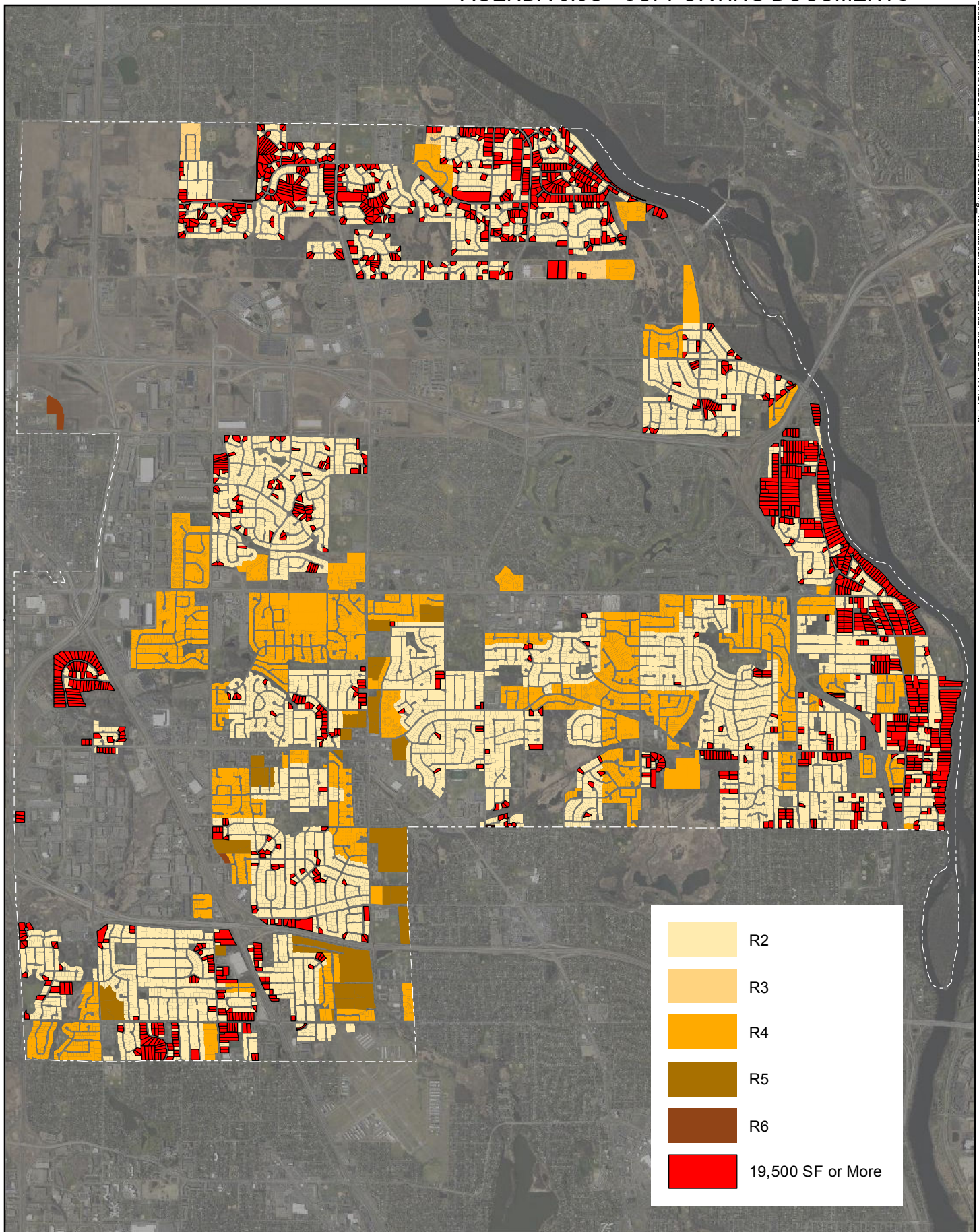
Once we complete the sections we are reviewing with you at this meeting, we will be tackling the following:

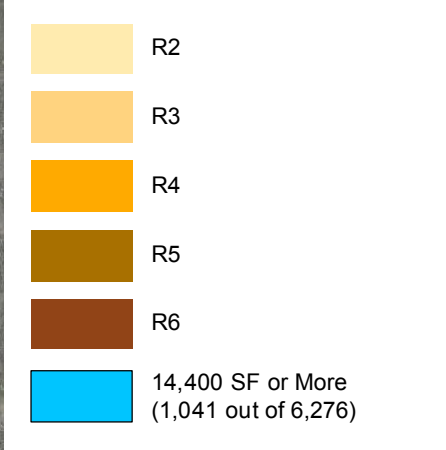
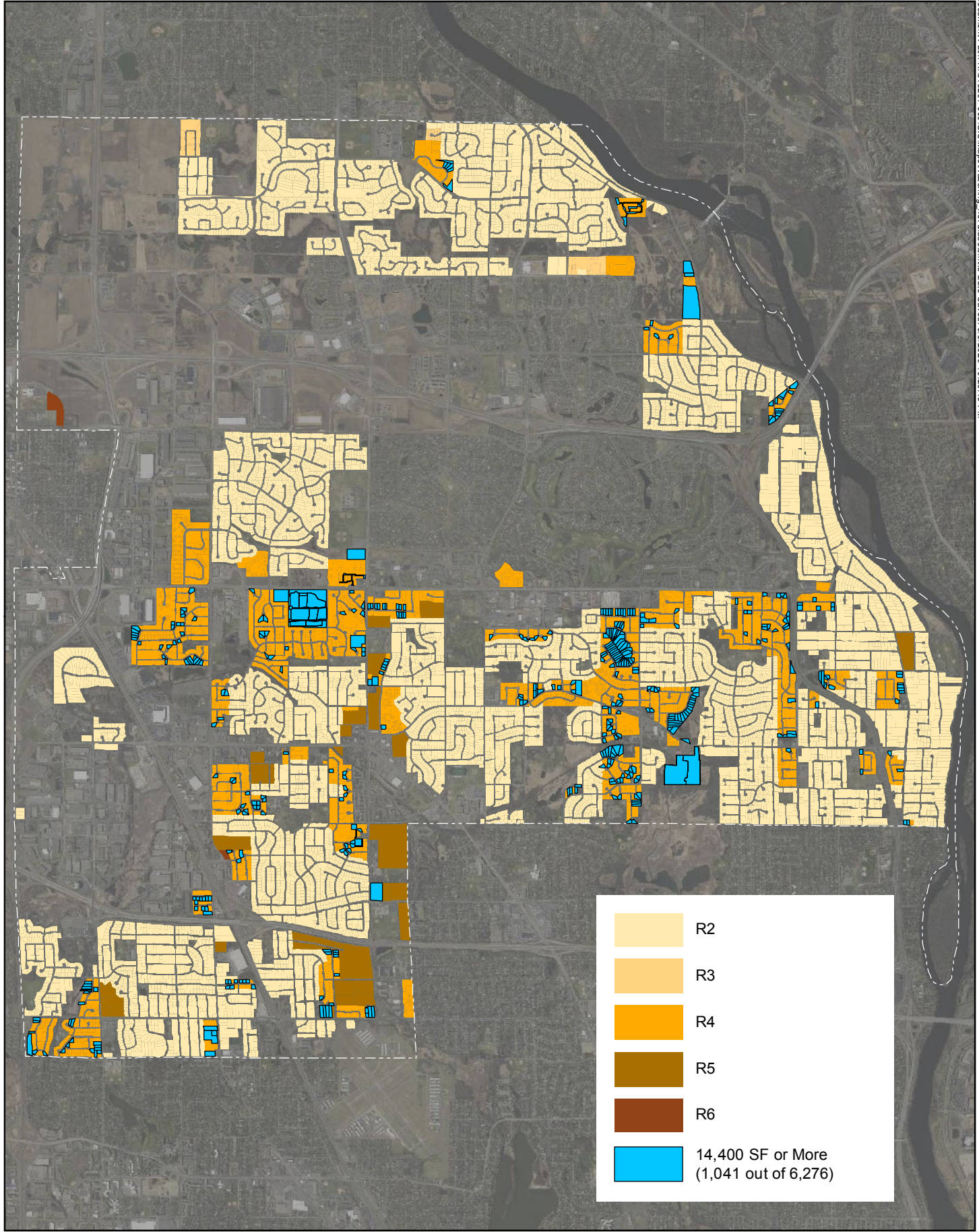
- Revisions to B2 District to include mixed use as is contemplated in the district's intent
- Review for statutory and case law compliance (in progress with City staff and the City Attorney)
- Reorganization into a Unified Development Code
 - Review of performance standards

ATTACHMENT A

Existing District	Purpose	Guided	Uses	Lot Area	Lot Width	Front Setback	Side Setback ¹	Rear Setback ²	Height	Proposed District	Purpose	Density (units/acre)	Lot Area ⁴	Lot Width	Front Setback	Side Setback ³	Rear Setback	Height	
R-2	Det SF estate	Low	Same R2-R3	13,500	100	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40	R-2	Det SF	Min 1.5 Max 3	9,750	75	25	I - 7.5 C - 20	30	3 St or 40	
R-2A	Det SF	Low	Same R2-R3	12,825	95	75, 30 or 40	I - 7.5 C1 - *	S1 - 75 S2 - 30 S3 - **	3 St or 40										
R-2B	Det SF	Low	Same R2-R3	11,475	85	75, 40 or 40	I - 7.5 C1 - *	S1 - 75 S2 - 30 S3 - **	3 St or 40										
R-3	Det SF	Low	Same R2-R3	10,800	80	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-3A	Det SF	Low	Same R2-R3	9,750	75	50, 30 or 25	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4B	SF	Low-Med		5,000	45	50 or 30			3 St or 40	R-3	Det SF	Min 3 Max 8	5,000	50	25	I - 7.5 C - 20	30	3 St or 40	
R-4	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1980	8,500	70	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40	R-4	Det/Att SF	Min 3 Max 12	Det - 7,200 Att - 3,600	60	25	I - 7.5 C - 20	30	3 St or 40	
R-4 <2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	10,800	80	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4 >2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	16,200	120	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4A w/ BSMT	TH	Med	Same as R3, plus Att SF & TH	8,700	NA	75 or 30	75 or 30	75 or 30	3 St or 40										
R-4A w/o BSMT	TH	Med	Same as R3, plus Att SF & TH	10,890	NA	75 or 30	75 or 30	75 or 30	3 St or 40										
R-5	2 St MF	Med-Hi	MF, TH	22,000	120	50	I - 15 C1 - 25	S1 & S2 - 40 S3 - 50	3 St or 40	R-5	≥2 St MF	Min 12 Max 25	22,000	120	25	I - 15 C - 25	40		
R-6	>2 St MF	Med-Hi	MF, TH	160,000	400	50	I - 15 C1 - 25	S1 & S2 - 40 S3 - 50	3 St or 40										
R-7	MF	High	MF, TH	5 acres	500	50	50	S1 & S2 - 40 S3 - 50	3 St or 40	R-6	≥2 St MF	Min 25 Max 50	22,000	120	25	I - 15 C - 25	40		

- 1 I = Interior lot
C1 = Corner Lots - Principal, "A" or "B" Minor Arterials, or Class I Collector streets or any other public streets when the adjacent lot fronts the side street
C2 = Corner Lots - All other public streets when the adjacent lot does not front the side street
- 2 S1 = Rear setback from Principal, "A" and "B" Minor Arterial and Class I Collectors
S2 = All other public streets and interior property lines
S3 = Double frontage lots
- 3 I = Interior lot
C = Corner lot
- 4 Lot area refers to the minimum total lot area for the project, not lot area per unit. Density requirements are shown in the adjacent column
- * Front setback of the adjacent property
- ** Same as front setback of any adjacent residential zoned properties





ATTACHMENT B

Bold = additions
Strikethrough = removals or consolidations
Pink fill = consider adding uses in this district
Blue = moved or consolidated
P=Permitted C=Conditional Blank=Not Permitted

	RES						BUS-IND						PUB	CON	TOD						NWMUD	Standards	Notes
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	B-4	BP	I			C	CT	E	ET	GHI	GMD			
RESIDENTIAL																							
Household Living																							
Single-family dwelling	P	P		P	NP	NP													R	P			
<i>Dwellings, detached single-family</i>	P	P		P	NP	NP																	
<i>Single-family, two-family</i>																				R			
Two-family dwelling	NP	NP		P	P	NP													R	P			
<i>Dwellings, attached two-family</i>	NP	NP		P	P	NP																	
Townhouse dwelling	NP	NP		P	P	P								R				R	R	P			
<i>Dwellings, townhouses</i>	NP	NP		P	P	P																	
Multiple family dwelling	NP	NP		NP	P	P	NP	C	C	NP	NP	NP	R	R			R	R	R	P			
<i>Dwellings, multiple family structures</i>	NP	NP		NP	P	P																	
Multiple dwelling													R	R			R	R	R				
<i>Multiple family dwelling and cluster housing in compliance with § 152.344</i>							NP	C	C	NP	NP	NP											
Mobile home park	NP	NP		NP	C	NP														§ 152.244			
Model home	P	P		P	P	P																	
Group Living																							
Care center, convalescent home, and assisted Living	NP	NP		NP	C	C	C	C	C	NP	NP			P	P			P	P	P			
<i>Care centers, convalescent homes, hospitals, and assisted living facilities</i>							C	C	C	C	NP	NP											
<i>Care facility, convalescent home</i>							C	C	C	C	NP	NP		P	P			P	P	P			
Residential facility, licensed (6 or fewer persons)	P	P		P	NP	NP																	
Residential facility, licensed (7-15 persons)	NP	NP		NP	C	C																	
CIVIC & INSTITUTIONAL																							
Cemetery	C	C		C	NP	NP																	
Public and quasi-public facilities							C	C	C	C	NP	C	P										
Government buildings													P										
Library														R			P	R	R				
Museums														R			P	R	R				
Schools, elementary, or secondary							C	NP	NP	NP	NP	NP	P							§ 152.182			
<i>Public schools, including charter schools in compliance with § 152.182</i>							C	NP	NP	NP	NP	NP											
<i>Schools and Daycares</i>							C	NP	NP	NP	NP	NP	P										
Day care facility, licensed							P	P	P	P	P	P	P	P	P	C	P	P	P				
<i>Daycare facilities, licensed</i>							P	P	P	P	P	P	P	P	P	C	P	P	P				
Day care facility, licensed (13 to 16 persons)	NP	NP		NP	P	P																	
Group day care facility, licensed (13 to 16 persons)	NP	NP		NP	P	P																	
<i>Daycare, licensed or group daycare facilities (13 to 16 persons)</i>	NP	NP		NP	P	P																	
Day care facility, licensed (12 or fewer persons)	P	P	P	P	NP	NP																	
Group family day care facility, licensed (14 or fewer children)	P	P	P	P	NP	NP																	
<i>Daycare facilities, licensed (12 or fewer children) or group family daycare facilities (14 or fewer children)</i>	P	P	P	P	NP	NP																	
<i>Child Care</i>														P	P	P	C	P	P	P			
<i>Adult Day Care</i>														P	P	C	C	P	P	C			
<i>Child and adult day care</i>														P	P	C	C	P	P				
Religious assembly	P	P		P	P	P	P	P	P	NP	NP	P								§§ 152.180 through 152.182			
<i>Religious institutions</i>													P										
<i>Religious institutions subject to §§ 152.180 through 152.182</i>	P	P		P	P	P																	
<i>Religious institutions, in compliance with §§ 152.180 through 152.182</i>	P	P		P	P	P	P	P	P	NP	NP												
Non-profit community agencies, recreation centers, or youth centers																							
Clubs							NP	C	C	C	NP	NP	P										
Social clubs							NP	NP	C	C	NP	NP											
Assembly, banquet, convention halls, or conference centers							NP	C	C	C	NP	NP											
Outdoor storage of equipment, landscaping materials, etc. when accessory to a government building or maintenance facility													C										
Business, trade, or non-academic colleges operated for profit							P	P	P	P	P	NP					P						
<i>Adult training facilities</i>																							
MEDICAL																							
Hospital													P										
Medical clinic							P	P	P	P	P	P		P	P	P	P	P	P				
Dental clinic														P									
<i>Medical and dental clinics</i>																							
Medical clinic, not to exceed 5,000 sq. ft.																				C			
UTILITY																							
Public and utility facilities	P	P	P	P	P	P														§ 152.244			
<i>Public and utility facilities</i>	P	P	P	P	P	P																	
Wireless Communication Facility																							
Telecommunication tower													C							§§ 152.090 through 152.096			

	RES						BUS-IND						PUB	CON	TOD						NWMUD	Standards	Notes
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	B-4	BP	I			C	CT	E	ET	GHI	GMD			
COMMERCIAL																							
Lodging																							
Bed and breakfast establishments	C	C		C	NP	NP																	
Lodging														P	P	P							
Hotel or motel, not to exceed 50 rooms																				P			
Lodging, not to exceed 50 rooms																				P			
Hotel or motel, not to exceed 12 rooms																					P		
Lodging, not to exceed 12 rooms																					P		
Hotel or motel							NP	C	C	C	C	NP											
Indoor Entertainment, Recreation, Food, and Beverage																							
Restaurant, Class I							NP	P	P	P	P	P											
Restaurant, Class II							NP	C	C	C	C	C											
Restaurant, brewpub							NP	C	C	C	C	C		P	P	P	P	P	P				
Restaurant, brewpub, brewery with taproom, micro-distillery with cocktail room														P	P	P	P	P	P				
Brewery with taproom and micro-distillery with cocktail room																							
Taproom and cocktail room																							
Brewery and micro-distillery																							
Restaurant, not to exceed 40 seats																							
Brewpub, not to exceed 40 seats																							
Theater, excluding drive-ins							NP	C	C	C	NP	NP											
Commercial recreational facility (Privately owned)	C	NP		NP	NP	NP	NP	C	C	C	NP	NP											
Commercial indoor recreational facility under 2,450 square feet							NP	P	P	P	P	P											
Commercial indoor recreational facility over 2,450 square feet							NP	C	C	C	C	C											
Entertainment																							
Sexually oriented business							NP	NP	P	NP	NP	NP											
Outdoor Recreation																							
Commercial outdoor recreational facilities							NP	C	C	C	NP	NP											
Outdoor recreational uses operated by a governmental agency or conservation group, homeowners or private association and facilities for making the area useful to public or association																							
Service or Workplace																							
Office							P	P	P	P	P	P											
Office, not to exceed 5,000 sq. ft.																							
Office, bank or clinic							P	P	P	P	P	P											
Office related to leasing, renting and maintenance of multiple family dwellings and townhouses	P	P	P	P	P	P																	
Bank							P	P	P	P	P	P											
All structures for retail or service businesses with 25,000 square feet or less, excluding those mentioned elsewhere in this section							NP	P	P	P	C	C											
All structures for retail or service businesses with between 25,000 and 50,000 square feet, excluding those mentioned elsewhere in this section							NP	C	P	P	NP	NP											
All structures for retail or service businesses with 50,000 square feet or more, excluding those mentioned elsewhere in this section							NP	C	C	C	NP	NP											
Retail and service																							
Transient sales							NP	NP	C	NP	NP	NP											
Transient produce sales, only in the Old Town Hall Square at Zane Avenue North and Brooklyn Boulevard																							
Veterinary clinic							P	P	P	P	P	P											
Animal services							NP	P	P	P	P	P											
Veterinary and animal services																							
Commercial Kennel							NP	P	P	NP	NP	NP											
Body Art																							
Funeral home							P	P	P	NP	NP	NP											
Crematories/Crematoriums							P	NP	NP	NP	NP	NP											
Currency exchange and pawnshop							P																
Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales							NP	NP	NP	NP	NP	P											
Automobile, Parking, Transportation																							
Auto oriented repair services							NP	NP	C	C	C	C											
Carwash							NP	NP	C	C	C	NP											
Gasoline sales							NP	C	C	C	C	C											
Fuel stations							NP	C	C	C	C	C											
Drive-through facility																							
Parking as a principal use																							
Parking																							
Indoor sales of automobiles, trucks and recreational vehicles and the like							NP	NP	NP	C	C	C											

§ 152.033

Classes relate to alcohol sales and ABV of alcohol being sold.

§ 152.343

This is not defined and requires a larger discussion about what to include as uses that qualify as "entertainment."

§ 152.344

If there are size limitations (height, coverage, setbacks) does max floor area matter?

§ 92.15

Not defined. Clarify if it includes boarding, daycare, dog run, adoption shelter

M.S. Chapter 146B and Chapter 123 of this code

Covered by animal services. Requires corresponding definition update.

§ 152.344

Explore if this could be a principa use if located in industrial.

Is this the same as gasoline sales?

Why the "as a principal use" distinction?

§ 152.344

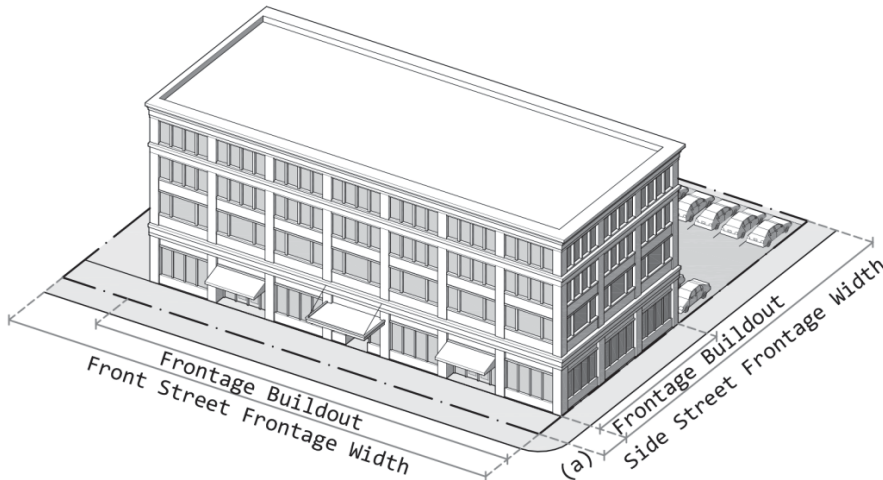
	RES						BUS-IND						PUB	CON	TOD						NWMUD	Standards	Notes	
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	B-4	BP	I			C	CT	E	ET	GHI	GMD				GLI
Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like							NP	NP	NP	C	NP	NP										§ 152.344		
Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like							P	P	P	P	P	P										§ 152.343		
Automobile rental containing more than six cars on site							NP	C	C	C	NP	NP												
Bus or truck storage or service shops, including fuel stations							NP	NP	NP	NP	NP	C												
Fabrication or assembly of heavy equipment or vehicles							NP	NP	NP	NP	NP	C												
Truck or motor freight terminal							NP	NP	NP	NP	NP	C												
Vehicle impound yard							NP	NP	NP	NP	NP	C											Ensure definition excludes salvage activities.	
LIMITED PRODUCTION, PROCESSING, STORAGE																								
Self-service storage facility							NP	NP	C	C	NP	C			NP	NP	NP	NP	NP	NP	NP			
Warehousing							NP	NP	NP	NP	P	P												
Distribution center							NP	NP	NP	NP	P	P												
Distribution as a primary use																	NP	NP						
Distribution or products produced on site																	P	P						
Soil processing and mining	C	NP		NP	NP	NP																		
Concrete or asphalt mixing plants, concrete block fabrication, or builders' or contractors' yards, brick yards, and accessory sale of dirt, sand, gravel, rock, concrete blocks, bricks, etc.							NP	NP	NP	NP	NP	C												
Stone, marble or granite grinding and cutting							NP	NP	NP	NP	NP	C												
Manufacturing, assembly, processing, fabricating, brewing, distilling, and accessory sale of the product produced on site, except those uses further restricted in this ordinance							NP	NP	NP	NP	P	P					P	P						
Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site																	P	P						
Agricultural uses																								
Farming and cultivation of agricultural products	P	P		P	P	P								P										
Seasonal (temporary) greenhouse and garden center	C	NP		NP	NP	NP																	§ 152.362(D)	Does a temporary use belong in a principal use table?
Domesticated and farm animals	P	NP		NP	NP	NP																		
Open space area connected with residential, institutional, or business development														P										
Nature study area and arboretum														P										
Multiple principal structures on a single lot																								
							€	€	€	€	€	€												Should be considered a development standard and removed from the use table.

- | | | | | | | | |
|---|---|--------------------------------------|---------------|--|--------------------|---|---|
| <p>C Allowed with approval of a conditional use permit</p> <p>(A) Multiple uses within a single parcel or building are permitted in TOD districts.</p> <p>(B) Uses permitted in sections §152.606 – §152.610 are limited for size or intensity as follows:</p> <p>(1) Restrictions per use:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Service and retail</td> <td>50,000 sq. ft. max. gross floor area</td> </tr> <tr> <td>Institutional</td> <td>On-site parking may not exceed 50 surface lot spaces</td> </tr> <tr> <td><u>Residential</u></td> <td><u>Residential uses not permitted on the ground floor of buildings whose primary façade is along Bottineau Boulevard, Brooklyn Boulevard, West Broadway</u></td> </tr> </table> | Service and retail | 50,000 sq. ft. max. gross floor area | Institutional | On-site parking may not exceed 50 surface lot spaces | <u>Residential</u> | <u>Residential uses not permitted on the ground floor of buildings whose primary façade is along Bottineau Boulevard, Brooklyn Boulevard, West Broadway</u> | <p>R Permitted with compliance to the conditions of subsection (B)(1) below</p> |
| Service and retail | 50,000 sq. ft. max. gross floor area | | | | | | |
| Institutional | On-site parking may not exceed 50 surface lot spaces | | | | | | |
| <u>Residential</u> | <u>Residential uses not permitted on the ground floor of buildings whose primary façade is along Bottineau Boulevard, Brooklyn Boulevard, West Broadway</u> | | | | | | |

§152.604 BUILDING AND SITE STANDARDS.

- (A) *Purpose.* This section regulates the development and modification of buildings and other elements of the built environment within the private lot, based on the following premises:
- (1) Building regulations should equitably balance the rights of the individual and the interests of the community as a whole.
 - (2) Building form individually and collectively defines and supports the public realm.
 - (3) Building placement should support walkability, safe streets, and safe public spaces, to create pedestrian-friendly neighborhoods.
- (B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.
- (1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.
 - (2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.
 - (3) Facades must be within the minimum and maximum setback.
 - (4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.
- (C) Front setback requirements of Table 6 through Table 9, and Table 16 through Table 18 will be maintained as City easement for right of way maintenance.
- (D) Building width must meet the requirements of Table 6 through Table 9, and Table 16 through Table 18 measured at front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.
- (E) In order to create activity levels that support and take advantage of existing and future transit proposed within the City, the density of dwelling units (DU) per acre must meet requirements of Table 6 through Table 9, and Table 16 through Table 18. These requirements apply to the residential component of any residential or mixed-use project proposed in the district.

Figure 1. Minimum Frontage Buildout Illustration



- (F) Building height is limited in above ground stories according to Table 6 through Table 9, and Table 16 through Table 18.
 - (1) Stories are measured as follows:
 - (a) Stories are measured from finished floor to finished ceiling.
 - (b) Stories above the ground floor are limited to 14 feet in height.
 - (c) Ground floor height is subject to the following requirements:
 - 1. Ground floor height must be no less than 12 feet except in TOD-G low intensity.
 - 2. Ground floor height is limited to 20 feet, above which it counts as an additional story.
 - (2) Parking structure height is subject to the following requirements:
 - (a) Structure height may not exceed the finished ceiling height of the top floor of the tallest primary use building.
 - (3) Projections not used for human habitation are exempt from building height restrictions, including the following:
 - (a) Chimneys, spires, domes, elevator shaft and stair housings, antennae, vents, and flag poles.
- (G) [For those TOD Districts that permit residential use, the ground floor of buildings along certain roads within those Districts may not be used for residential. Residential use standards for those applicable Districts are located in Table 6 through Table 9, and Table 16 through Table 18.](#)
- ~~(G)~~(H) Facade types must be assigned along all streets according to the standards of Table 1 and the following requirements:
 - (1) Buildings may include multiple facade types along their length, each type no less than 30 feet in width.
 - (2) Functioning building entries must be provided along street frontages as follows:
 - (a) The primary building entry must be located along a street frontage.
 - (b) One functional entry must be provided for every 80 feet of facade, leading to habitable space.
 - 1. Where a building fronts onto two or more streets, a side street facade under 50 feet in length is exempt from the entry requirement.
 - (3) Loading docks and service areas are restricted according to the parking and storage setbacks of Table 6 through Table 9 and Table 16 through Table 18.
 - (4) Encroachments into the front street and side street setbacks are permitted as follows:

§152.605 DEVELOPMENT STANDARDS

- (A) *Parking.* Off-street parking must be set back from frontages according to Table 6 through Table 9 and Table 16 through Table 18, except where parking is located underground.
 - (1) *Location.* Required vehicular parking may be fulfilled in the following locations:
 - (a) Parking spaces provided on-site, or between multiple connected sites with a recorded shared use parking agreement.
 - (b) Parking spaces provided along a parking lane on-street corresponding to the site frontages.
 - (2) *Access.* Parking access must meet the following requirements:
 - (a) Driveways are limited to 20 feet in width.
 - (b) Access to off-street surface and structured parking facilities, including driveways accessing internal structured parking within a development, shall be designed in accordance with the following:
 - 1. Sites with alley access must use the alley for ingress and egress.
 - 2. Access shall be located at the side or to the rear of a structure.
 - 3. Access shall be from the secondary frontage when available.
 - 4. No access shall be allowed from street frontages located across from single-family residential zoning districts. If all frontages are located across from single-family residential districts, the **Planning Director** will determine how access can be achieved with minimal intrusion into a single-family neighborhood.
 - ~~(b) Sites with alley access must use the alley for ingress and egress.~~
 - (c) Pedestrian access to off-street parking must be provided from frontages with walkways a minimum of six feet in width.
 - (3) *Screening.* Parking areas must be screened from public streets, sidewalks and paths by a masonry wall or evergreen hedge. The height of the screen must be a minimum of 36 inches and a maximum of 48 inches in height.
 - (4) *Structured parking.* The ground floor of any parking structure abutting a public street must have habitable space for a depth of 30 feet facing the street. METRO parking structures may be eligible for a waiver from this requirement if a façade that limits vehicle visibility is provided.
 - (a) Upper floors must be designed and detailed in a manner consistent with adjacent buildings.
 - (b) Entrances must minimize conflict with pedestrian movement.
 - (5) Required parking. Parking minimums and maximums do not apply to TOD zones.
- (B) *Bicycle Parking.* Bicycle parking shall be provided for all uses within all TOD Districts. The following bicycle facilities shall be required:
 - (1) Each land use shall provide the number of bicycle parking spaces required by Table 2. A minimum of two short-term bicycle parking spaces and one long-term parking space shall be provided for new non-residential development. When the bicycle parking required for a nonresidential use is based on square footage, at least twenty-five (25) percent of the bicycle parking spaces shall be provided in long-term parking facilities and at least (fifty) 50 percent shall be provided in short-term bicycle parking facilities .

When part or all bicycle parking spaces required for non-residential land use is based on the number of employees, that portion shall be provided in long-term bicycle parking facilities.

Table 2. Bicycle Parking Requirements

<u>PRINCIPAL USE</u>	<u># OF BICYCLE SPACES REQUIRED</u>
<u>Shopping</u>	<u>1 space per 5,000 sq. ft.</u>
<u>Dining</u>	<u>1 space per 4,000 sq. ft.</u>
<u>Services</u>	<u>1 space per 5,000 sq. ft.</u>
<u>Employment</u>	<u>1 space per 5,000 sq. ft.</u>
<u>Residential</u>	<u>1 space per 4 dwelling units</u>
<u>Institution</u>	<u>1 space per 5,000 sq. ft.</u>
<u>Lodging</u>	<u>1 space per 10 guest rooms</u>
<u>Recreation/Events</u>	<u>1 space per 5,000 sq. ft.</u>

(2) For changes in use or tenant, bicycle parking will be analyzed.

(3) Types of bicycle parking. There are two types of bicycle parking.

(a) Short-term bicycle parking. Short term bicycle parking is typically in the form of bicycle racks. Bicycle racks must meet the following criteria:

1. Supports the bicycle upright by its frame in two places;
2. Prevents the wheel of the bicycle from tipping over;
3. Enables the bicycle frame and at least one wheel to be secured to the rack with a U-lock;
4. Rack is constructed of materials that resist cutting by manual tools such as bolt cutters, hand saws, abrasive cutting cables, and pipe cutters;
5. Rack is securely anchored to the ground.

(b) Long-term bicycle parking. Long-term bicycle parking protects the entire bicycle and its components from theft, vandalism, and inclement weather. Long-term bicycle parking is required when at least 50 bicycle spaces are required on a site. Long-term bicycle parking may include:

- a. Bicycle lockers. A bicycle locker is a fully enclosed space for one bicycle, accessible only to the owner of the bicycle. A bicycle locker must be equipped with an internally mounted key-actuated or electronic locking mechanism, and not lockable with a user-provided lock. Groups of internal-lock bicycle lockers may share a common electronic access mechanism provided that each locker is accessible only to its assigned user. Bicycle lockers shall be constructed of molded plastic/fiberglass, solid metal or perforated metal. Lockers shall be screened per the requirements of § 152.275.
- b. Restricted-access bicycle enclosure. A restricted-access bicycle enclosure is a covered or indoor locked area containing within it one (1) bicycle rack space for each bicycle to be accommodated and accessible only to the owners of the bicycles parked within it.

(4) Layout and design

(a) General guidelines

AGENDA 6.6C - SUPPORTING DOCUMENTS

1. All spaces provided shall be on a hard and stable surface.
2. All bicycle parking facilities shall be securely anchored to the surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
3. All bicycle parking facilities within vehicle parking areas shall be separated by a curb or other physical barrier to protect bicycles from damage by automobiles and other moving vehicles.
4. Short-term bicycle facilities shall meet all of the following requirements:
 - a. The facilities shall be installed in a clear space at least two (2) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
 - b. When multiple short-term bicycle parking facilities are installed together in sequence, they shall be installed at least three feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.

(5) Location

- (a) Short-term bicycle parking facilities shall be located in a convenient, highly visible, and well-lit area within fifty (50) feet of a building entrance and within view of pedestrian traffic.
- (b) Long-term bicycle parking facilities for tenant and occupant use shall be conveniently accessible by pedestrians from the street, and at least as close as the closest non-accessible automobile parking.

~~(B)~~(C) *Streetscape Improvements.* The provisions of this section apply to all streetscape improvements in TOD-C, TOD-T, and TOD-E.

- (1) Streetscape improvements including sidewalks, boulevards, furniture zones, lights and trees must meet the requirements of Table 3.
- (2) Improvements must transition to existing conditions at adjacent properties to preserve pedestrian access and safety.

AGENDA 6.6C - SUPPORTING DOCUMENTS

~~(E)~~(F) *Landscaping Requirements.* All open areas of any site, except for that portion used for parking, driveways, and storage, must be landscaped and incorporated in a landscape plan, per the following requirements:

- (1) The required landscaped area must be planted with trees, ground cover, low shrubs or flowering plants.

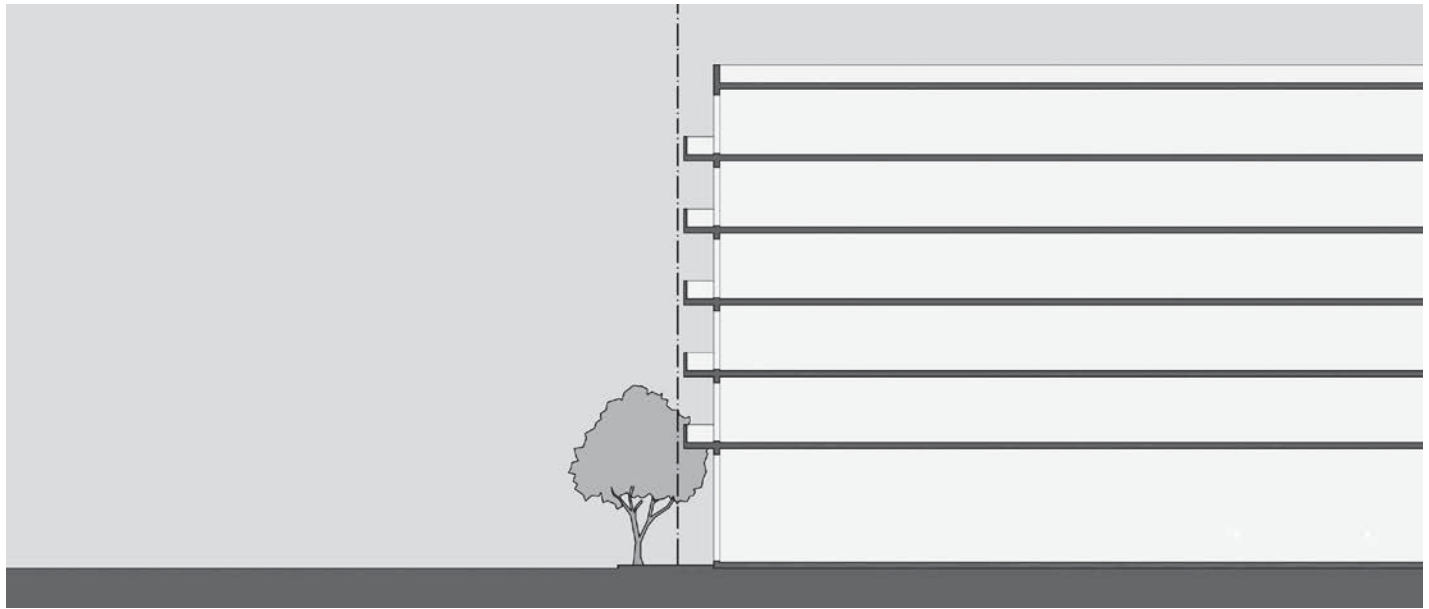
(G) *Crosswalk and Interior Connections.*

- (1) Crosswalks at private street intersections or within parking lots shall be distinguished from driving surfaces to enhance pedestrian safety by using either different pavement materials, pavement color, or pavement textures in conjunction with signage.
- (2) Internal sidewalk connections are required between buildings and from buildings to all onsite facilities (parking areas, bicycle facilities, plazas and open space, etc.).
- (3) External sidewalk connections are required to provide direct connections from all buildings on-site to the existing and/or required sidewalk system and to abutting multi-use trails, parks, and greenways.
- (4) The on-site pedestrian circulation system shall be well-lit to ensure safe use of the system at night. All lighting shall be shielded with full cut-off or semi cut-off fixtures.

~~(F)~~(H) *Signs.* Signs in TOD-G Medium and High Intensity must comply with the following:

- (1) *Type.*
 - (a) An establishment may erect wall signs or projecting signs, or a combination thereof as regulated by subsections (2) and (3).
 - (b) Roof signs are prohibited.
 - (c) Freestanding or pylon signs, permanent or temporary, are prohibited, except for joint or shared parking uses and public transit message center signs and monument signs. Monument signs may not exceed five feet in height.
 - (d) Mural scenes or designs painted directly on an exterior building wall that are intended as decorative or ornamental features are permitted with the prior approval of the City Manager. Murals that include text, numbers, trademarks, logos or other forms of business advertisement are considered painted wall signs and must comply with the regulations of this code. Murals that are not painted wall signs are not regulated by subsections (2) and (3).
 - (e) Sandwich board signs, one per business establishment, are permitted provided that they are located on the sidewalk in front of the business establishment and do not block pedestrian use of the sidewalk. Each side of the sandwich board sign must not exceed nine square feet. Sandwich board signs are not regulated by subsections (2) and (3).
- (2) *Number.* An establishment may erect any number of wall signs provided that the total area does not exceed the total permitted area established in (3).
- (3) *Size and materials.*
 - (a) The maximum total area of all wall signs must not exceed three square feet per one lineal foot of business establishment frontage. Window signs are not included in the above calculation and may not exceed one-third of the glazed area of the window. Signs may be illuminated. Signs must be placed on the building so as not to obscure architectural features and detail.
 - (b) The maximum area of any individual wall sign must not exceed two square feet per one lineal foot of business establishment frontage. The maximum area of any projecting sign must not exceed six square feet.

Table 6. TOD-C Building and Site Standards, continued



BUILDING HEIGHT

6 stories max.	Parking structure height	1 story less than building
----------------	--------------------------	----------------------------

Building height of 8 stories is available with a Conditional Use Permit upon initiation of construction of the METRO station. Building height may not exceed one story more than an adjacent single-family district within 50 ft. of residential parcels.

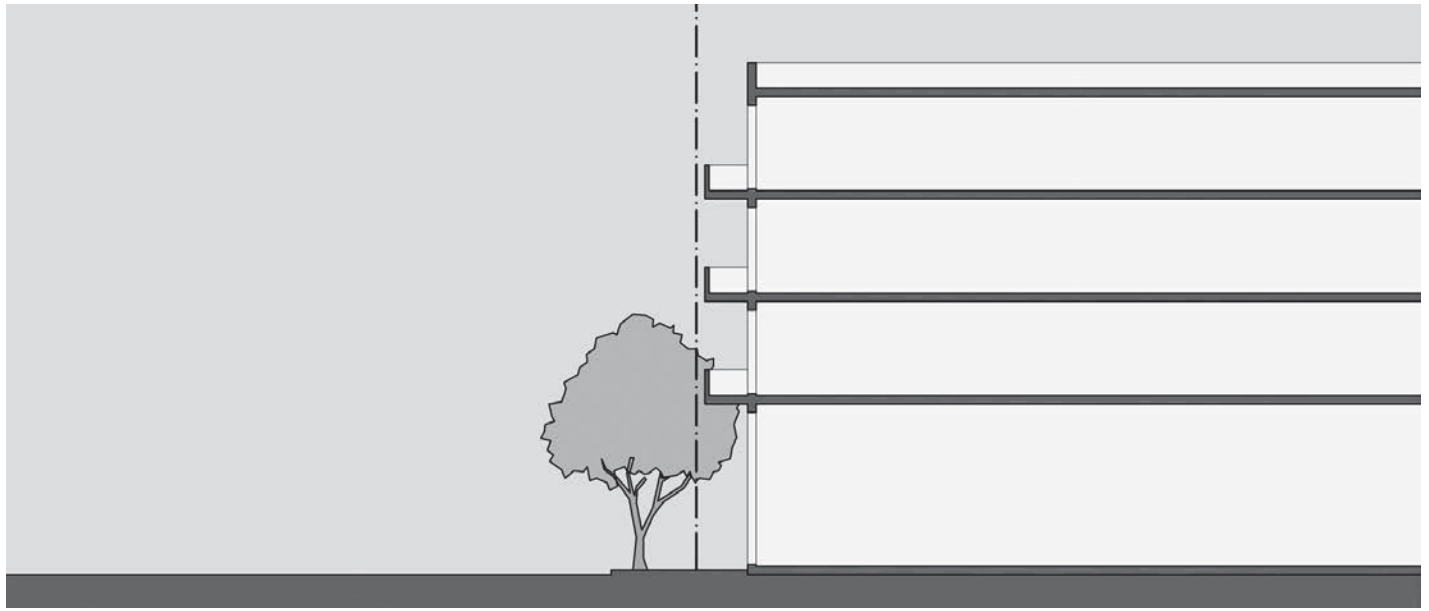
USES

RESIDENTIAL		COMMERCIAL	
R	Multiple dwelling	P	Retail and service
P	Care facility, convalescent home	P	Office
		P	Medical and dental clinics
INSTITUTIONAL		P	Veterinary and animal services
NP	Religious assembly	P	Child and adult day care
NP	Schools	P	Restaurants and brewpubs, theatres and entertainment
OTHER		C	Parking as a principle use
P	Wireless communication facilities as accessory uses located on a building	NP	Gasoline sales
		NP	Drive-through facilities
		NP	Self-storage facilities, sexually-oriented businesses, impound lots, vehicle sales

DWELLING UNIT DENSITY

Minimum	60 dwelling units per acre
Maximum	80+ dwelling units per acre

Table 7. TOD-C.T Building and Site Standards, continued



BUILDING HEIGHT

4 stories max.	Parking structure height	1 story less than building
----------------	--------------------------	----------------------------

Building height of 6 stories is available with a Conditional Use Permit upon initiation of construction of a METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.

USES

RESIDENTIAL		COMMERCIAL	
R	Townhouse	R	Retail and service
R	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility, convalescent home	P	Office
		P	Lodging
		P	Medical clinic
INSTITUTIONAL		P	Child care
NP	Religious assembly	P	Adult day care
NP	Schools	P	Parking
R	Libraries	C	Gasoline sales
R	Museums	C	Breweries and micro-distilleries
OTHER		C	Taprooms and cocktail rooms
C	Wireless communication facilities	NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales
P	Drive throughs as an accessory use		

DWELLING UNIT DENSITY

Minimum	40 dwelling units per acre
Maximum	60 dwelling units per acre

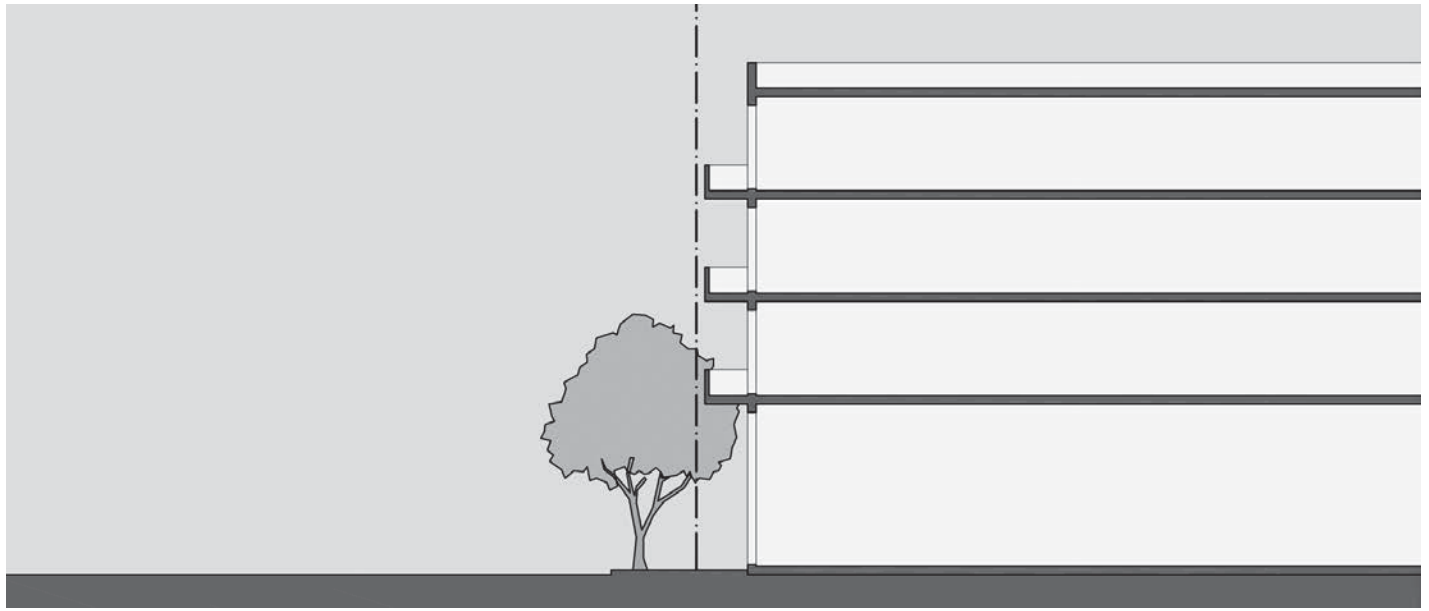
§152.610 “TOD-G” TRANSIT-ORIENTED GREENFIELD DISTRICT – HIGH, MEDIUM, AND LOW INTENSITIES AND GREENFIELD NEIGHBORHOOD STRUCTURE AND PUBLIC REALM STANDARDS

- (A) *Purpose and Applicability.* The structure of the TOD-G district provides the City and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient and pedestrian-oriented TOD. The subdivision regulations in subsection (D) provide the following:
 - (1) A network of connected streets and blocks that reflect an approved station area plan.
 - (2) General block sizes and configurations that support zoning and land use goals.
 - (3) Maximum block perimeters that foster attractive, safe and walkable environments, while enhancing circulation through the site.
 - (4) Guidance on meeting regional stormwater requirements as detailed in the Brooklyn Park Subarea Stormwater Master Plan.
- (B) *Regulating Plan.* The TOD-G district is implemented through a regulating plan, approved with the rezoning to TOD-G, which includes a combination of at least two of the three intensities described below and regulated by Table 10 and §152.601. TOD-G areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual building sites, the regulating plan assigns intensities that may be refined with approval by the City Manager according to §152.021. Regulating plans, consisting of one or more maps, must show the following:
 - (1) District boundaries
 - (2) Existing infrastructure including streets, parks and open space
 - (3) Thoroughfare network according to subsection (D) with thoroughfare assignments according to Table 12 or Table 13.
 - (4) Civic area according to Table 10, with types and boundaries according to Table 14.
- (C) *Intensities.* At least two of the three intensities described below must be used in the TOD-G district and must achieve a minimum density of 20 dwelling units (DU) per acre. TOD-G intensities are comprised of:
 - (1) Low intensity: Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types — houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses. This area must be more than 1,500 feet from a high frequency transit service station.
 - (2) Medium intensity: Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.
 - (3) High intensity: Consists of high density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

Table 9-Table 10. Regulating Plan Requirements

AREA IN ACRES	CIVIC SPACE PERCENT OF AREA	DENSITY	INTENSITY % OF AREA		
			LOW	MEDIUM	HIGH
40 min.	5 – 10%	<u>20 - 80+ DU/acre</u>	20% max.	50 – 70%	10 – 30%

Table 16. TOD-G Medium Intensity Building and Site Standards, continued



BUILDING HEIGHT

4 stories max.	Parking structure height	1 story less than building
Building height of 6 stories is available with a Conditional Use Permit upon initiation of construction of the Oak Grove METRO station. Building height must match height of adjacent single-family within 50 ft. of residential parcels.		

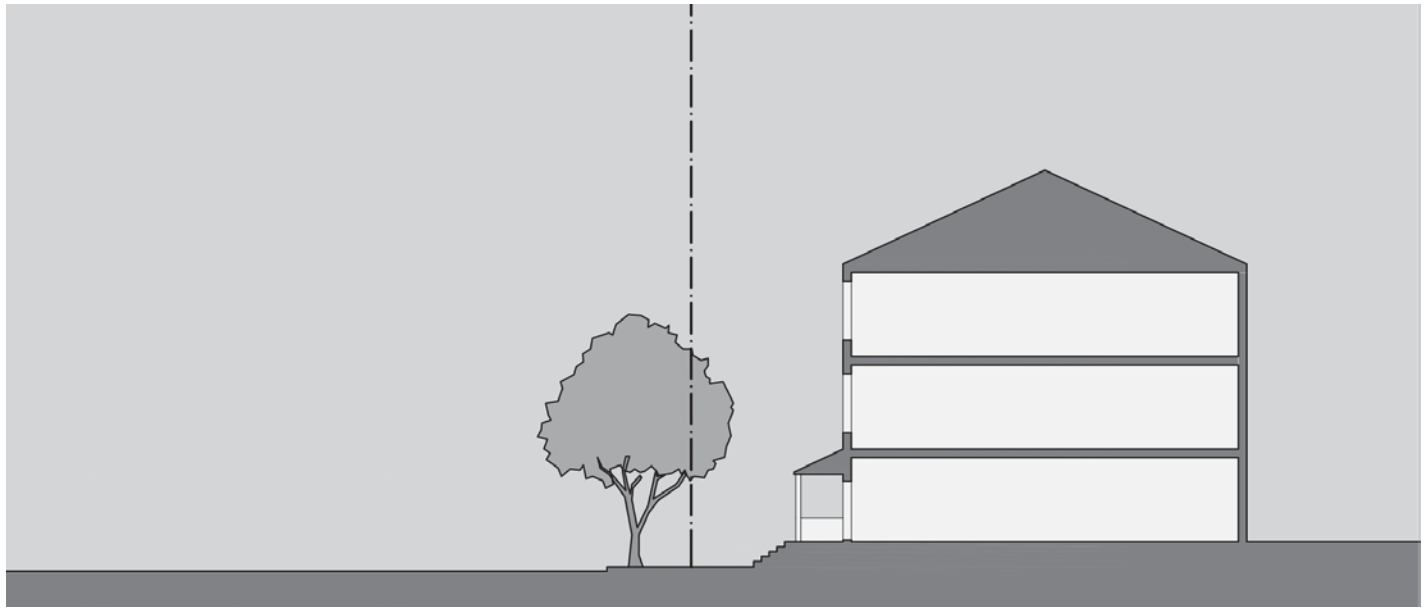
USES

RESIDENTIAL		COMMERCIAL	
R	Townhouse	R	Retail and service
R	Multiple dwelling	P	Restaurants and brewpubs
P	Care facility, convalescent home	P	Office
		P	Lodging, not to exceed 50 rooms
		P	Medical clinic
INSTITUTIONAL		P	Child care
NP	Religious assembly	P	Adult day care
NP	Schools	C	Taprooms and cocktail rooms
R	Libraries	C	Breweries and micro-distilleries
R	Museums	NP	Parking as primary use
OTHER		NP	Gasoline sales
C	Wireless communication facilities	NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

DWELLING UNIT DENSITY

Minimum	20 dwelling units per acre
Maximum	80+ dwelling units per acre

Table 17. TOD-G Low Intensity Building and Site Standards, continued



BUILDING HEIGHT

3 stories or 40 feet max.

USES

RESIDENTIAL		COMMERCIAL	
R	Single-family, two-family	R	Retail and service
R	Townhouse	P	Restaurants, not to exceed 40 seats
R	Multiple dwelling	P	Brewpubs, not to exceed 40 seats
P	Care facility, convalescent home	P	Office, not to exceed 5,000 sq. ft.
		P	Lodging, not to exceed 12 rooms
		P	Child care
INSTITUTIONAL		C	Medical clinic, not to exceed 5,000 sq. ft.
NP	Religious assembly	C	Adult day care
NP	Schools	NP	Parking as primary use
R	Libraries	NP	Gasoline sales
R	Museums	NP	Breweries and micro-distilleries
OTHER		NP	Taprooms and cocktail rooms
C	Wireless communication facilities	NP	Self-storage facilities, adult entertainment and retail, impound lots, vehicle sales

DWELLING UNIT DENSITY

Minimum	20 dwelling units per acre
Maximum	40 dwelling units per acre



Memorandum

To: Brooklyn Park Planning Commission Members
 CC: Cindy Sherman, Planning Director

From: Erin Perdu, AICP Planning Consultant
 Molly Just, AICP, Planning Consultant

Date: 10/20/2020

Re: Zoning Update
 WSB Project No. 015207

From Last Work Session (Attachment A)

1. Equity in Zoning - Storage Requirements. Draft language is provided.
2. Use Table – Draft language is provided which includes the edits suggested at the September work session. Note that there are a few terms that require some additional definitions; these will be included in the Reorganization/UDC work described below.
3. TOD Districts – Draft language is provided which includes revisions to ground-floor residential uses as discussed in September. Note that we are also checking on the bicycle parking requirements against recently approved developments to make sure that the standards are consistent with those recent approvals.

Unified Development Code (Attachment B)

Purpose. We recommend consolidating the City regulations governing land use and development into a Unified Development Code (UDC). The UDC is the official body of rules and regulations to guide land use and development. It is a document in which traditional zoning and subdivisions regulations are combined with other desired city regulations such as signage and subdivisions. It serves as a local policy instrument in implementing the City's land use plans and goals.

Reorganization principles. The new code will advance the goals established by the community in Brooklyn Park 2025 and more broadly in the 2040 Comprehensive Plan. The City has a bold vision that necessitates revisions to its regulatory tools to enable and promote build out of the City according to this vision. The current code is too conventional, restrictive, and complex to successfully partner with residents, businesses, and the development community to realize this vision.

Overview of Brooklyn Park UDC

<p>Article 1. General Provisions Purpose. To provide an overview of the purpose and authority of the UDC Overview of Changes</p> <ul style="list-style-type: none"> • Move definitions to the end, new Article 6 Definitions • Administration and Procedures and nonconformities move to new Article 5 Administration and Procedures 	<p>Article 4. Development Standards Purpose. To establish standards for development of land and how it should relate to the public realm and surrounding private property. Ex. Parking, building form, design, screening, landscaping, lighting. Overview of Changes</p> <ul style="list-style-type: none"> • Standards will be found in one section of the code instead of multiple sections (Secs 152.200 and 152.300) • Fences 152.292 – review “approved materials” <p>Considerations:</p> <ul style="list-style-type: none"> • Should sections currently outside of Chapter 152 be incorporated here. Ex. Signs, stormwater management, and plat design • Signs and Temporary Signs. Review for compliance with case law.
<p>Article 2. Zoning Districts Purpose. To state the purpose of and differentiate each district. Overview of Changes</p> <ul style="list-style-type: none"> • Information will be streamlined and consolidated in an intuitive manner. 	<p>Article 5. Administration and Procedures Purpose Overview of Changes</p> <ul style="list-style-type: none"> • Addition of a summary table for applicable procedures (ex. CUP, PUD, Site Plan) • Addition of a summary of who does what in the approval processes • Moved from Sec. 152.030 (Administration, Procedures) to stand-alone chapter to increase usability.
<p>Article 3. Permitted Uses & Use Standards Purpose. In table form, state what is allowed how and where Overview of Changes</p> <ul style="list-style-type: none"> • Addition of a use table. • Much focus will be given to establishing use standards to enable more uses to be allowed by-right, without a CUP or RZ. • Outdoor Sales/Display (152.0362) revisit for convenience stores and gas stations • Accessory Dwelling Units (ADU) – allow and regulate. 	<p>Article 6. Definitions Purpose – define and empower all relevant and governing terms in the UDC, in one place Overview of Changes</p> <ul style="list-style-type: none"> • Eliminate duplicates and dated terms and add missing terms

AGENDA 6.6C - SUPPORTING DOCUMENTS

Next Steps

Pending your input on the reorganization and UDC principals, we will prepare the first set of amendments for your consideration at the next work session in November.

AGENDA 6.6C - SUPPORTING DOCUMENTS
ATTACHMENT A

SECTION 152.243 ADDITIONAL REGULATIONS FOR PERMITTED USES

(C) Detached single-family dwellings. All new detached single-family dwelling must comply with the following conditions:

(1) ~~All dwellings built after July 31, 1982, including manufactured or mobile housing, must include a basement as defined in Sec. 152.008.~~ The lowest floor elevation of any residential basement may not be lower than the regulatory flood protection elevation.

	RES						BUS-IND						PUB	CON	TOD						NWMUD	Standards	
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	B-4	BP	I			C	CT	E	ET	GHI	GMD			GLI
Body Art							NP	P	P	NP	NP	NP											M.S. Chapter 146B and Chapter 123 of this code
Funeral home and mortuaries							P	P	P	NP	P	NP											
Funeral home							P	P	P	NP	NP	NP											
Crematories/Crematoriums							P	NP	NP	NP	NP	NP											
Currency exchange and pawnshop							P																§ 152.344
Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales							NP	NP	NP	NP	NP	P											
Automobile, Parking, Transportation																							
Auto oriented repair services							NP	NP	C	C	C	C											
Carwash							NP	NP	P	P	P	P											
Gasoline sales							NP	C	C	C	C	C					C	C	C				
Fuel stations							NP	C	C	C	C	C											
Drive-through facility															C								
Parking as a principal use															C								
Parking															C								
Indoor sales of automobiles, trucks and recreational vehicles and the like							NP	NP	NP	C	C	C					P	C	C	P			§ 152.344
Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like							NP	NP	NP	C	NP	NP											§ 152.344
Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like							P	P	P	P	P	P											§ 152.343
Automobile rental containing more than six cars on site							NP	C	C	C	NP	NP											
Automobile rental containing more than six cars on site							NP	C	C	C	NP	NP											
Bus or truck storage or service shops, including fuel stations							NP	NP	NP	NP	NP	C											
Fabrication or assembly of heavy equipment or vehicles							NP	NP	NP	NP	NP	C											
Truck or motor freight terminal							NP	NP	NP	NP	NP	C											
Vehicle impound yard							NP	NP	NP	NP	NP	C											
LIMITED PRODUCTION, PROCESSING, STORAGE																							
Self-service storage facility							NP	NP	C	C	NP	C			NP	NP	NP	NP	NP	NP	NP		
Warehousing							NP	NP	NP	NP	P	P											
Distribution center							NP	NP	NP	NP	P	P											
Distribution as a primary use																	NP	NP					
Distribution or products produced on site																	P	P					
Soil processing and mining	C	NP		NP	NP	NP	NP	NP	NP	NP	NP	C											
Concrete or asphalt mixing plants, concrete block fabrication, or builders' or contractors' yards, brick yards, and accessory sale of dirt, sand, gravel, rock, concrete blocks, bricks, etc.; stone, marble or granite grinding and cutting							NP	NP	NP	NP	NP	C											
Stone, marble or granite grinding and cutting							NP	NP	NP	NP	NP	C											
Manufacturing, assembly, processing, fabricating, brewing, distilling, and accessory sale of the product produced on site, except those uses further restricted in this ordinance							NP	NP	NP	NP	P	P					P	P					
Manufacturing, assembly, processing, fabricating, brewing, distilling and accessory sale of the product produced on site																	P	P					
Agricultural uses																							
Farming and cultivation of agricultural products	P	P		P	P	P								P									
Seasonal (temporary) greenhouse and garden center	C	NP		NP	NP	NP																	§ 152.362(D)
Domesticated and farm animals	P	NP		NP	NP	NP																	
Open space area connected with residential, institutional, or business development														P									
Nature study area and arboretum														P									
Multiple principal structures on a single lot							C	C	C	C	C	C											

AGENDA 6.6C - SUPPORTING DOCUMENTS

- C Allowed with approval of a conditional use permit R Permitted with compliance to the conditions of subsection (B)(1) below
- (A) Multiple uses within a single parcel or building are permitted in TOD districts.
- (B) Uses permitted in sections §152.606 – §152.610 are limited for size or intensity as follows:
- (1) Restrictions per use:
- | | |
|--------------------|--|
| Service and retail | 50,000 sq. ft. max. gross floor area |
| Institutional | On-site parking may not exceed 50 surface lot spaces |
| <u>Residential</u> | <u>Residential uses notare permitted on the ground floor of buildings whose primary façade is along Bottineau Boulevard, Brooklyn Boulevard, West Broadway provided that access directly onto the street is provided. Amenities and community spaces are encouraged to be located on the first floor along with residential uses.</u> |

§152.604 BUILDING AND SITE STANDARDS.

- (A) *Purpose.* This section regulates the development and modification of buildings and other elements of the built environment within the private lot, based on the following premises:
- (1) Building regulations should equitably balance the rights of the individual and the interests of the community as a whole.
- (2) Building form individually and collectively defines and supports the public realm.
- (3) Building placement should support walkability, safe streets, and safe public spaces, to create pedestrian-friendly neighborhoods.
- (B) Minimum frontage buildout indicates that lots must contain buildings along the prescribed length of property line.
- (1) At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.
- (2) At side streets the minimum frontage buildout is a specified distance along the property line from the corner.
- (3) Facades must be within the minimum and maximum setback.
- (4) At corner lots the width of the property, for frontage buildout calculation, may be reduced by the setback of the perpendicular lot line as indicated by (a) in the illustration below.
- (C) Front setback requirements of Table 6 through Table 9, and Table 16 through Table 18 will be maintained as City easement for right of way maintenance.
- (D) Building width must meet the requirements of Table 6 through Table 9, and Table 16 through Table 18 measured at front setback. The maximum building width does not apply to buildings with a forecourt frontage type where the forecourt is wider than 40 feet.
- (E) In order to create activity levels that support and take advantage of existing and future transit proposed within the City, the density of dwelling units (DU) per acre must meet requirements of Table 6 through Table 9, and Table 16 through Table 18. These requirements apply to the residential component of any residential or mixed-use project proposed in the district.

Work Plan

Proposed Unified Development Code Structure

Article 1. General Provisions	
Article 2. Zoning Districts	
Article 3. Permitted Uses A. Permitted Use Table B. Use Specific/ Performance Standards	
Article 4. Development Standards A. Dimensional Standards B. Building Form Standards C. Connectivity and Circulation D. Parking and Loading E. Landscaping F. Screening and Fences G. Signs* H. Stormwater Management* I. Sustainability Standards J. Design Standards K. Exterior Lighting L. Housing and Property Maintenance Code* M. Plat Design* N. Maintenance and Operating Standards	Article 5. Administration and Procedures A. Summary Table (new feature) B. Reviewers and Decision-Makers (new feature) C. Review and Approval Procedures a. Comprehensive Plan adoption or amendment b. UDC Text or zoning map amendment c. Subdivision plat approval or amendment* d. Vacation of Street* e. Variance (sign, lot, structure) f. Conditional use g. Interim use h. Temporary use i. Site plan j. Administrative Review k. Zoning permit l. Building permit* m. Certificate of occupancy* n. Accessory home share permit (Airbnb) D. Nonconformities E. Enforcement and Penalties
	Article 6. Definitions A. Rules of Constructions B. Definitions
	Appendix: Zoning Map

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Cindy Sherman, Planning Director

From: Erin Perdu, AICP Planning Consultant
Molly Just, AICP, Planning Consultant

Date: 11/5/2020

Re: Zoning Update
WSB Project No. 015207

The purpose of this meeting is to review the business and industrial uses that are shifting from being permitted by Conditional Use Permit (CUP) to being permitted by-right. We will identify the need for use standards, discuss whether any existing standards are sufficient for the use in a by-right setting, and identify definitions needed to administer the use. Following the meeting, WSB will make the changes to reflect the discussion.

Agenda

7:00 – 7:10 Welcome and presentation of approach to get to a March public hearing

7:10 – 8:30 CUP uses shifting to permitted by-right

- Evaluate adequacy of existing use standards
- Identify needed use standards
- Evaluate adequacy of existing definitions
- Identify needed definitions

8:30 – 9:00 Summarize progress and discuss next steps

AGENDA 6.6C - SUPPORTING DOCUMENTS
Excerpt from Use Table - Business and Industrial Uses

Bold = additions

~~Strikethrough = removals or consolidations~~

Pink fill = consider adding uses in this district

Blue = moved or consolidated

P = Permitted C = Conditional Blank = Not Permitted

Bold Red = Condition to Permitted

	BUS-IND					
	B-1	B-2	B-3	B-4	BP	I
COMMERCIAL						
Lodging						
Hotel or motel	NP	P	P	P	P	NP
Bed and breakfast establishments						
Lodging						
Hotel or motel, not to exceed 50 rooms						
Lodging, not to exceed 50 rooms						
Hotel or motel, not to exceed 12 rooms						
Lodging, not to exceed 12 rooms						
Indoor Entertainment, Recreation, Food, and Beverage						
Restaurant, Class I	NP	P	P	P	P	P
Restaurant, Class II	NP	P	P	P	P	P
Restaurant, brewpub	NP	P	P	P	P	P
Restaurant, brewpub, brewery with taproom, micro-distillery with cocktail room						
Brewery with taproom and micro-distillery with cocktail room						
Taproom and cocktail room						
Brewery and micro-distillery						
Restaurant, not to exceed 40 seats						
Brewpub, not to exceed 40 seats						
Theater, excluding drive-ins	NP	P	P	P	NP	NP
Commercial recreational facility (Privately owned)						
Commercial indoor recreational facility under 2,450 square feet	NP	P	P	P	P	P
Commercial indoor recreational facility over 2,450 square feet	NP	C	C	C	C	C
Entertainment						
Sexually oriented business	NP	NP	P	NP	NP	NP
Service or Workplace						
Office	P	P	P	P	P	P
Office, not to exceed 5,000 sq. ft.						
Office, bank or clinic	P	P	P	P	P	P
Office related to leasing, renting and maintenance of multiple family dwellings and townhouses						
Bank	P	P	P	P	P	P
All structures for retail or service businesses with 25,000 square feet or less, excluding those mentioned elsewhere in this section	NP	P	P	P	C	C
All structures for retail or service businesses with between 25,000 and 50,000 square feet, excluding those mentioned elsewhere in this section	NP	P	P	P	NP	NP
All structures for retail or service businesses with 50,000 square feet or more, excluding those mentioned elsewhere in this section	NP	P	P	P	NP	NP
Retail and service						
Transient sales	NP	NP	C	NP	NP	NP
Transient produce sales, only in the Old Town Hall Square at Zane Avenue North and Brooklyn Boulevard						
Veterinary clinic	P	P	P	P	P	P
Animal services	NP	P	P	P	P	P

AGENDA 6.6C - SUPPORTING DOCUMENTS

Bold = additions

~~Strikethrough = removals or consolidations~~

Pink fill = consider adding uses in this district

Blue = moved or consolidated

P = Permitted C = Conditional Blank = Not Permitted

Bold Red = Condition to Permitted

~~Veterinary and animal services~~

~~Commercial Kennel~~

Body Art

Funeral home **and mortuaries**

~~Funeral home~~

Crematories/Crematoriums

Currency exchange and pawnshop

Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales

Automobile, Parking, Transportation

Auto oriented repair services

Carwash

Gasoline sales

~~Fuel stations~~

Drive-through facility

~~Parking as a principal use~~

Parking

Indoor sales of automobiles, trucks and recreational vehicles and the like

Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like

Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like

Automobile rental containing more than six cars on site

~~Automobile rental containing more than six cars on site~~

Bus or truck storage or service shops, including fuel stations

Fabrication or assembly of heavy equipment or vehicles

Truck or motor freight terminal

Vehicle impound yard

	BUS-IND					
	B-1	B-2	B-3	B-4	BP	I
Commercial Kennel	NP	P	P	P	P	P
Body Art	NP	P	P	NP	NP	NP
Funeral home and mortuaries	P	P	P	NP	P	NP
Funeral home	P	P	P	NP	NP	NP
Crematories/Crematoriums	P	NP	NP	NP	NP	NP
Currency exchange and pawnshop	P					
Heavy equipment, machinery and farm vehicle sales, contractors yards, bulk firewood sales, and gravel and rock sales	NP	NP	NP	NP	NP	P
Automobile, Parking, Transportation						
Auto oriented repair services	NP	NP	C	C	C	C
Carwash	NP	NP	P	P	P	P
Gasoline sales	NP	C	C	C	C	C
Fuel stations	NP	€	€	€	€	€
Drive-through facility						
Parking as a principal use						
Parking						
Indoor sales of automobiles, trucks and recreational vehicles and the like	NP	NP	NP	C	C	C
Showrooms and sales of automobiles, trucks and recreational vehicles and equipment and the like	NP	NP	NP	C	NP	NP
Wholesale, broker and auction dealer of automobiles, trucks and recreational vehicles and the like	P	P	P	P	P	P
Automobile rental containing more than six cars on site	NP	C	C	C	NP	NP
Automobile rental containing more than six cars on site	NP	€	€	€	NP	NP
Bus or truck storage or service shops, including fuel stations	NP	NP	NP	NP	NP	C
Fabrication or assembly of heavy equipment or vehicles	NP	NP	NP	NP	NP	C
Truck or motor freight terminal	NP	NP	NP	NP	NP	C
Vehicle impound yard	NP	NP	NP	NP	NP	C



City of Brooklyn Park
City Hall
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Brooklyn Park, MN 55443
763-424-8000
www.brooklynpark.org

MEMORANDUM

Date: November 4, 2021
To: Planning Commission Members
From: Paul Mogush, Planning Director
Subject: November 10 Work Session – Item 2A

Performance Standards for new Permitted or Accessory Uses

At the November 10 work session, we will be joined by Brandy Howe and Kim Lindquist of WSB, the consulting firm that has been working on updating the Zoning Code to make it consistent with the 2040 Comprehensive Plan. Brandy and Kim will talk through proposed performance standards as outlined in the attached memo.

Attachment

WSB Memo

Memorandum

To: Brooklyn Park Planning Commission Members
CC: Paul Mogush, Planning Director

From: Brandy Howe, AICP Planning Consultant
Kim Lindquist, AICP, Planning Consultant

Date: 11/10/2021

Re: Zoning Update
Performance Standards for new Permitted or Accessory Uses
WSB Project No. 015207

Background

As some Commissioners may be aware, the City of Brooklyn Park contracted with WSB in mid-2020 to update the City zoning ordinance to implement the adopted Comprehensive Plan. Several tasks had been completed; however, the project was put on hold in November 2020 partially due to staff turnover at WSB, but also because COVID-19 reduced public engagement opportunities.

Many items identified in the work program have been completed such as assessing the ordinance for areas of divergence with the Comprehensive Plan, modifying the TOD ordinance, revising, and consolidating uses in both the residential and commercial districts, and provision of an analysis of compliance with State and Federal regulations. One of the sub-areas left to be completed was evaluating whether certain conditional uses in the businesses and industrial districts could be shifted to permitted. The shift reduces administrative burden on staff and allows developers and property owners to quickly implement projects for uses that are generally supported.

Shifting Conditional Uses to Permitted Uses

Based on direction from City Council, staff and WSB were directed to consider whether some business uses could be shifted from conditional to permitted by right uses. The intent was to become more business-friendly by eliminating the conditional use permitting process while creating performance standards for some uses where appropriate. The Planning Commission reviewed the land use table and made the following recommendations for uses that could be permitted by right, potentially with performance standards.

- Principal – now permitted:
 - Hotel or Motel
 - Restaurant, Class II
 - Restaurant, Brewpub
 - Theater, excluding drive-ins
 - Retail or service businesses with 25,000 sq feet or less
 - Retail or service businesses over 50,000 sq feet
 - Funeral home and mortuaries,
 - Car wash
- Accessory – now permitted:
 - Crematories/crematoriums when accessory to a funeral home, mortuary, or veterinary clinic subject to the state license and regulation process

AGENDA 6.6C - SUPPORTING DOCUMENTS

- Car wash (automatic) when accessory to fuel station
- Accessory - New
 - Outdoor Seating
- Temporary Uses (New category)
 - Christmas tree sales
 - Fireworks sales
 - Garden centers
 - Storage of winter equipment (New)

Draft performance standards have been created (see attached) based on common areas of concern: parking, circulation, noise, lighting, overall impact on neighborhood, and consistency with City development goals. A first draft was supplied to city staff and revised to eliminate duplication of performance standards in other sections of the code of ordinances. Ultimately, the new standards focus on issues not addressed by the current ordinance or provide cross-references to state or local regulations.

Finally, in working through this process, staff determined that vehicular stacking for car washes could be addressed with a simple amendment to Section 152.145, the same standards for other drive-through businesses. This amendment is included at the end of the attachment.

Questions and Considerations

The goal of the meeting tonight is to reintroduce the zoning ordinance update work, focusing on the suggested performance standards for new permitted and accessory uses.

Attachment:

- Draft Performance Standards

Principal Uses (Formerly Conditional – Now Permitted)

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.

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 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.

Car wash (principal use)

All car washes 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 regulations in this section shall govern.

1. All car wash operations shall be staffed during operating hours.
2. All car wash bays shall have a separate entrance and exit.
3. If within 200 feet of a residential district or use, the car wash bays shall be closed when in operation.

Accessory Uses (Formerly Conditional – Now Permitted)

Cocktail room

1. Cocktail rooms shall be clearly incidental and subordinate to the primary operation of the associated distillery as a production or manufacturing facility. The primary focus of the cocktail room shall be the marketing and sale of the beverage produced or manufactured by the distillery.

Crematories/Crematoriums when accessory to a funeral home, mortuary, or veterinary clinic

1. Licensure by the Minnesota Commissioner of Health shall be required and compliance with M.S. § 149A.95.
2. Crematoriums shall not be located within 500 feet of any residential district.
3. Crematoriums shall not be used for the disposal of any waste materials.
4. Crematoriums shall not emit any visible air emissions nor generate odors.

Accessory Uses (NEW)

Outdoor Seating

1. Outdoor seating is permitted if depicted on an approved site plan. The following additional standards relate to outdoor seating areas:
 - a. 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:
 - i. 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.
 - ii. Receptacles for rubbish, garbage, etc., must be provided and adequately screened.
 - iii. Lighting must be sufficient to promote public safety, directed downward, and compatible with the surrounding area.
 - iv. Smoking may be allowed on the patio or deck area, provided it is in compliance with the Minnesota "Freedom to Breathe Act of 2007."
 - v. The patio or deck area shall be controlled and monitored continuously during the hours of operation and unruly patrons shall be removed immediately.
 - vi. Patrons shall not leave the premises with a drink nor can drinks be taken onto a public sidewalk.
 - vii. The outdoor patio or deck area must be included in the required liquor liability insurance for the premises.
2. Outdoor entertainment and the use of sound-amplifying equipment shall be subject to the following regulations.
 - a. The volume of sound shall not violate 152.570 of this ordinance.
 - b. The sound amplifying equipment shall not be used between the hours of ten p.m. and eight a.m.

ACCESSORY SEASONAL USES (NEW)

Christmas Trees

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 January 15.
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. Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.

Garden Center

1. Garden center sales shall only be permitted between April 1 and June 30.

AGENDA 6.6C - SUPPORTING DOCUMENTS

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. Must be on a paved surface that does not interfere with the principal use's minimum parking needs, traffic flow, and emergency access.

Exterior 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.

REVISIONS TO CHAPTER 152.145

§ 152.145 OFF-STREET PARKING AREA DESIGN REQUIREMENTS.

(H) Stacking. All drive-throughs, including service windows and car washes must contain room for a minimum stacking of six cars from the serving window and stacking must not extend into drive aisles.

Matt Hayes-Regan

From: Cheryl Avina <crlafon1@gmail.com>
Sent: Monday, April 1, 2024 10:52 AM
To: Planning
Cc: Tony McGarvey; Maria Tran
Subject: RE: Land Use

Committee:

I would like to propose that as you consider how the land is used that you take into account the following:

It be environmentally friendly

No pollution causing be permitted

That there be land set aside in consideration of the Native American Community

Sent from my iPhone

The City Council has determined that pursuant to its City Charter, Ordinance #2024-_____ should be published in summary form.

SUMMARY OF ORDINANCE #2024-_____

ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CITY CODE
PERTAINING TO _____

Ordinance #2024-_____, amends Chapter 152, Pertaining
_____.

Changes to §152
[Placeholder]

This summary of Ordinance #2024-_____ has been approved by the City Council on June ____, 2024 and the City Council has determined that the title and text of the summary clearly informs the public of the intent and effect of the ordinance. A printed copy of the full text of the ordinance is available for public inspection in the office of the City Clerk.

ATTEST:

HOLLIES WINSTON, MAYOR

DEVIN MONTERO, CITY CLERK

Approved as to Form by City Attorney
Passed on First Reading: _____
Passed on Second Reading: _____
Summary Published in Official Newspaper: _____