

May 8, 2024  
7:00 p.m.

Brooklyn Park Council Chambers  
5200 85<sup>th</sup> Avenue North  
Brooklyn Park, MN 55443

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## PLANNING COMMISSION REGULAR MEETING – AGENDA #9

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

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

Members of the public can monitor the meeting by watching it on CCX Media Channel 16 or by livestreaming it at [https://nwsgcc-brooklynpark.granicus.com/ViewPublisher.php?view\\_id=5](https://nwsgcc-brooklynpark.granicus.com/ViewPublisher.php?view_id=5).

Anyone who wants to address the Planning Commission during the Public Comment period may do so in person or by calling **763-493-8057** or emailing [planning@brooklynpark.org](mailto:planning@brooklynpark.org) by 4:00 p.m. on the meeting day. You will be asked to provide your name, address, email, and phone number. You will then be registered to speak during the Public Comment period or on the agenda item and will be provided with the call-in number to address the Planning Commission.

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### I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE
2. EXPLANATION BY CHAIR

Please be advised that the public hearings are recorded and televised live on cable television and web-streamed over the internet at [brooklynpark.org](http://brooklynpark.org). The audio system will not pick up comments from the seating area. If you want to be heard and made a part of the public record, please go to the podium or, if participating remotely, turn on your camera; speak into the microphone, stating your full name and address. Please sign the public hearing logbook on the table near the entrance to the Council Chambers if you are attending in person to ensure accuracy of name and address in the public record. Please note that the agenda for tonight's meeting indicates that the Commission Chair has the prerogative to invoke a time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time. Thank you in advance for your cooperation.

The Planning Commission consists of 11 resident-volunteer members, two of which are young adult members, appointed by the City Council to advise the City Council on planning and land use issues. The Commission discusses and evaluates development proposals based on zoning regulations and comprehensive plan policies. The Planning Commission vote is a recommendation that is forwarded to the City Council for official and final action.

3. APPROVAL OF AGENDA

### II. REQUIRED DUTIES

4. CONSENT AGENDA
  - 4.1 Approval of Minutes April 10, 2024 Regular Meeting
  - 4.2 Approval of Minutes April 24, 2024 Work Session

**5. PUBLIC HEARING**

**5.1 Planning Case #24-108 | Sky Lounge & Bistro | 8515 Edinburgh Centre Drive North | Conditional Use Permit**

The subject property is located at 8515 Edinburgh Centre Drive North and is zoned Planned Community Development District (PCDD). Within the PCDD district, uses are determined by an adopted General Plan of Development, or by the Comprehensive Plan. As there is no General Plan of Development adopted for this site, the uses for this property is determined by the Future Land Use as guided by the Comprehensive Plan. The Future Land Use for this property is guided Community Commercial, which designates the General Business “B-3” District (§ 152.342.01) as the governing zoning for this property. The application is for a Conditional Use Permit (CUP) for a Class II Restaurant. Class II restaurants serve food and are eligible for an intoxicating liquor license without a cover charge. A brewery and taproom had previously operated in the same tenant space.

**5.2 Planning Case #24-102 | Zoning Code Update | Chapter 152 – Article 3 Development Standards**

Article 3 of Zoning Code (Chapter 152) proposed text amendments comply with the changes made to the Comprehensive Plan through the new land use designations and the adoption of new zoning districts. Technical changes for consistency throughout the Land Use title have also been made.

**6. OTHER BUSINESS**

**III. DISCUSSION ITEMS**

**IV. VERBAL REPORTS AND ANNOUNCEMENTS**

**7. COUNCILMEMBER LIASON COMMENTS**

**8. PLANNING COMMISSION COMMENTS**

**9. STAFF LIASON COMMENTS**

**V. ADJOURNMENT**

## UNAPPROVED MINUTES

### MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – APRIL 10, 2024



#### 1. CALL TO ORDER/NEW COMMISSIONER SWEAR-IN

The meeting was called to order at 7:00 PM.

Mogush administered the Oath of Office to Commissioners Arah and Korosso.

#### 2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Cavin, Arah, Borer, Fraser, Korosso, Udomah, and Wako; Council Liaison McGarvey; Planning Director Mogush; Principal Planner Turnquest; Associate Planner McDermott, and Planning Assistant Matt Hayes Regan.

Those arrived late: None

Those absent were: Commissioner Gaye-Bai and Turner.

#### 3. EXPLANATION BY CHAIR

#### 4. APPROVAL OF AGENDA

MOTION WAKO, SECOND FRASER, TO APPROVE THE APRIL 10, 2024 AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 5. CONSENT AGENDA

- A. **Minutes** – March 13, 2024 Regular Meeting
- B. **Minutes** – March 27, 2024 Work Session

MOTION FRASER, SECOND WAKO TO APPROVE THE APRIL 10, 2024, CONSENT AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 6. PUBLIC HEARING

- A. **Planning Case #24-103 (Maranatha Christian Academy)** – Site Plan Review at 9201 75<sup>th</sup> Avenue

Associate Planner McDermott introduced the application for a site plan review from Maranatha Christian Academy. They provided an overview of the request which would remove a portion of the parking lot to create additional greenspace for students. They provided information on the site and adjacent uses and identified the portion of pavement proposed for removal. They stated that the applicant has asked that condition 5.01 be modified from 1,522 to 1,322 parking spaces as it is not anticipated that both the school and religious institution would ever operate all full capacity simultaneously. They stated that staff believes that to be a reasonable request and recommends approval with that revised condition.

The applicant was present should there be any questions.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

Commission Chair Cavin asked for staff to identify the area of the parking lot that would be converted to greenspace.

Associate Planner McDermott identified the area that would transition to greenspace.

Commissioner Wako asked for clarification on the total number of parking spaces.

Associate Planner McDermott stated that there will be a total of 669 spaces along with the parking agreements for shared parking that exists between the adjacent uses. They noted that would make up for the removed spaces and staff does not have any concerns. They stated that there have been no issues with parking on this site.

Commissioner Arah referenced the parking spaces that will be removed to create greenspace. He noted the church and school, which are separate organizations, and asked how there would be sufficient parking if both uses were to hold events on the same day.

Associate Planner McDermott confirmed that was a scenario reviewed by staff and the traffic engineers. They noted that church events are typically held outside of typical business hours and therefore many businesses agree to allow shared parking outside of business hours. They noted that the school and church work closely together to plan events. They stated that parking counts were recorded from last year in preparation for this request to show that there would not be an issue.

Commission Chair Cavin commented that Maranatha is one of the brightest gems in the community and turns out excellent students.

Commissioner Udomah asked for more information on how the greenspace will be used.

Associate Planner McDermott replied that the space will be sodded, and that area will be used for play and learning.

**MOTION WAKO, SECOND UDOMAH, TO RECOMMEND APPROVAL OF SITE PLAN REVIEW FOR THE REMOVAL OF A PORTION OF THE EXISTING PARKING LOT AT 9201 75<sup>TH</sup> AVENUE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION AS REVISED.**

*MOTION CARRIED UNANIMOUSLY.*

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 22, 2024.

**B. Planning Case #24-1104 (Precision Dent Removal) – Conditional Use Permit at 8557 Wyoming Avenue**

Associate Planner McDermott introduced the application for a Conditional Use Permit (CUP) request from Precision Dent Removal. They stated that Staff recommends approval of the request with the noted conditions. They reviewed details of the site and adjacent uses, zoning, and proposed site plan.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

Commissioner Wako asked the number of employees as there are only seven parking space and street parking is not allowed. He asked if there would be sufficient space for the vehicles being repaired.

Associate Planner McDermott replied that the applicant has stated that there are three employees and all vehicles there to be repaired are in drivable condition and could park in the remaining four spaces, but all vehicles being repaired would be inside the building. They stated that the business has stated that this is adequate for the volume of vehicles they are repairing.

**MOTION FRASER, SECOND UDOMAH, TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AUTO ORIENTED REPAIR SERVICES AT 8557 WYOMING AVENUE N #4, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

*MOTION CARRIED UNANIMOUSLY.*

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 22, 2024.

**C. Planning Case #24-105 (Redline Athletics) – Conditional Use Permit at 7115 Northland Terrace**

Associate Planner McDermott introduced the application for a Conditional Use Permit (CUP) request from Redline Athletics. They provided information on the proposed location for a commercial indoor recreational facility, noting that Staff recommends approval of the CUP with conditions. They provided details on the site, its zoning, adjacent property uses, and of the site plan.

Nick Lucca (the applicant), introduced himself and stated that they are excited to become a part of the Brooklyn Park community.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

Commissioner Borer asked the type of recreation that would be inside the building and the anticipated traffic levels.

Mr. Lucca replied that they would provide youth athletic training for those eight to 18, estimating that ten to 12 vehicles would be onsite during the busiest time of operations. He noted that most

parents drop their kids off for the session and come back for pickup. He stated that the parking will be more than ample as their prime time for business is after typical business hours.

Commission Chair Cavin thanked the applicant for bringing this concept to the community, noting that this is a great location, and he is excited to have the new business.

MOTION UDOMAH, SECOND BORER, TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR A COMMERCIAL INDOOR RECREATIONAL FACILITY OVER 2,450 SQUARE FEET AT 7115 NORTHLAND TERRACE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 22, 2024.

**D. Planning Case #24-106 (Rotation Engineering) – Site Plan Review at 8800 Xylon Avenue North**

Associate Planner McDermott introduced the application from Rotation Engineering for a site plan review. They provided details on the site location and the request which would provide additional space for the existing business. They reviewed the proposed addition plans and a new access point for the loading dock. They stated that staff recommends approval subject to the conditions within the staff report.

The applicant was present to answer any questions that made come forward.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

Commissioner Udomah referenced the statement that this site does not meet Code requirements for pedestrian connection and asked how that would be addressed.

Associate Planner McDermott replied that there are planned improvements for 89<sup>th</sup> which will provide a sidewalk for everyone rather than a segment that would go nowhere.

Planning Director Mogush explained that this is not a subdivision request and therefore a sidewalk within the public right-of-way cannot be required.

Commission Chair Cavin commented that this is a pretty large expansion to the building and asked if any sustainability measures were incorporated.

Associate Planner McDermott replied that the Code does not require those types of improvements, although Staff does encourage those elements.

Commissioner Arah asked if the additional business space would equate to additional semitruck traffic coming to and from the site to transport the additional products.

Associate Planner McDermott replied that the traffic engineer did review the site for additional semi-trucks traffic and determined the site and roads would be sufficient. They stated that this business is original to the site 30 years ago and the expansion has always been planned, therefore, an increased level of traffic was always anticipated for this site.

**MOTION BORER, SECOND WAKO, TO RECOMMEND APPROVAL OF A SITE PLAN REVIEW FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING STRUCTURE AT 8800 XYLON AVENUE N, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

*MOTION CARRIED UNANIMOUSLY.*

**E. Planning Case #24-107 (Waterside Market) – Site Plan Review at 7500 Brooklyn Boulevard North**

Associate Planner McDermott introduced the application from Waterside Market and provided details on the site location noting that the applicant is seeking approval for an addition which would provide additional storage and freezer space. They provided details on the zoning and adjacent uses. They reviewed the site plan noting that the existing parking lot would also be restriped to use that space more efficiently. Staff recommends approval of the request subject to the conditions within the draft resolution.

Commission Chair Cavin opened the public hearing.

Seeing no one approach the podium, Commission Chair Cavin closed the public hearing.

Commission Chair Cavin asked for details on the type of business.

Associate Planner McDermott replied that this is a grocery store and deli.

Commissioner Wako commented that this is a busy street and is within walkable distance to residential areas, but believed most people would be driving to and from. He asked if there is adequate space for parking.

Associate Planner McDermott replied that the Code requirements do not have parking requirements within this zoning district because of the walkability of this area. They stated that public transportation is used by many customers to reach this business. They recognized that this is a challenging site but there is no additional space, which is why the parking lot is going to be restriped to encourage safer traffic patterns. They stated that the traffic engineer did review the plan as did the transportation department for the County.

Commissioner Udomah asked and received confirmation that the business already exists and operates in this location, therefore they have found a way to exist on this site. He noted that the expansion would provide additional storage space and would not increase the size of the customer area.

Associate Planner McDermott commented that the business is currently renting storage and freezer space offsite and therefore this would consolidate that onto this site.

Commissioner Arah asked if this is enough space for the business.

Associate Planner McDermott replied that the applicant did approach the City in the past in attempt to purchase the adjacent lot but there was already a pending purchase agreement for that site, so this is the space available at this time.

Commissioner Wako asked how the business handles the issue of parking at this time.

John Anderson, representing the applicant, commented that they have been working with the parcel to the west and they have provided ingress and egress traffic passageways. He stated that they have also worked with the Fire Department to develop these plans and the proposed layout provides ample room for parking and traffic circulation.

MOTION FRASER, SECOND BORER, TO RECOMMEND APPROVAL OF A SITE PLAN REVIEW FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING STRUCTURE AT 7500 BROOKLYN BOULEVARD N, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

Commissioner Chair Cavin had to leave the meeting. Commissioner Fraser took over as Acting Commission Chair.

**F. Planning Case #24-102 (Zoning Code Update) – Chapter 152 – Article 3 Land Use Performance Standards**

Principal Planner Turnquest provided background information on the public engagement process that began in 2017 to update the City's 2040 Comprehensive Plan. She stated that the official controls of the City must also be updated to be consistent with the Comprehensive Plan. She noted that while they are making the required updates, staff took advantage to make other minor changes that were needed. She noted that Chapter 152 is being reviewed and updated in portions, noting that this is the second portion to be reviewed and updated. She recommended that the Planning Commission hold a public hearing on this topic.

Acting Commission Chair Fraser opened the public hearing.

Seeing no one approach the podium, Acting Commission Chair Fraser closed the public hearing.

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

*MOTION CARRIED UNANIMOUSLY.*

**7. OTHER BUSINESS**

No comments.

**8. DISCUSSION ITEMS**

No comments.

## **9. VERBAL REPORT AND ANNOUNCEMENTS**

### **A. Councilmember Liaison Comments**

No comments.

### **B. Planning Commission Comments**

No comments.

### **C. Staff Liaison Comments**

Planning Director Mogush stated that the Commission will be holding a work session on April 24, 2024 to continue work on the land use update. He stated that, on that same day, from 2 p.m. to 6 p.m., Staff will be hosting an open house to complete additional engagement on the MRCCA proposed text amendment.

## **10. ADJOURNMENT**

Acting Commission Chair Fraser adjourned the meeting at 8:04 PM.

Respectfully submitted,

Paul Mogush  
Planning Director

## UNAPPROVED MINUTES

### MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Work Session – April 24, 2024



#### 1. CALL TO ORDER

The meeting was called to order at 7:04 PM.

Those present were: Commissioners Fraser, Arah, Cavin, Gaye-Bai, Turner, Udomah, and Wako; Planning Assistant Hayes-Regan, Associate Planner McDermott, Planning Director Mogush, and Principal Planner Turnquest.

Those excused were: Councilmember Liaison McGarvey; Commissioner Korosso.

Those absent were: Commissioners Borer

#### 2. GENERAL INFORMATION

None.

#### 3. DISCUSSION ITEMS/GENERAL ACTION ITEMS

##### C.1 Zoning Code Update

##### A. Section 152 Article 3 Development Standards

Facilitated by Principal Planner Turnquest the commissioners reviewed proposed text amendments to Chapter 152 –Development Standards of the City of Brooklyn Park Zoning Code.

Principal Planner Turnquest walked the commissioners through the proposed redlined changes and commented that many of the changes were technical in nature. The commissioners were generally in agreement with the proposed changes. The commissioners commented about the use of “City Manager” throughout the land usage code and voiced concerns about naming an individual’s interpretation as a determining factor for code interpretation. Planning Director Mogush appreciated the comment and noted that references to the City Manager in the zoning code are interpreted to mean the City’s Planning Staff.

The commissioners also discussed several other items that Staff considers part of phase two of the zoning code update. Those items included: parking regulations, property setbacks, fencing materials and requirements, property line determinations, and solar rights.

#### 4. VERBAL REPORTS AND ANNOUNCEMENTS

##### A. COUNCILMEMBER LIASON COMMENTS

None.

##### B. PLANNING COMMISSION COMMENTS

Commissioner Udomah asked whether there was an update about the issue of an increase in garbage in the City. Planning Director Mogush said he did not have an update for the meeting, but that Staff continue to investigate the issue. Associate Planner McDermott noted that the May 9, 2024 State of the City may be a venue to ask the question.

**C. STAFF LIASON COMMENTS**

Associate Planner McDermott updated commissioners about the Mississippi River Corridor Critical Area (MRCCA) Open House that took place earlier in the day. In addition to Planning Staff, The City's Interim Engineer was available to answer resident's questions.

**5. ADJOURNMENT**

Commissioner Chair Fraser adjourned the meeting at 8:04 PM.

Respectfully submitted,

Paul Mogush  
Planning Director

# City of Brooklyn Park Planning Commission Staff Report

|                        |   |                                |                                   |
|------------------------|---|--------------------------------|-----------------------------------|
| <b>Agenda Item:</b>    | 5.1   | <b>Meeting Date:</b>           | May 8, 2024                       |
| <b>Agenda Section:</b> | Public Hearing  | <b>Originating Department:</b> | Community Development             |
| <b>Resolution:</b>     | X   | <b>Prepared By:</b>            | Erin McDermott, Associate Planner |
| <b>Ordinance:</b>      | N/A   |                                |                                   |
| <b>Attachments:</b>    | 4   | <b>Presented By:</b>           | Erin McDermott, Associate Planner |
| <b>Item:</b>           | <b>Sky Lounge &amp; Bistro</b> - Conditional Use Permit #24-108 for a Class II restaurant at 8515 Edinburgh Center Drive North. |                                |                                   |

**Proposed Actions:**

MOTION \_\_\_\_\_ SECOND \_\_\_\_\_ TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR A CLASS II RESTAURANT AT 8515 EDINBURGH CENTER DRIVE NORTH, SUBJECT TO CONDITIONS CONTAINED IN THE DRAFT RESOLUTION.

**Summary:**

The subject property is located at 8515 Edinburgh Centre Drive North and is zoned Planned Community Development District (PCDD). Within the PCDD district, uses are determined by an adopted General Plan of Development, or by the Comprehensive Plan. As there is no General Plan of Development adopted for this site, the uses for this property is determined by the Future Land Use as guided by the Comprehensive Plan. The Future Land Use for this property is guided Community Commercial, which designates the General Business “B-3” District (§ 152.342.01) as the governing zoning for this property. The application is for a Conditional Use Permit (CUP) for a Class II Restaurant. Class II restaurants serve food and are eligible for an intoxicating liquor license without a cover charge. A brewery and taproom had previously operated in the same tenant space.

Figure 152.342.01 Uses in Business Districts

| <i>Figure 152.342.01 Uses in Business Districts</i>                   |            |            |            |            |           |          |
|---|------------|------------|------------|------------|-----------|----------|
| <i>“P” = Permitted Use “C” = Conditional Use “NP” = Not Permitted</i> |            |            |            |            |           |          |
| <i>Principal Use</i>  | <i>B-1</i> | <i>B-2</i> | <i>B-3</i> | <i>B-4</i> | <i>BP</i> | <i>I</i> |
| Restaurants, Class II   | NP         | C          | C          | C          | C         | C        |

The application before the Planning Commission is only for a Conditional Use Permit at this location. An application for and approval of a liquor license is a separate process that is not being considered with this application. The Planning Commission’s recommendation will be presented to the City Council for consideration. The intent is for the required public hearing for a liquor license will be held at the same meeting.

**Previous Approvals:**

This property was developed in 1996 as a multi-tenant retail building with the anchor of a grocery store. The property is zoned Planned Community Development District (PCDD), and the use is listed as conditional within Business Districts and is therefore entitled to review under §152.035 (§152.415(C)).

This tenancy was granted CUP2017-117 for the operation of a brewery and taproom.

**Current Conditions:**

The subject property is 7.7 acres and is located west of Edinburgh Centre Drive.

|                      |  |
|----------------------|--|
| Future Land Use Plan | Community Commercial   |
| Current Zoning       | Planned Community Development District (PCDD)  |
| Proposed Zoning      | Planned Community Development District (PCDD)  |
| Neighborhood         | Edinburgh  |
| Site Area            | 2.86 Acres   |
| <b>Conforms to:</b>  |  |
| Land Use Plan        | Yes  |
| Zoning Code          | Yes  |
| Notification         | Legal notice was published in the Sun Post,<br>Proposed Development Sign placed on the property,<br>A neighborhood email will be sent to the Edinburgh neighborhood,<br>66 Public Hearing Notices mailed |
| Timeline (MN §15.99) |  |
| 60-day               | May 28, 2024   |
| 120-day              | July 27, 2024  |

**Land Use/Zoning and Overlay:**

The site is zoned Planned Community Development District (PCDD) and is within the Edinburgh neighborhood. The future land use for the property is Community Commercial. The surrounding properties are zoned PCDD.

**Conditional Use Permit:**

A Class II restaurant is listed as a conditional use in the General Business “B-3” District (§ 152.342.01), which is the zoning district used to evaluate permitted and conditional uses for properties guided Community Commercial within the PCDD. Conditional uses must be reviewed against the standards of the Zoning Code (§ 152.035). The proposed use is evaluated below:

**(D) Review Standards.** The request may address the following factors, although the City Council, the Planning Commission, and city staff has the authority to request additional information from the applicant concerning operational factors pertaining to the proposed use or to retain experts with the consent and at the expense of the applicant concerning operational factors, when necessary to establish performance conditions to effect the intent of this chapter.

**(1) Comprehensive Plan.** Compliance with the Comprehensive Plan, public facilities and capital improvement plans, and all sections of the City Code.

The Future Land Use of the Brooklyn Park 2040 Comprehensive Plan guides the property as Community Commercial. A Class II restaurant is consistent with the Comprehensive Plan.

**(2) Traffic.** The generation and characteristics of the traffic associated with the use and its impact on the traffic volumes of and safety associated with driveway location on adjacent roads, sidewalks and trail connections.

City Transportation staff have reviewed the parking and traffic submittals and has determined that no additional conditions are necessary.

**(3) Parking.** The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting. The city may require additional parking above that required in § 152.140 through 152.146.

City Transportation staff have reviewed the parking plan and has determined that no additional conditions are necessary. The Zoning Code requires 1 space for each 40 square feet of gross floor area of dining and bar plus 1 space for each 80 square feet of kitchen area, which is available on site through the shared parking lot of this property.

- (4) ***City services. The provision of adequate public facilities and services to the site where the use is proposed and the ability of the existing infrastructure to absorb the additional demand for city services.***

Additional demands on City service are not anticipated. Any Met Council requirements of additional SAC and WAC charges must be met prior to permitting.

- (5) ***Screening and landscaping. The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood. The city may require additional landscaping or screening above that required in the specific zoning district.***

The project is proposed in an existing structure which meets the requirements of the Zoning Code. Screening and landscaping standards are not applicable to the CUP application.

- (6) ***Architectural standards. The degree that the site or building associated with the proposed use meets or exceed the architectural design and landscaping standards for the district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.***

The project is proposed in an existing structure which meets the requirements of the Zoning Code. Architectural standards are not applicable to the CUP application.

- (7) ***Other sections of the city code. The applicant may be required to submit additional information demonstrating that the development is able to comply with any other applicable section of this chapter or the city code.***

Existing conditions of the site are consistent with City Code requirements.

Staff finds that the proposal meets the review standards of the Zoning Code, §152.035. Staff recommends approval of the Conditional Use Permit for a Class II restaurant.

**Conditions of Approval:**

Staff recommends the adoption of Resolutions 24-\_\_\_ Approving a Conditional Use Permit for a Class II Restaurant at 8515 Edinburgh Centre Drive with the following conditions:

1. Signage must comply with all requirements of City Code Chapter 150: Signs.
2. This resolution must be recorded with the Hennepin County Recorder's office.
3. Per applicant plans dated February 9, 2024, the occupancy is limited to 56 people. An increase in occupancy will require a new Conditional Use Permit.
4. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

**Staff Recommendation:**

Staff recommends approval of the Conditional Use Permit with the conditions listed in the attached draft resolution.

**Alternatives to Consider:**

1. Approve the Conditional Use Permit as presented.
2. Approve the Conditional Use Permit with modifications.
3. Deny the Conditional Use Permit based on certain findings.

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

- A. DRAFT RESOLUTION
- B. LOCATION MAP
- C. APPLICANT'S SUBMITTAL
- D. PLAN SET

RESOLUTION #2024-\_\_\_\_

RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
FOR A CLASS II RESTAURANT AT 8515 EDINBURGH CENTER DRIVE NORTH

Planning Commission File #24-108

WHEREAS, Rodney King on behalf of Sky Lounge & Bistro has made application for a Conditional Use Permit under the provisions of Chapter 152 of the City Code on property legally described as:

*Lot 2, Block 1, Edinburgh Centre 2<sup>nd</sup> Addition, Hennepin County, Minnesota.*

WHEREAS, the proposed development is consistent with the purposes of the Zoning District and the Comprehensive Plan; and

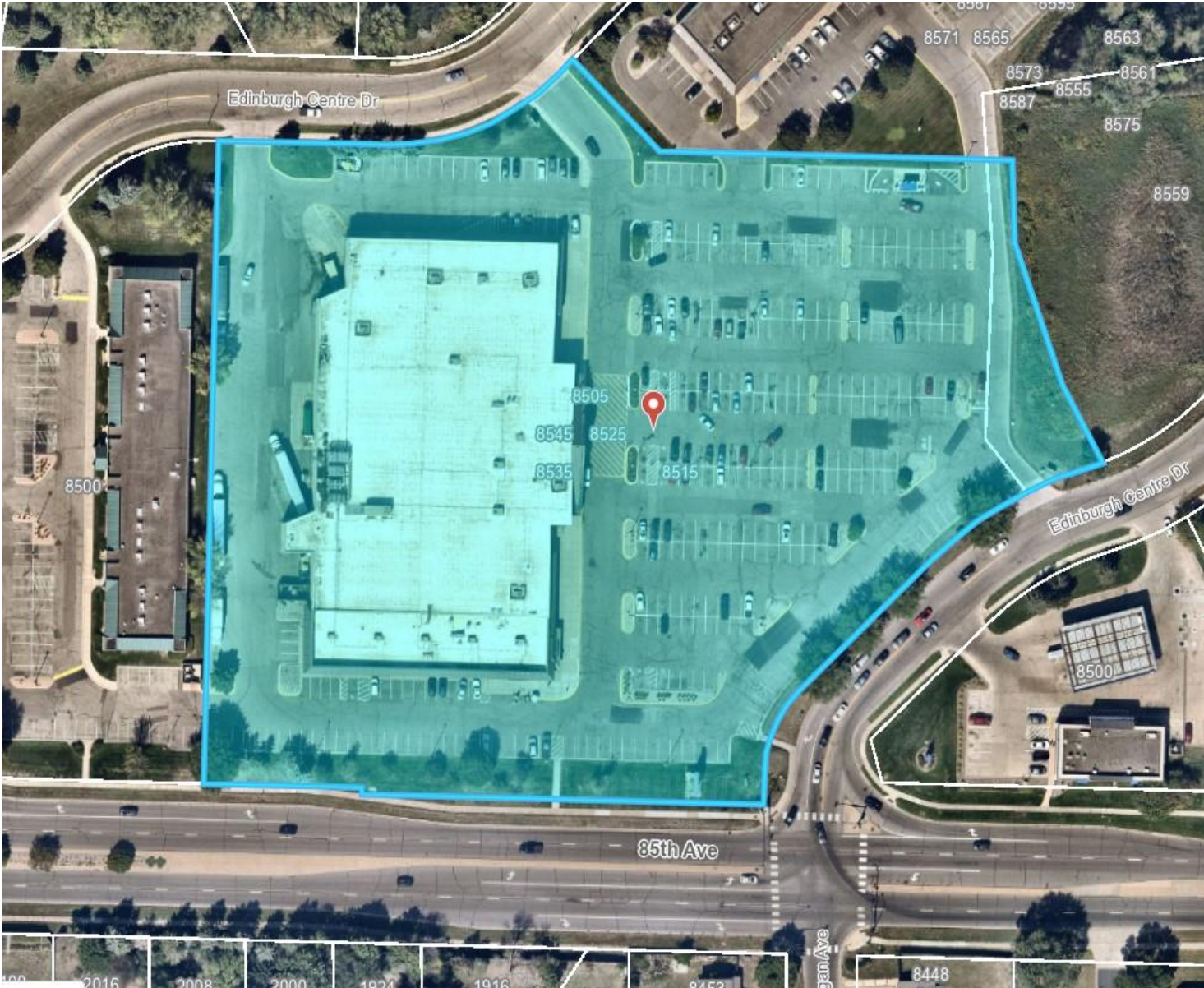
WHEREAS, the matter has been referred to the Planning Commission public hearing and who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions, and its effect on the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that a Conditional Use Permit is hereby approved for a Class II restaurant on the above-described parcel, subject to the following:

1. Signage must comply with all requirements of City Code Chapter 150: Signs.
2. This resolution must be recorded with the Hennepin County Recorder's office.
3. Per applicant plans dated February 9, 2024, the occupancy is limited to 56 people. An increase in occupancy will require a new Conditional Use Permit.
4. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

This resolution expires one year from the date of approval unless all conditions are met. This resolution must be recorded with the Hennepin County Recorder's office within one year of the date of approval. The approvals can be revoked if not in compliance with the conditions stated above.



**Conditional Use Permit Application for Class II Restaurant**  
**Case #24-108 – Sky Lounge & Bistro**  
 Area of Request (August 2023 Air Photo)  
 8515 Edinburgh Center Drive





# SKY LOUNGE & BISTRO

8515 EDINBURGH CENTER DRIVE, BROOKLYN PARK, MN 55445

☎ 763-347-9697

✉ info@skyloungeandbistro.com

---

## FROM THE OFFICE OF RODNEY KING

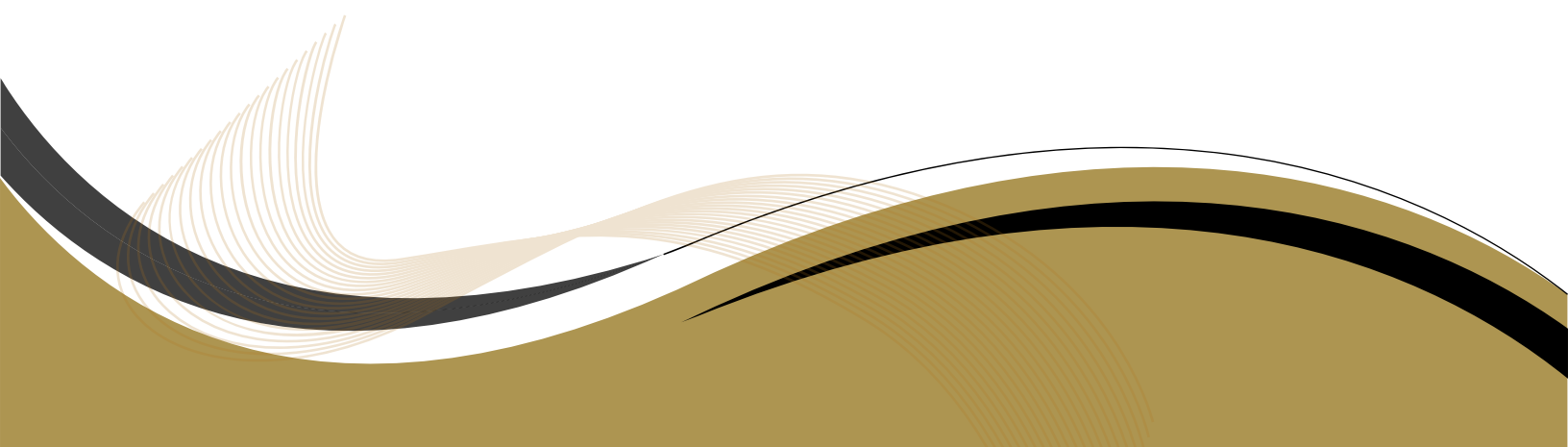
**To:** City of Brooklyn Park  
5200 85th Avenue N,  
Brooklyn Park, MN 55443

**DATE:** MARCH 29, 2024

**RE: LETTER OF REQUEST**

### TO WHOM IT MAY CONCERN:

IN PURSUIT OF A CONDITIONAL USE PERMIT TO FACILITATE ON-SITE LIQUOR SERVICE WITHIN A RESTAURANT SETTING, SKY LOUNGE & BISTRO LLC ENDEAVORS TO ALIGN ITS OPERATIONS WITH THE STRATEGIC OBJECTIVES OUTLINED IN THE CITY'S COMPREHENSIVE PLAN. AS A CULINARY ESTABLISHMENT POISED TO OFFER A SOPHISTICATED DINING EXPERIENCE COUPLED WITH BEVERAGE SERVICE, SKY LOUNGE & BISTRO CONTRIBUTES TO THE CITY'S OVERARCHING VISION IN THE FOLLOWING MANNER.



AGENDA ITEM 5.1C - APPLICATION SUBMISSION  
CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN



SKY L●UNGE & BISTRO

**AGENDA ITEM 5.1C - APPLICATION SUBMISSION**  
CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

**Meet: Rodney King**

Rodney King, in his capacity as Owner and President, brings forth an extensive background spanning over a decade in entrepreneurship across diverse business ventures. With a demonstrated track record of success, Rodney excels in the intricate management of day-to-day operations with precision. His proficiencies extend across key areas such as marketing, sales, and operations, underscoring his deep understanding of the nuances inherent in running a sophisticated restaurant and lounge establishment.

As the enterprise embarks on a trajectory of expansion, Rodney's strategic vision prioritizes the strategic recruitment of top-tier talent and the seamless assimilation of new team members. Under his astute leadership, the organization remains steadfast in its commitment to excellence, consistently surpassing the expectations of its clientele.

Rodney's journey into entrepreneurship traces back to his childhood aspirations rooted in a family tradition of business acumen. Beginning with a fashion boutique venture in downtown Minneapolis alongside a partner, Rodney swiftly transitioned to establish an African grocery store within the Brooklyn Center and New Hope vicinity. Imbued with a keen understanding of the diverse demographic landscape in Crystal and North Minneapolis, Rodney recognized the unmet demand for health-conscious Afro, International, and Traditional cuisine with a modern twist. This insight paved the way for the inception of Sky Lounge & Bistro, following meticulous research and adherence to the regulatory framework governing food service operations in the city.

**AGENDA ITEM 5.1C - APPLICATION SUBMISSION**  
CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

**Meet: Bruce Knutson**

Bruce Knutson, a seasoned architect with over 40 years of experience in the field. Specializing in both residential and commercial projects, Bruce has dedicated half of his career to custom residential design, encompassing remodeling and new construction projects. His commercial portfolio includes a diverse array of ventures such as restaurants, office buildings, shopping centers, and other small-scale commercial endeavors.

Bruce is passionate about translating his clients' dreams into reality, ensuring that each project is delivered on time, within budget, and infused with a zest for life. With a keen eye for detail and a commitment to excellence, he strives to make the design and construction process as seamless as possible for his clients.

Utilizing cutting-edge technology including computers, software, and 3D printers, Bruce empowers his clients to visualize every aspect of their project before it comes to fruition. His expertise lies not only in bringing innovative designs to life but also in ensuring that they stand the test of time, exuding authenticity, and timelessness.

Bruce's outstanding work has earned him recognition in the industry, with his projects being featured and published in numerous publications. With decades of experience and a passion for delivering exceptional results, Bruce Knutson is the architect you can trust to transform your vision into reality.

**AGENDA ITEM 5.1C - APPLICATION SUBMISSION**  
CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

Transforming Brooklyn Park's Culinary Landscape:

The Vision of Sky Lounge & Bistro

As we embark on a journey aligned with The City of Brooklyn Park's Comprehensive Plan, Sky Lounge & Bistro (Sky) emerges as a beacon of cultural refinement and communal enrichment, poised to redefine the city's culinary narrative while honoring its diverse tapestry.

**BP 2025 Goal #1: Cultivating Unity through Diversity**

In harmony with Brooklyn Park's aspiration for a united and inclusive community, Sky Lounge & Bistro stands as a bastion of cultural celebration. As a Black-owned establishment, Sky is dedicated to showcasing the rich tapestry of Afro American, International, and American Traditional culinary. Sky will be known for its enticing atmosphere where patrons enjoy watching televised broadcasts of High Skys and captivating waterfalls from various corners of the globe. Complemented by a meticulously crafted drink menu, these aspects will serve as the magnetic force, attracting diverse individuals who share a passion for communal social experiences. Beyond mere sustenance, Sky becomes a nexus where neighbors converge, fostering connections over elevated fine dining experience.

**BP 2025 Goal #2: Crafting Distinctive Destinations**

Sky Lounge & Bistro epitomizes Brooklyn Park's ambition to cultivate unique destinations. Within its walls, from a German brewery to a 56-seat fine dining experience, Sky will marry culinary artistry with its sophisticated ambiance, offering patrons an immersive journey into the heart of upscale and elegance. Through meticulously curated menus and bespoke libations, Sky elevates the city's cultural scene, affirming its status as a cherished culinary landmark.

**BP 2025 Goal #3: Nurturing Economic Vitality**

As a cornerstone of Brooklyn Park's economic landscape, Sky Lounge & Bistro catalyzes growth and opportunity. By providing employment opportunities and investing in the revitalization of its locale, Sky invigorates the city's entrepreneurial spirit. Moreover, Sky's commitment to excellence inspires confidence in the local business ecosystem, fostering a climate conducive to sustained prosperity.

AGENDA ITEM 5.1C - APPLICATION SUBMISSION  
CONDITIONAL USE PERMIT &  
THE COMPREHENSIVE PLAN

BP 2025 Goal #4: Safeguarding Health and Well-being

At Sky, the well-being of guests and staff takes precedence above all else. Through a commitment to culinary innovation and menu diversity, Sky empowers patrons to make informed, health-conscious choices. With a steadfast focus on safety protocols and community collaboration, Sky ensures a haven where all can indulge in culinary delights without compromise.

BP 2025 Goal #5: Championing Equity and Empowerment

Sky Lounge & Bistro serves as a catalyst for social equity and economic empowerment within Brooklyn Park. Through equitable employment practices and strategic partnerships, Sky fosters an environment where all residents can thrive. By revitalizing existing infrastructure and contributing to the city's economic vibrancy, Sky exemplifies a commitment to collective progress and prosperity.

In summary, Sky Lounge & Bistro transcends the confines of a mere dining establishment, embodying Brooklyn Park's collective vision for a vibrant, inclusive, and prosperous community. With each culinary creation and communal gathering, Sky reaffirms its dedication to unity, diversity, and the enduring spirit of Brooklyn Park.



March 22, 2024

City of Brooklyn  
Community Development  
Building & Construction Management  
6301 Shingle Creek Pkwy.  
Brooklyn Center, MN 55430

Re: Letter of Consent for use of the space, 8515 Edinburgh Centre Dr, Brooklyn Park, MN.

To Whom It May Concern:

We currently leased the space at 8515 Edinburgh Centre Dr., Brooklyn Park, MN to Sky Lounge & Bistro, and we are giving our consent for conversion of the space from brewery into Sky Lounge & Bistro. Tenant shall use the Premises solely for the purpose of conducting therein a West African bistro and lounge and for no other purpose and subject to compliance with Applicable Law, as part of its Permitted Use, Tenant shall be permitted to sell beer, wine and liquor to its customers for on-Premises consumption only.

If you need additional information, please do not hesitate to contact me.

Sincerely,

Tamer Alpagot  
Managing Member, EfcB LLC  
PO Box 361303  
Milpitas, CA 95036  
Ph: (650) 906-1980

cc. Tony Robinson, Project Manager, Sky Lounge & Bistro.

**CODE REVIEW:**  
Minnesota Building Code

**A. JOB ADDRESS -**  
BUILDING  
8515 EDINBURGH CIR.

**B. PROPOSED WORK -**  
CONVERT EXISTING BREWERY  
TO BAR & RESTURANT

**C. OCCUPANCY CATEGORY -**  
A-2 DINING & DRINKING

**B. TYPE OF CONSTRUCTION -**  
V-B (Non-rated)

**C. SPRINKLED**

**E. ALLOWABLE HEIGHT AND TOTAL BUILDING AREA**

Existing height... 1 Story  
Existing Building TOTAL area.....1688 sf  
Dining, TOTAL area ..... 847 sf

**F. OCCUPANT LOAD -**  
847 sf. At 15 sf/occupant  
Occupant load = 56 - 2 exits

**E. PARKING**

Existing mail parking lot

**General notes:**

1. All interior doors shall have lever handles
2. Signage at entrance door shall say;  
**THIS DOOR SHALL BE UNLOCKED DURING BUSINESS HOURS**
3. Emergency lighting shall be installed as part of the electrical installation.
4. A fire extinguisher shall be installed in the tenant space.
5. Signage at the rest rooms(with tactile information) shall be installed as per code requirements at the frame of rest room doors.



EXTERIOR PHOTO



LOCATION MAP

SHEET INDEX

- 100. COVERSHEET
- 200. EXISTING PLAN
- 201. EXISTING PHOTOS
- 202. EXISTING PHOTOS
- 300. PROPOSED FLOOR PLAN
- 301. BATHROOM ELEVATIONS
- 302. KITCHEN ELEVATIONS
- 400. REFLECTED CEILING PLAN
- 500. EXIT PLAN



|                   |
|-------------------|
| DATE: 2/9/2024    |
| REVISIONS:        |
| ISSUED 2024-02-14 |

|                          |
|--------------------------|
| <b>BROOKLYN PARK, MN</b> |
| Enter address here       |

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

Signature: *Bruce Knutson*

Bruce Knutson

Date 2024-02-14

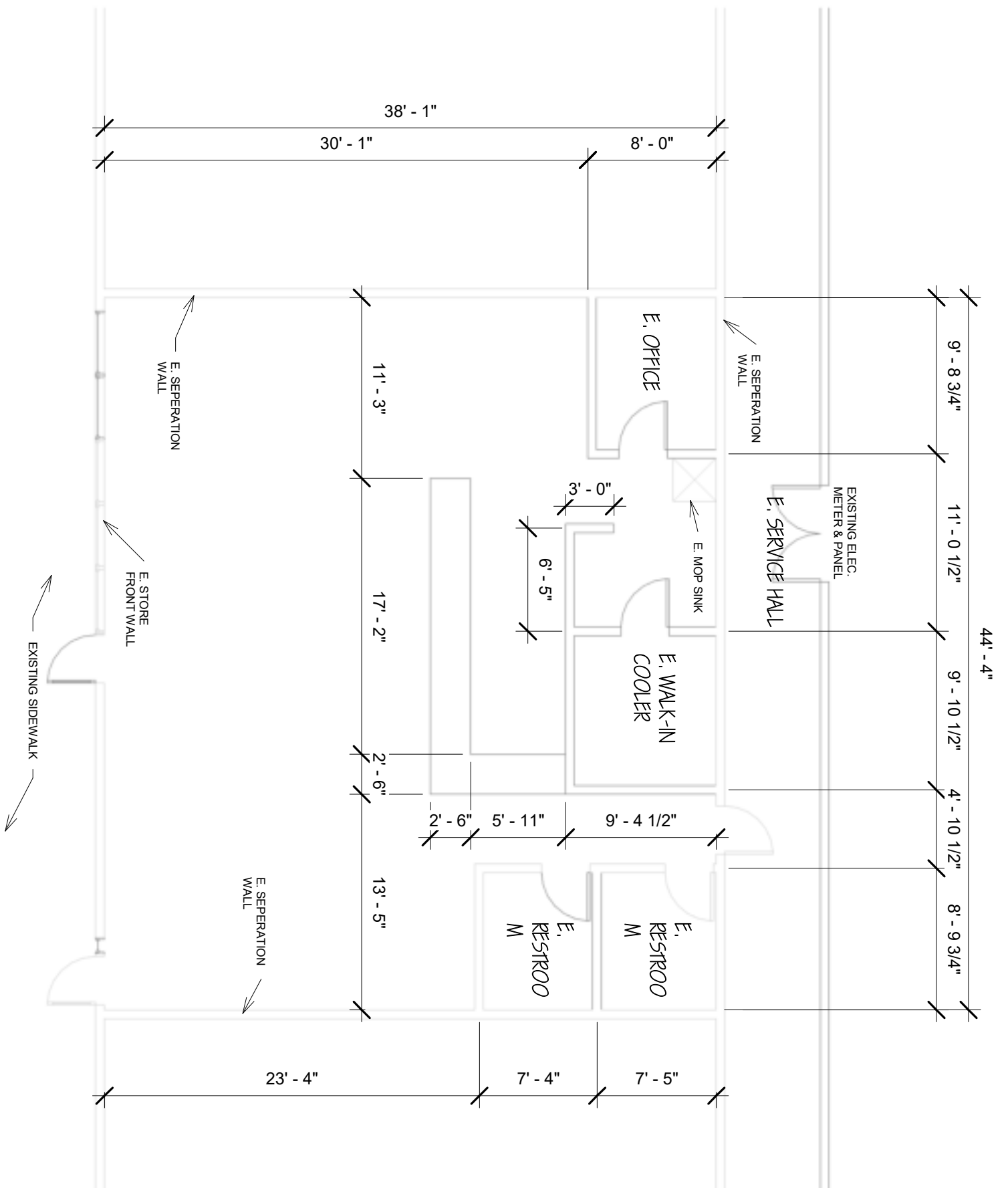
Lic. No. 11789

SHEET NO:

100

COVERSHEET

1 EXISTING FLOOR PLAN  
1/8" = 1'-0"



DATE: 2/9/2024  
 REVISIONS:  
 ISSUED 2024-02-14

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Signature: *Bruce Knutson*  
 Bruce Knutson  
 Date 2024-02-14  
 Lic. No. 11789

SHEET NO:

200  
EXISTING FLOOR PLAN





DATE: 2/9/2024

REVISIONS:

ISSUED 2024-02-14

SHEET NO:

**201**

EXISTING PHOTOS

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Bruce Knutson

Date 2024-02-14

Lic. No. 11789

BROOKLYN PARK, MN

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 REVISIONS:  
 ISSUED 2024-02-14

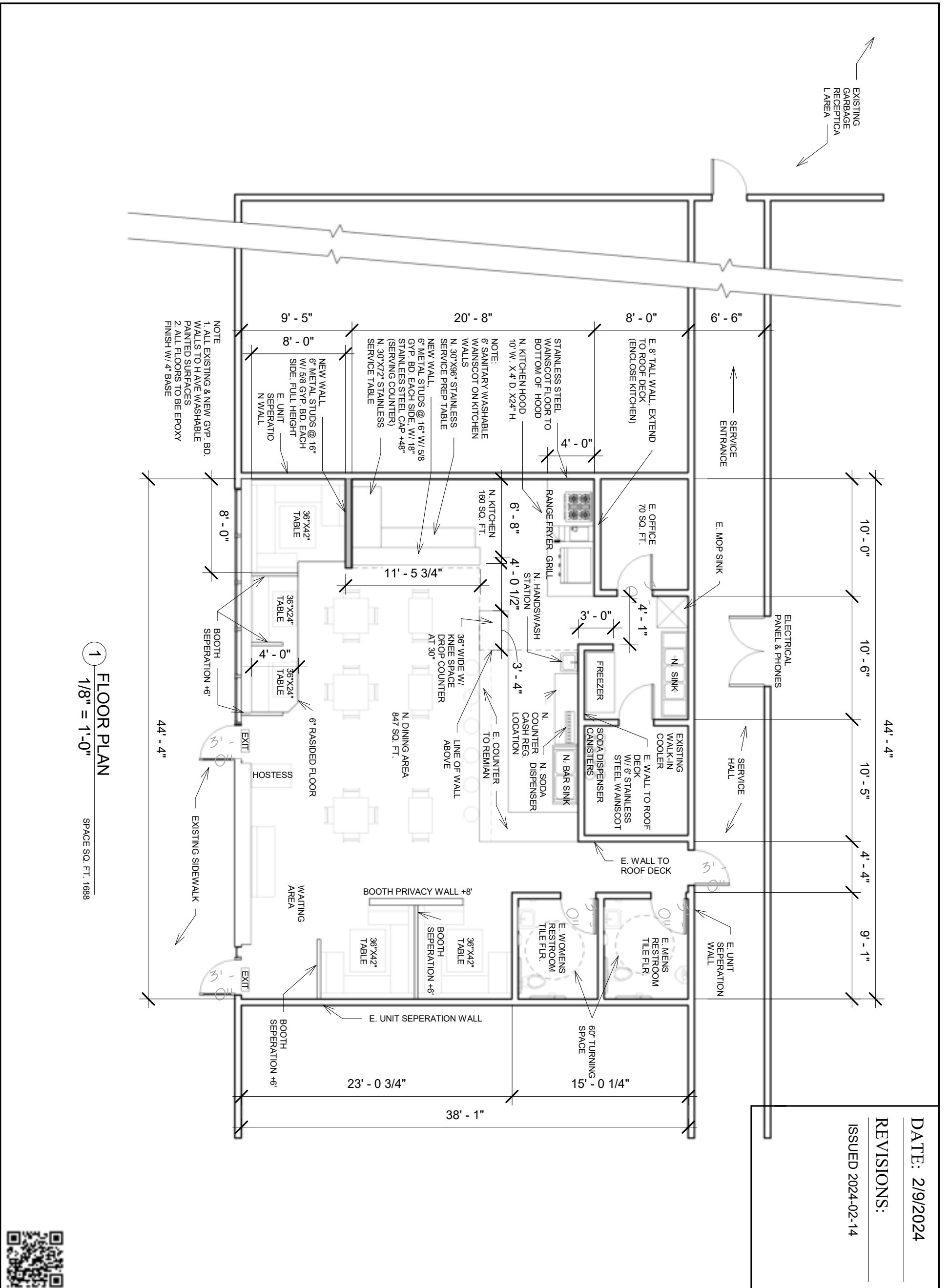


SHEET NO:  
**202**  
 EXISTING PHOTOS  
 II

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 Bruce Knutson  
 Date 2024-02-14  
 Lic. No. 11789

**BROOKLYN PARK, MN**

Enter address here



1 FLOOR PLAN  
1/8" = 1'-0"

SPACE SQ. FT. 1688

DATE: 2/9/2024  
REVISIONS:  
ISSUED 2024-02-14



BROOKLYN PARK, MN

Enter address here

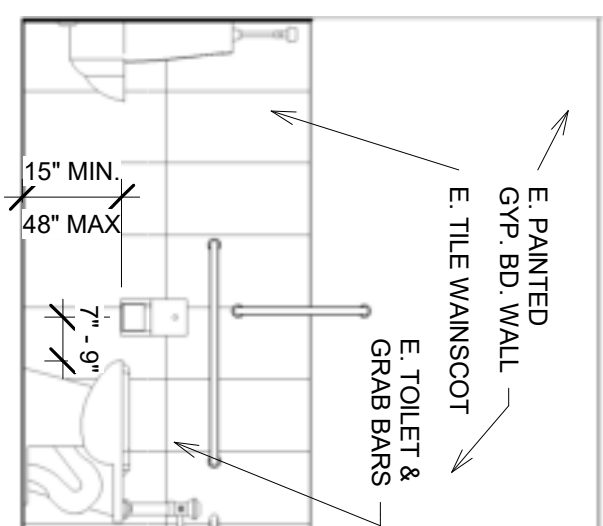
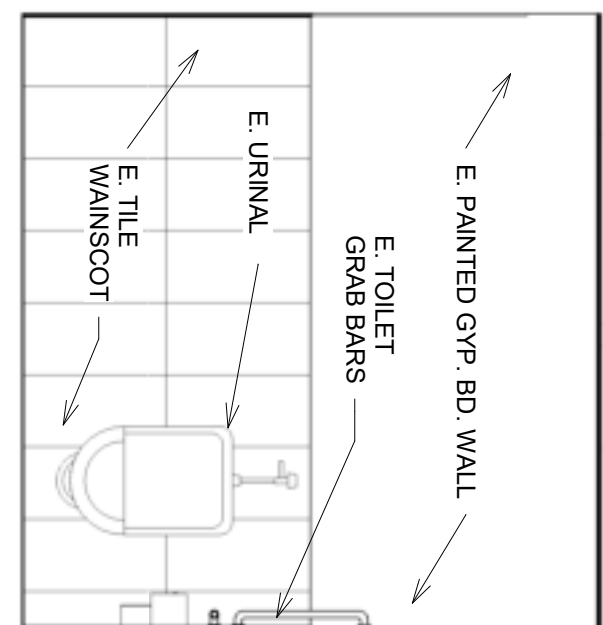
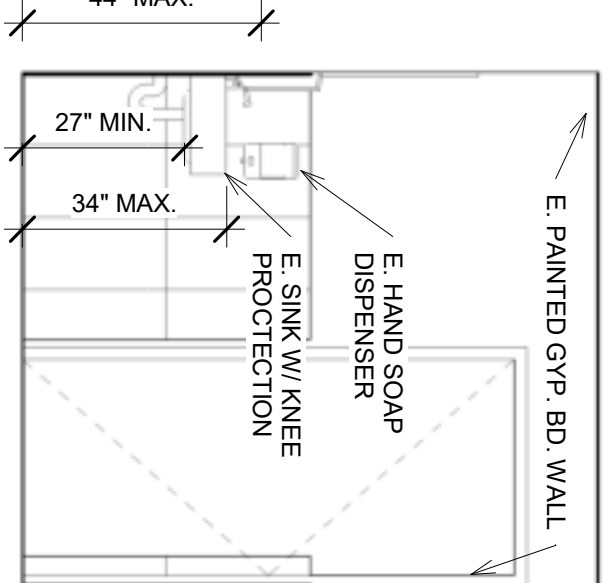
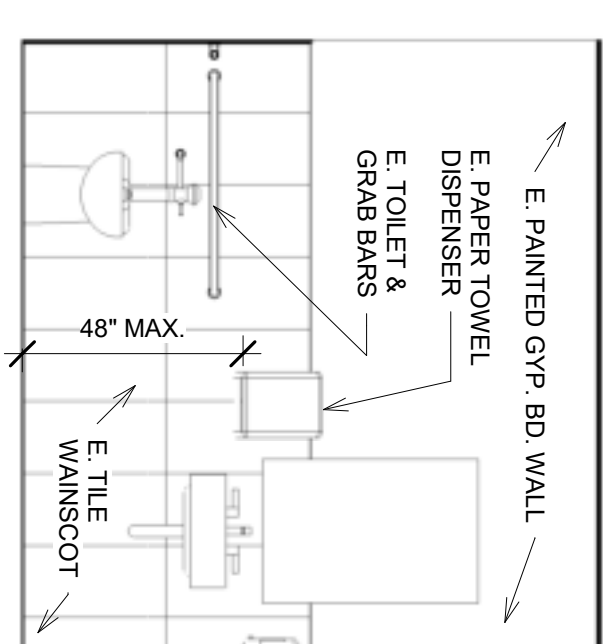
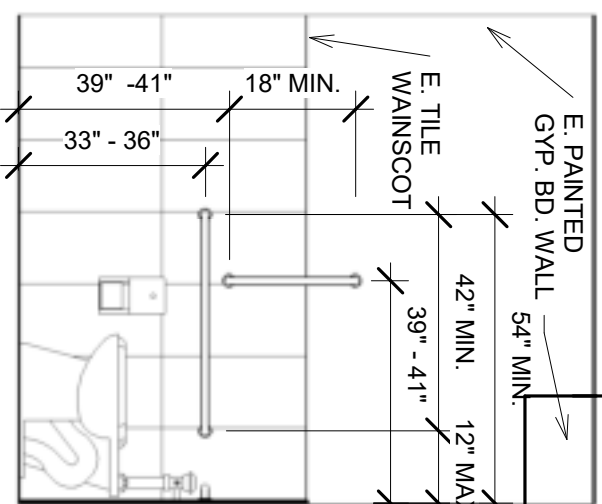
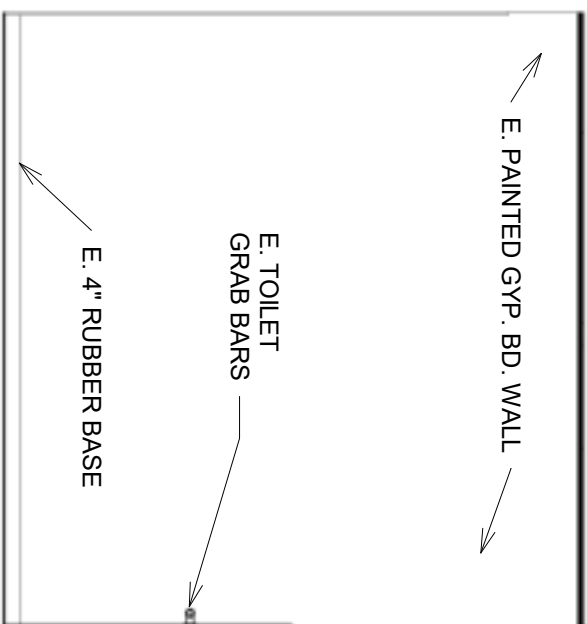
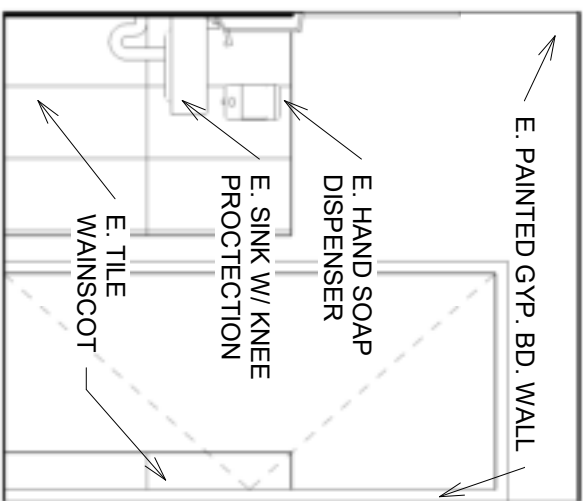
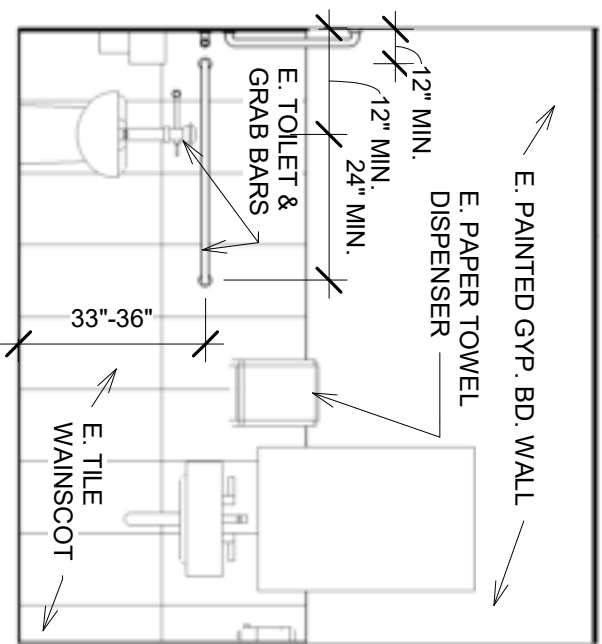
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Signature: *Bruce Knutson*  
Bruce Knutson  
Date 2024-02-14  
Lic. No. 11789

SHEET NO:

300

FLOOR PLAN

DATE: 2/9/2024  
 REVISIONS:  
 ISSUED 2024-02-14



NOTE:  
 VERIFY EXISTING RESTROOMS  
 CURRENT ADA REQUIREMENTS



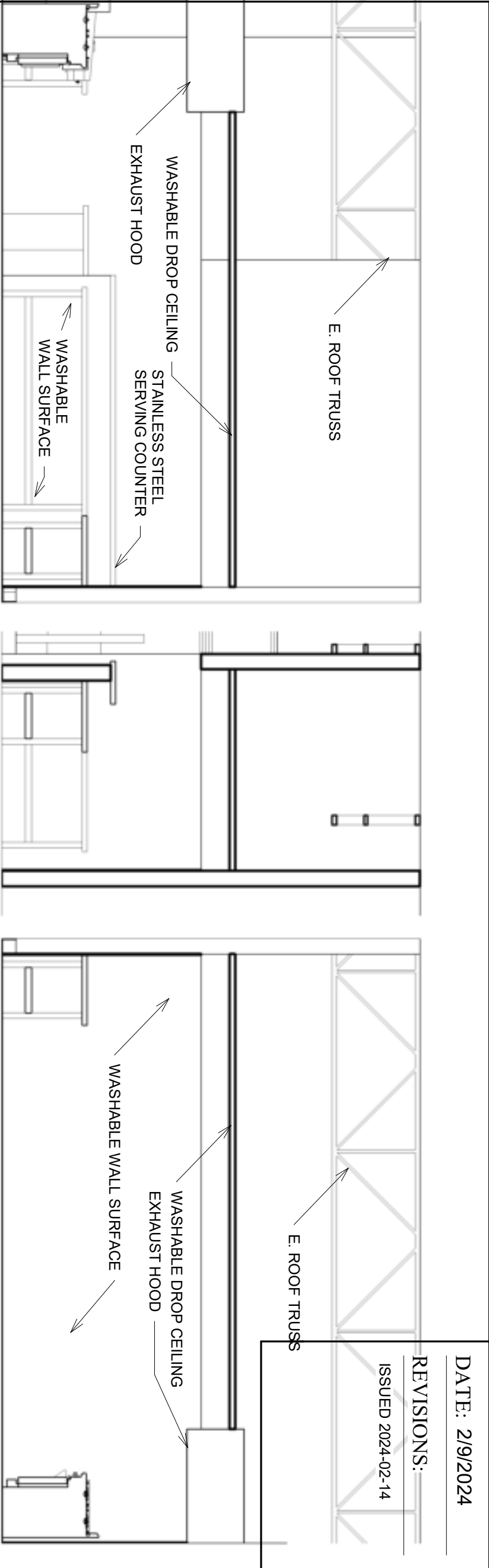
BROOKLYN PARK, MN

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 Signature: *Bruce Knutson*  
 Bruce Knutson  
 Date 2024-02-14  
 Lic. No. 11789

SHEET NO:

EXISTING  
 BATHROOM  
 ELEVATIONS  
**301**



DATE: 2/9/2024

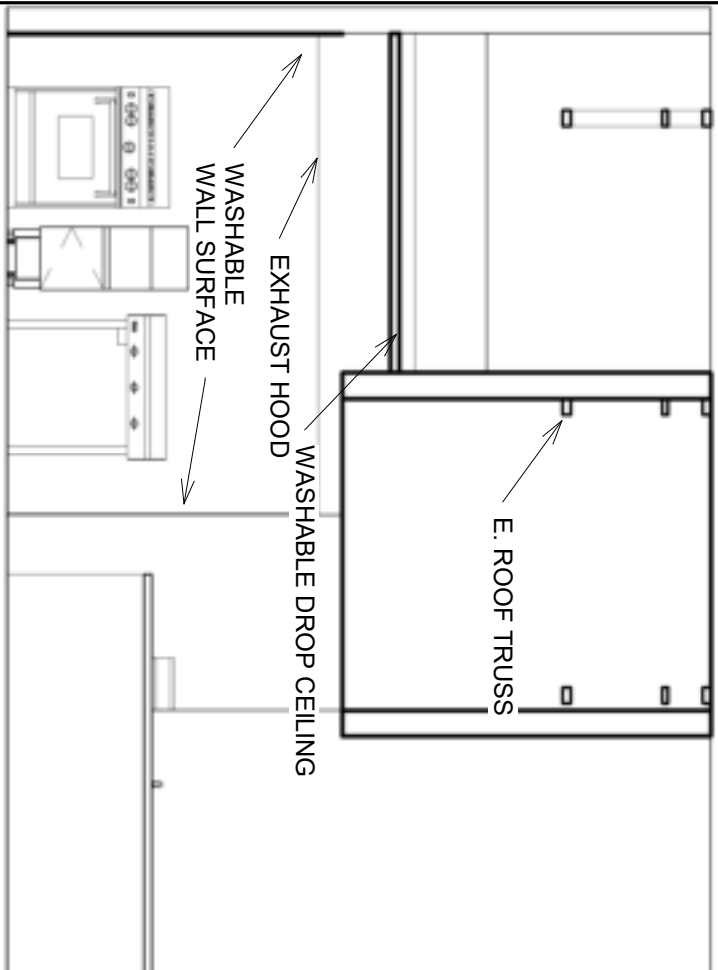
REVISIONS:

ISSUED 2024-02-14

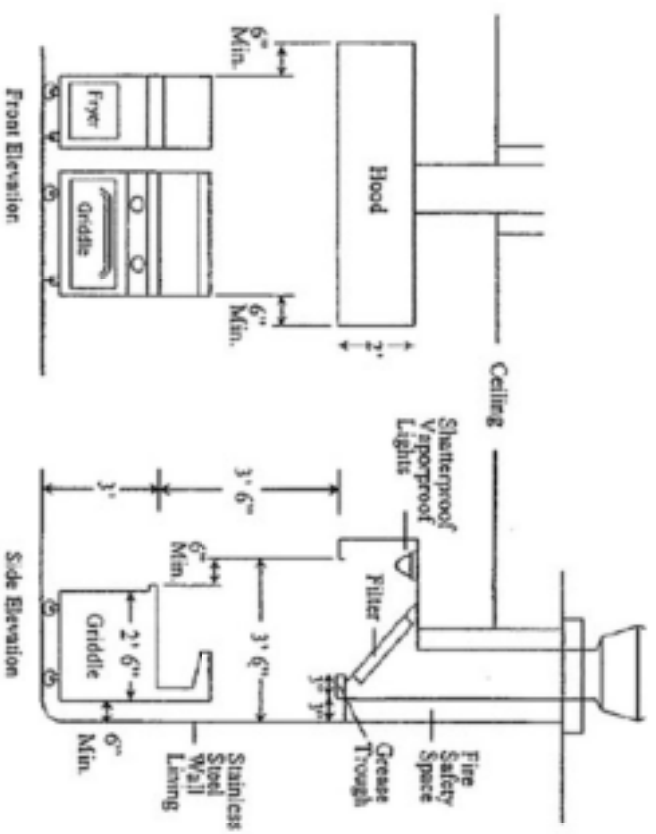
1 KITCHEN A  
1/4" = 1'-0"

2 KITCHEN B  
1/4" = 1'-0"

3 KITCHEN C  
1/4" = 1'-0"



4 KITCHEN D  
1/4" = 1'-0"



5 HOOD DETAIL  
N.T.S.

**BROOKLYN PARK, MN**

Enter address here

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Signature: *Bruce Knutson*

Bruce Knutson

Date 2024-02-14

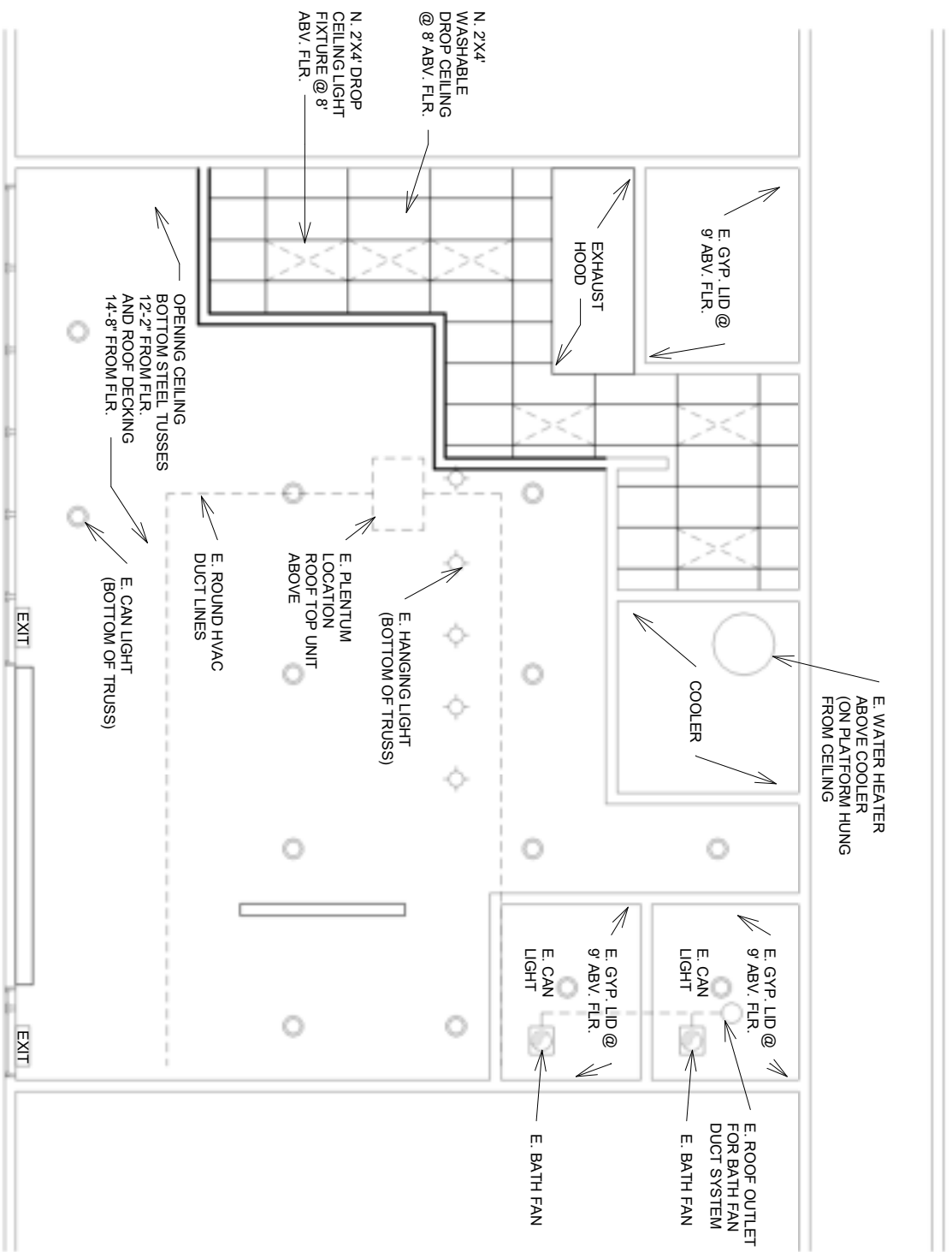
Lic. No. 11789

SHEET NO:

**302**

KITCHEN ELEVATIONS

©2012



1 REFLECTED CEILING PLAN  
 1/8" = 1'-0"

|                   |
|-------------------|
| DATE: 2/9/2024    |
| REVISIONS:        |
| ISSUED 2024-02-14 |

**BROOKLYN PARK, MN**

Enter address here

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Signature: *Bruce Knutson*

Bruce Knutson

Date 2024-02-14

Lic. No. 11789

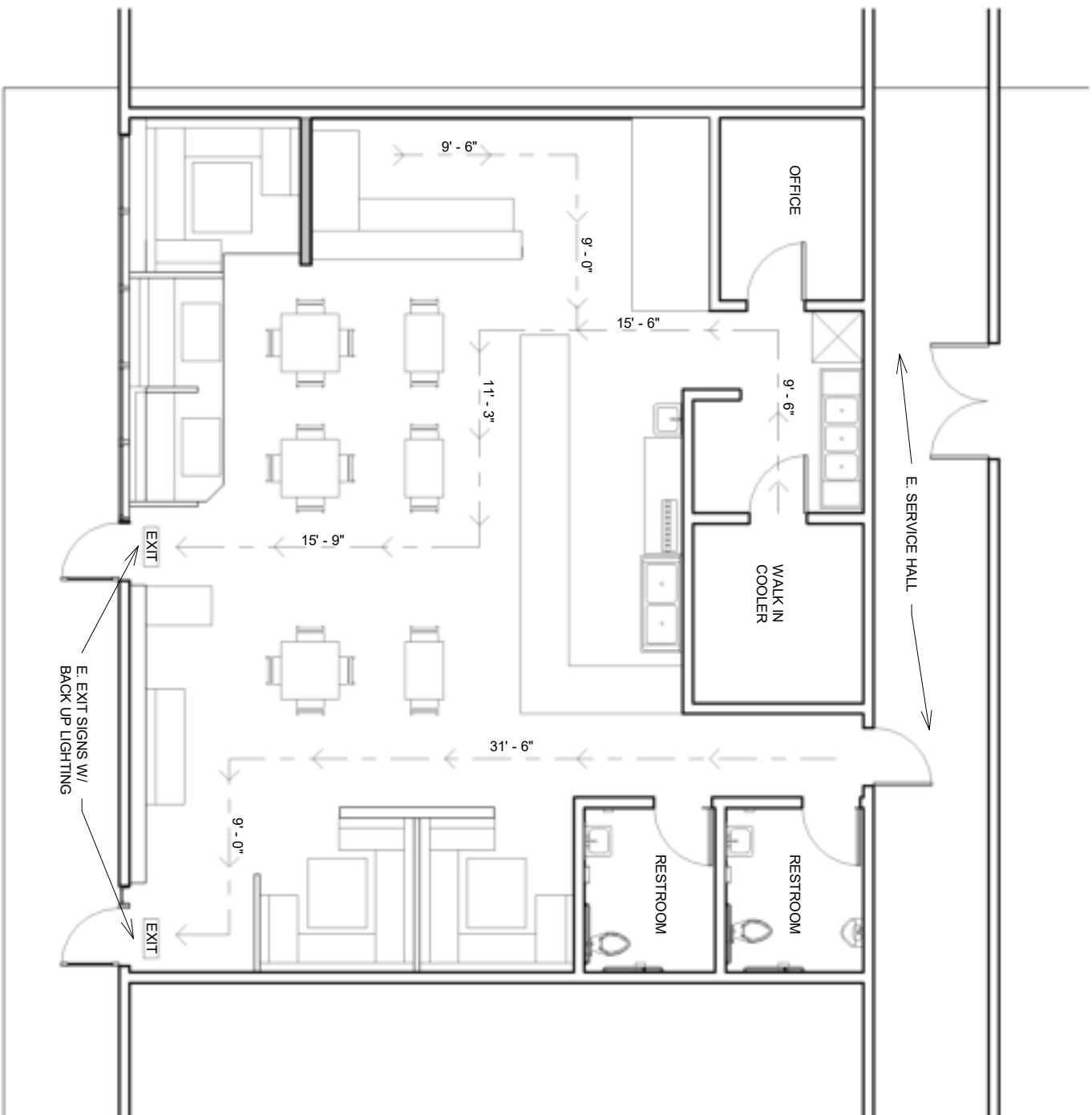
SHEET NO:

**400**

REFLECTED CEILING PLAN

©2012





1 EXIT PLAN  
1/8" = 1'-0"

DATE: 2/9/2024

REVISIONS:

ISSUED 2024-02-14

BROOKLYN PARK, MN

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Signature: *Bruce Knutson*

Bruce Knutson

Date 2024-02-14

Lic. No. 11789

SHEET NO:

500  
EXITING ROUTE  
PLAN



# City of Brooklyn Park Planning Commission Staff Report

|                        |   |                                |   |
|------------------------|---|--------------------------------|---|
| <b>Agenda Item:</b>    | 5.2   | <b>Meeting Date:</b>           | May 8, 2024   |
| <b>Agenda Section:</b> | Public Hearing  | <b>Originating Department:</b> | Community Development   |
| <b>Resolution:</b>     | N/A   | <b>Prepared By:</b>            | Erin McDermott, Associate Planner<br>Amber Turnquest, Principal Planner |
| <b>Ordinance:</b>      | X   |                                |   |
| <b>Attachments:</b>    | 5   | <b>Presented By:</b>           | Erin McDermott, Associate Planner<br>Amber Turnquest, Principal Planner |
| <b>Item:</b>           | 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 30<sup>th</sup>, 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 recommended for approval on the same date. The Land Use Performance Standards of Chapter 152, Article 3 was heard at the April 10<sup>th</sup> meeting and was also recommended for approval.

At the April 24, 2024, Work Session, the Planning Commission discussed the proposed changes to the Land Use Development Standards of Chapter 152.

**Summary of Changes:**

| Section  | Title  | Summary of Changes   |
|----------|--|--|
| 152.1101 | Building and Site Design Standards (Residential and Mixed Use) | Removed metal as a prohibited material. Consolidated existing language into a table. |
| 152.1102 | Building and Site Design Standards (Nonresidential)            | Clarified language.  |
| 152.1103 | Clear View Triangle  | Revised incorrect language.  |
| 152.1104 | Commercial Vehicle Parking Standards                           | Incorporated previously approved changes.  |
| 152.1105 | Driveways  | Language revision.   |
| 152.1107 | Fences and Retaining Walls                                     | Language revision.   |

|                 |  |            |  |
|-----------------|--|------------|--|
| <b>152.1108</b> | Landscaping<br>Residential Sites                     | Standards, | Clarifying language added.                     |
| <b>152.1109</b> | Landscaping<br>Nonresidential and Mixed Use<br>Sites | Standards, | Revised code citation.                         |
| <b>152.1114</b> | Outdoor Storage                                      |            | Incorporated previously approved changes.      |
| <b>152.1120</b> | Relocating Structures                                |            | Duplicative with previously approved language. |

**Alternatives to Consider:**

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

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

- A. REDLINE CHANGES
- B. TECHNICAL CHANGES DOCUMENT
- C. SUPPORTING DOCUMENTS
- D. REZONING MAP
- E. SUMMARY ORDINANCE

**CHAPTER 152: ZONING CODE**

ARTICLE 3. STANDARDS..... 1

SECTION 2. DEVELOPMENT STANDARDS..... 1

§152.1000 ACCESSORY USES AND STRUCTURES. .... 2

§152.1100 ALTERNATIVE ENERGY SYSTEMS ..... 3

§152.1101 BUILDING AND SITE DESIGN STANDARDS (RESIDENTIAL AND MIXED USE) ..... 5

§152.1102 BUILDING AND SITE DESIGN STANDARDS (NONRESIDENTIAL) ..... 9

§152.1103 CLEAR VIEW TRIANGLE ..... 10

§152.1104 COMMERCIAL VEHICLE PARKING STANDARDS..... 10

§152.1105 DRIVEWAYS..... 11

§152.1107 FENCES AND RETAINING WALLS ..... 11

§152.1108 LANDSCAPING STANDARDS, RESIDENTIAL SITES..... 12

§152.1109 LANDSCAPING STANDARDS, NONRESIDENTIAL AND MIXED USE SITES ..... 15

§152.1110 LIGHTING STANDARDS ..... 18

§152.1111 LOADING DOCKS AND STAGING AREAS ..... 19

§152.1112 LOWEST FLOOR ELEVATION ..... 20

§152.1113 NOISE POLLUTION CONTROL..... 20

§152.1114 OUTDOOR STORAGE ..... 20

§152.1116 PARKING ..... 21

§152.1117 PARKING AREA DESIGN ..... 26

§152.1118 PARKING RAMP..... 30

§152.1119 PEDESTRIAN CIRCULATION (SIDEWALKS AND WALKWAYS) ..... 31

§152.1120 RELOCATING STRUCTURES ..... 31

§152.1121 SATELLITE DISHES..... 32

§152.1122 SCREENING..... 32

§152.1123 TELECOMMUNICATION TOWERS ..... 33

§152.1124 TRANSPORTATION DEMAND MANAGEMENT. .... 37

§152.1125 WASTE ENCLOSURES ..... 38

**ARTICLE 3. STANDARDS**

**ARTICLE 10SECTION 2. DEVELOPMENT STANDARDS**

- (A) Purpose. Establish specific and quantifiable limitations on identified types of structures, uses, and other activities which have a high nuisance potential.
- (B) Applicability. The performance standards apply in all zoning districts unless specifically stated to the contrary.
- (C) Compliance. All structures shall be in continual compliance with all building, fire, zoning, and health codes of the city and state.

**§152.1000 ACCESSORY USES AND STRUCTURES.**

**(A) Accessory Structures in Residential Districts**

- (1) Purpose. These standards allow the property owner to use the property in ways that are normally associated with the principal residential use of the property and allow the city appropriate means to maintain the residential nature of neighborhoods.
  - (a) No accessory structure shall be permitted without a principal structure on the same lot.
  - (b) Such uses are subordinate and incidental to the principal residential use of the property.
  - (c) No accessory use is permitted that changes the residential character, rating or appearance of the lot or any structures on the lot.
  - (d) No accessory use or structure other than a fence or a temporary construction office for a project to be built on the property may be permitted in a residential district without a principal use occupying the property.
  - (e) There may be no exterior storage or display of equipment, materials, or products except as permitted by §     .
- (2) Accessory structures secondary to primary uses that require a conditional use permit, or those that require site plan review, may also be considered conditional or needing site plan review and may be subject to the applicable standards listed in division (#) below.
  - (a) Standards for accessory structures (except fences and walls).
    - (1) Front setbacks. No accessory structures are permitted between a public right-of-way and the dwelling or principal use, except garages which must adhere to the same setbacks as the principal building as described in §     .
    - (2) Interior side or rear setbacks. No accessory structures are permitted closer than five feet from interior side property lines.
    - (3) Side or rear setback adjacent to public right-of-way. Same as for the principal building as Article     .
  - (b) Any accessory structures sheltering or housing more than two animal units on a farm, hobby farm, or the like may not be less than 50 feet from all dwellings other than that of the owner.
  - (c) Structure size. On any lot zoned UR, R-1, R-2, R-3, or R-4, the combined gross floor area of all accessory structures (including the attached or detached garage) may not exceed the following:
    - (1) For lots one acre or less: 1,000 square feet or the foundation footprint of the habitable portion of the principal building, whichever is greater.
    - (2) For lots greater than one acre: 1,500 square feet or the foundation footprint of the habitable portion of the principal building, whichever is greater.
  - (d) Accessory structure height. A maximum of 18 feet or the height of the principal building, whichever is less. The highest point of the roof of the accessory structure shall not be higher than the highest point of the roof of the principal structure. No lot of record may have more than two detached accessory structures, except public parks and open space.

**(B) Accessory Structures in Nonresidential Districts**

- (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 is 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 18 feet 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.

**§152.1100 ALTERNATIVE ENERGY SYSTEMS**

- (A) Purpose. Establish standards by which the installation and operation of wind, solar, and ground source energy systems shall be governed within the city.
- (B) Applicability. Alternative energy systems standards apply in all zoning districts.
- (C) Ground source heat pump system.
  - (1) System requirements. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in § [redacted] are permitted. Open loop ground source heat pump systems are not permitted.
  - (2) Setbacks.
    - (a) All components of ground source heat pump systems including pumps, borings and loops shall be set back at least 5 feet from interior side lot lines and at least 10 feet from rear lot lines.
    - (b) Above-ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the application district.
  - (3) Screening. Ground source heat pumps are considered mechanical equipment subject to screening requirements of [redacted].
  - (4) Abandonment. If the ground source heat pump remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:
    - (a) The heat pump and any external mechanical equipment shall be removed.
    - (b) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
- (D) Solar energy.
  - (1) Exemption. Passive or building-integrated solar systems are exempt from the requirements of this section and shall be regulated as any other building element.
  - (2) Standards.
    - (a) Location.
      - (1) In residential zoning districts, ground-mounted solar energy systems are limited to the rear yard.
      - (2) In non-residential zoning districts, ground-mounted solar energy systems may be permitted in the side yard meeting accessory structure requirements in § [redacted].
    - (b) Height.
      - (1) Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district.
      - (2) Ground mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
    - (c) Screening. Solar energy systems shall be screened from view to the extent possible without impacting their function.
      - (a) Roof-or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
      - (b) Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

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- (d) Lot coverage. Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure.
  - (1) Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
  - (2) Ground-mounted systems shall not count toward accessory structure limitations.
- (e) Glare. All solar energy systems shall be positioned to minimize glare towards vehicular traffic and adjacent properties.
- (f) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points on interconnection to the electric grid.
- (g) Structures shall not be located such that solar power access blocks a neighboring property.
- (3) Abandonment.
  - (a) If a solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.
- (E) Wind energy conversion systems (WECS).
  - (1) Quantity.
    - (a) No more than one WECS is allowed per residential parcel.
    - (b) No more than 10 small or one large WECS is allowed per nonresidential parcel.
  - (2) Design standards.
    - (a) Height. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine. The permitted maximum height of a WECS shall be determined on the type of system proposed.
      - (1) Utility wind turbines. The height of a freestanding WECS located in a BP or I district shall not exceed 125 feet.
      - (2) Small wind turbines. The height of a freestanding WECS located in a business district shall not exceed 75 feet.
      - (3) Residential wind turbines. Residential wind turbines can be either building mounted a maximum height of 20 feet above the roofline of the principal structure; or mounted on a tower a maximum height of 20 feet above the roof line of the principal structure. Poles must be connected to the principal structure and cannot be freestanding. All residential wind turbines shall be of the vertical axis style.
      - (4) The structure upon which the proposed WECS is to be mounted shall have the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure.
    - (b) Blade length. A maximum blade length of 15 feet is permitted.
    - (c) Setbacks for building mounted. A building or roof mounted vertical axis style WECS shall be located only on the side or rear rooflines.
    - (d) Easements. Wind energy systems shall not encroach on public drainage, utility roadway or trail easements.
    - (e) Rotor clearance. Blade-arcs created by the WECS shall have a minimum of 30 feet of clearance over any structure or tree within a 300-foot radius.
    - (f) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
    - (g) Aesthetics. All portions of the wind energy system shall be a nonreflective, non-obtrusive color, subject to the approval of the City Manager. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising, except for applicable warning and equipment

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- information required by the manufacturer or by federal, state or local regulations. Systems shall not be illuminated.
- (3) Noise. Wind energy systems shall comply with Minnesota Pollution Control Agency standards, as outlined in Minn. Rules Chapter 7030, at all property lines.
  - (4) Screening. Wind energy systems are exempt from the requirements of §       .
  - (5) Safety.
    - (a) Standards. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) Small Wind Turbine Performance and Safety Standard or other standards as determined by the community development director.
    - (b) Maintenance. Wind energy systems shall be maintained under an agreement or contract by the manufacturer or other qualified entity.
    - (c) The WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds.
    - (d) Tower access. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
      - (1) Tower climbing apparatus shall not be located within 12 feet off the ground.
      - (2) A located anti-climb device shall be installed on the tower.
      - (3) Tower capable of being climbed shall be enclosed by a locked, protective fence at least eight feet high.
  - (6) Utility connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility.
  - (7) Abandonment. If the wind energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

### §152.1101 BUILDING AND SITE DESIGN STANDARDS (RESIDENTIAL AND MIXED USE)

- (A) Purpose. To encourage the construction of quality structures that exhibit an attractive appearance both to residents and potential future owners.
- (B) All residential uses. The following design standards are applicable to all residential uses.
  - (1) Facades of new additions and accessory structures must be coordinated with the facades of the principal building by integrating some or all the same materials, textures, and colors.
  - (2) All exterior surfaces must be finished with the appropriate sealant, stain, paint, or other process (to manufacturer's specifications) to withstand the elements and prevent fading, chipping, chalking, cracking, peeling, warping, rot, rust, water damage, or other natural degrading process, except for those materials, like copper, where the degrading process is architecturally desirable.
  - (3) The following metals are prohibited as facade materials:
    - (a) Any metal that is not a high-quality commercial thickness/weight (for example, the minimum for architectural steel panels is .024 thickness, architectural aluminum panels is .032 thickness and architectural copper panels is 16-ounce sheets, and the equivalent in other metals).
    - (b) Any metal that has not been treated with a factory applied color coating system against any applicable degradation listed above.
    - (c) Metal of any kind as a primary facade material (excluding steel or aluminum lap siding). Metal may be used for trim or accent up to 15% of any facade.
    - ~~(d) Metal is prohibited for use as a facade material for accessory structures. This prohibition includes, but is not limited to, trailers or recreational vehicles that have been converted to buildings or storage structures under the UBC, anchored, and used for storage. This prohibition does not include steel or aluminum lap siding.~~
    - ~~(e)~~(d) Smooth concrete block is prohibited as a primary facade material. Smooth concrete block used as part of the foundation may be permitted to be exposed at up to 15% of any facade.

## AGENDA ITEM 5.2 – REDLINE CHANGES

~~(f)~~(e) Non-durable siding materials such as plywood, corrugated metal or fiberglass, or other materials that decay rapidly when exposed to the elements are prohibited as a facade material.

(C) Multifamily standards: The following design standards are applicable to apartments, condominiums, and townhomes.

(1) Building and Design standards by unit type.

(a) Townhomes.

(1) Controlled access entry systems are required for all multiple family buildings.

(2) Front elevation:

(a) Each front elevation shall have a minimum of 30% comprised of natural material consisting of brick, stone, stucco, hardi-board, redwood, cedar, or other similar materials.

(b) Homes on corner lots must relate to both streets with windows, accent and building articulation.

(c) Prominent front entry, including but not limited to, covered entry, front porch or similar accent shall be incorporated into the overall front elevation.

(d) Design of front exterior elevations shall be varied within the development

(3) Garages:

(a) Garage shall not comprise more than 55% of the viewable ground floor street-facing linear building frontage. This standard is based on the measurement of the entire garage structure and not on a measurement of the garage door or doors only. Corner lots are exempt from this requirement.

(b) Garage doors shall be architectural styled to match the exterior design of the home.

(4) Roof:

(a) Architectural design roofing materials including composition, wood shingles (including shake), architectural asphalt shingles, concrete, clay, or ceramic tile roofs are required on all roofs.

(b) Overhangs must be a minimum of 12 inches.

(5) Side and rear facades:

(a) Each side elevation that faces an interior lot shall have at least one window or door opening which cannot be garage. Where a side elevation faces a street or is visible from a public street, at least two windows or door openings, which cannot be a garage, shall be provided. Alternatives may be considered for LEED or other efficiency standards.

(b) A maximum of 18 inches of the foundation wall may be exposed on any elevation.

(b) Multifamily (stacked) residential development, including condominiums and apartments.

(1) Controlled access entry systems are required for all multiple family buildings.

(2) Design character:

(a) Building materials shall be attractive, durable, and of a quality which is both compatible with adjacent structures.

(b) All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.

(3) Exterior building finish:

~~(a) A minimum of 60% of the combined area of all building facades shall contain one or more of the following materials: face brick (glazed or unglazed), clay faced tile, stone masonry (granite, limestone, marble, slate, sandstone, or quartzite) or other comparable materials as approved by the City Council.~~

~~(a) Accent materials may include finished texture stucco (cement or synthetic), exterior finished wood siding (painted, stained, or weather sealed), exterior finished metal siding (not including sheet metal of any kind), exterior finished vinyl siding or fiber cement siding in lap or panel design (color impregnated or painted). Panel seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can either be filled, covered with accent material or some other method to~~

AGENDA ITEM 5.2 – REDLINE CHANGES

~~make seam lines invisible. Accenting materials and design shall be included on all facades.~~

| <u>Class 1</u>  | <u>Class 2</u>  |
|---|---|
| <ul style="list-style-type: none"> <li><u>1. Brick</u></li> <li><u>2. Natural or cementitious stone</u></li> <li><u>3. Glass, or other glazing materials</u></li> <li><u>4. Masonry stucco</u></li> <li><u>5. Architectural metal panels</u></li> <li><u>6. Specialty concrete block (including textured, burnished block or rock faced block)</u></li> <li><u>7. Architecturally textured and industrial grade concrete precast panels</u></li> <li><u>8. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</u></li> </ul> | <ul style="list-style-type: none"> <li><u>1. Wood</u></li> <li><u>2. Tile (masonry, stone or clay), ceramic</u></li> <li><u>3. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission</u></li> <li><u>4. EFIS in conformance with the ICC ES report</u></li> </ul> |

~~(b)~~

~~(e)(b)~~ All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the city for quality, durability, and aesthetic appeal. The applicant shall submit to the city product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials.

~~(d)(c)~~ If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the city a plan showing the distribution of the styles, materials, and colors throughout the development.

~~(e)(d)~~ Building elevations shall be articulated to reduce the mass of the building. Large blank exterior walls shall be prohibited. Variation in elevations can be accomplished with projections, recesses, covered doorways, balconies, covered box or bay windows or other similar features, dividing large facades and walls into human scaled proportions.

(2) Common areas.

(a) On site amenities and recreational facilities shall be provided in all multifamily developments.

(b) Minimum amenities in all developments 50 units or greater shall include outdoor common landscape areas and indoor/outdoor facilities that meet the needs of the intended population including such things as a community/party room, theatre, indoor/outdoor recreation areas such as swimming pools, indoor fitness centers, tennis courts, play equipment, walking trails, community gardens, and basketball courts.

(c) All common areas not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, recreational facilities, etc., shall be owned in one of the following manners:

(1) Condominium ownership pursuant to M.S. 515A.1-106.

(2) Townhome common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.

(3) Homeowners' association (HOA): An HOA shall be established for all townhome developments intended for individual ownership, subject to review and approval of the City Attorney. The HOA shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing, and regular maintenance of private driveways and other areas owned in common.

(3) Energy efficiency. All buildings and sites shall be situated on the site and developed to maximize the benefits solar heating and passive cooling, and provide other amenities aimed at promoting energy efficiency and sustainability. Each new building or development shall incorporate a minimum of three elements:

(a) Buildings oriented to optimize passive solar heating and cooling opportunities.

(b) Buildings oriented to minimize wind loads on the structure.

## AGENDA ITEM 5.2 – REDLINE CHANGES

- (c) Windows placed and appropriately shaded to maximize solar penetration during the winter months and minimize solar penetration during the summer months.
  - (d) Use of white membrane roofing material.
  - (e) Installation of a green roof occupying a minimum of 30% of the total roof area.
  - (f) Installation of solar panels to provide at least 10% of the project's estimate electricity demand.
  - (g) A minimum of 50% of all exterior light fixtures used within the development shall be powered by solar panel energy.
  - (h) All lighting shall use LED fixtures.
  - (i) Daylight sensors or times shall be installed and used on all exterior lighting.
  - (j) Electric vehicle stalls/plug-ins.
  - (k) Indoor bicycle parking.
  - (l) On-site recycling and organic waste disposal.
  - (m) Community garage space available to all residents.
  - (n) Other such sustainable elements and amenities as proposed by the applicant to meet desired objectives.
- (4) Site design.
- (a) Orient and consolidate structures to complement existing, adjacent development to create a coordinated and visually attractive residential setting.
  - (b) Buildings with frontage on a primary street shall orient front facades parallel to the street.
  - (c) Buildings shall have a clearly defined primary pedestrian entrance at the street level.
  - (d) Pedestrian connections to the surrounding neighborhood shall be provided as feasible.
  - (e) Building access and internal hallways shall be so designed that any one single point of building entry cannot provide full access to the floor in which the access is located or the entire building.
  - (f) All private driveways for garages in townhouse developments shall have a maximum grade of 11%.
  - (g) A minimum 20-foot setback is required between driveways, drive aisles, or parking areas and any building.
- (5) Unit Mix. Apartment and condominium buildings, not including age restricted, shall include a mix of unit types with no more than 40 percent of the units constructed as one-bedroom units and no more than 60 percent of any other bedroom type.
- (D) Mixed use development standards.
- (1) Purpose. This section regulates the development and modification of buildings and other elements of the built environment so that:
    - (a) Building form individually and collectively defines and supports the public realm.
    - (b) Building placement supports walkability, safe streets, and safe public spaces, and creates pedestrian-friendly neighborhoods.
    - (c) Building articulation. Buildings shall have horizontal and vertical articulation, which may include dormers cornice detailing, recesses and projections, step backs of upper stories, changes in roof types and planes, building materials, and window patterns. The base of the building should relate to the human scale by including doors and windows, texture, projections, awnings, canopies, or similar features.
  - (2) Building entries.
    - (a) All main building entrances shall face a public street.
    - (b) Canopies and awnings may encroach into the public right-of-way over a sidewalk.
  - (3) Ground-floor residential.
  - (4) Permanent ground-floor residential uses fronting a public street or walkway, where present, shall be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.
  - (5) In mixed-use buildings with a ground floor ultimately intended for non-residential uses, those standards required per subsection 1, above, are not required, however, the first floor shall be built to accommodate future nonresidential uses with a height of not less than 14 feet.
  - (6) Height transition to residential districts. Where abutting a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 3 stories. From this

point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

- (7) Surface parking.
  - (a) Parking lots shall be located in the side or rear of the principal structure.
  - (b) Non-vehicular access.
  - (c) A separate pedestrian access shall connect the principal building to the public street or a public trail, on all sides of the lot which front on a public right-of-way or public trail.
  - (d) Sidewalks shall be provided along all sides of the lot that abut a public or private street.
  - (e) Pedestrian/bicycle accesses shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk.
- (8) If an existing transit stop is located on any adjacent public street, pedestrian/bicycle access shall be located convenient to that transit stop.

**§152.1102 BUILDING AND SITE DESIGN STANDARDS (NONRESIDENTIAL)**

(A) Purpose. The purpose of establishing criteria for architectural design and exterior facing materials is to ensure a high standard of development that is compatible with neighboring development and contributes to a community image of permanence, stability, and visual aesthetics, while preventing impermanent construction and use of materials that are unsightly, rapidly deteriorate, ~~contribute to depreciation of neighborhood property values~~, or cause urban blight. The standards are further intended to ensure coordinated design of building facades, additions, and accessory structures in to prevent visual disharmony.

(B) Applicability. The standards apply in all business districts (B-1, B-2, B-3, B-4, BP, I, PI, CD).

(C) General Requirements.

- (1) Building construction and design may be used to create a structure with equally attractive sides, except for those instances specified in this section.
- (2) Primary building entrances must be clearly defined to promote visual interest and architectural presence.
- (3) Large, uninterrupted expanses of a single material are not permitted, unless ~~the design is obviously superior to the intent of this chapter as determined~~ approved by the City Manager.
- (4) No wall that faces a public right-of-way, park, the public view from adjacent properties, or a residential use or district shall have an uninterrupted length exceeding 100 feet without including at least two of the following: change in plane, change in texture or masonry pattern, two class one materials, windows in a manner that is impactful to the design, or an equivalent element that subdivides the wall into human scale proportions.
- (5) Any other building, such as the case with multiple buildings on a single parcel, accessory buildings, or parking structures, should be of compatible design and materials with emphasis on the position(s) of the building(s) to give visual interest.
- (6) Additions for principal buildings constructed before the effective date of the chapter may be of similar materials and design as the principal structure.

(D) Class of materials. Acceptable exterior materials are divided into Class 1 and Class 2 categories as shown in Figure ~~###~~.

Figure ~~###~~. Classes of Materials.

| Class 1   | Class 2   |
|---|---|
| 1. Brick<br>2. Natural or cementitious stone<br>3. Glass, or other glazing materials<br>4. Masonry stucco<br>5. Architectural metal panels<br>6. Specialty concrete block (including textured, burnished block or rock faced block)<br>7. Architecturally textured and industrial grade concrete precast panels | 1. Wood<br>2. Tile (masonry, stone or clay), ceramic<br>3. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission<br>4. EFIS in conformance with the ICC ES report |

|  |  |
|--|--|
| 8. Other materials not listed elsewhere as approved by the City Manager or as recommended by the Planning Commission |  |
|--|--|

- (1) Required combination of materials. Buildings must incorporate classes of materials for each facade in the following manner:
  - (a) Office, service, and retail buildings.
    - (1) Front facades and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parks, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 65% of the facade.
    - (2) Side and rear facades not visible from public right-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.
    - (3) Facades visible from public right-of-way must include windows, doors, canopies or other treatments that help mitigate the appearance of blank walls.
  - (b) Industrial and warehouse buildings, multi-tenant office/industrial/warehouse or showroom/warehouse or other combinations.
    - (1) Front facades must be composed of at least two or more Class 1 materials totaling 65%.
    - (2) Side and rear facades visible from public right(s)-of-way, parks, public view from adjacent properties, or residential uses or districts must be composed of at least two or more Class 1 materials totaling 50 percent.
    - (3) Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts must use a combination of Class 1 or 2 materials.
  - (c) Buildings for uses that do not conform to any of the above list of uses must conform to the materials and proportion of office and retail buildings listed in subdivision (1)(a), above.
- (E) Exterior surface finishes. All exterior surfaces must be finished with the appropriate sealant, stain, paint, or other process (to manufacturer’s specifications) to withstand the elements and prevent fading, chipping, chalking, cracking, peeling, warping, rot, rust, water damage, or other natural degrading process, with the exception of those materials, like copper, where the degrading process is architecturally desirable and must not be allowed to become or remain in an unsafe condition as defined by the Uniform Building and Fire Codes.

**§152.1103 CLEAR VIEW TRIANGLE**

~~Purpose. To encourage the construction of quality structures that exhibit an attractive appearance both to residents and potential future owners.~~

A 50-foot clear view triangle shall be maintained between the rights-of-way of intersecting streets.

- (A) No building, structure, fence, or planting may be erected within the clear view triangle except for fences 42 inches or less, trees trimmed to a distance of at least 7 feet above the curb line, or shrubs 3 feet in height or less and do not obstruct visibility across the above-described triangle.
- (B) No fence may be erected inside a 30-foot clear view triangle between a public right-of-way and an access driveway.

**§152.1104 COMMERCIAL VEHICLE PARKING STANDARDS**

- (A) *Commercial vehicles in nonresidential districts.* Parking of commercial vehicles is permitted as an accessory use in nonresidential zoning districts subject to the following:
  - (1) Commercial vehicles must either be related to the principal use or the owner/operator of the vehicle must have written permission of the property owner.
  - (2) Outdoor parking of commercial vehicles is restricted to the following locations:
    - (3) In a parking space in compliance with 152.145, provided that no vehicle occupies more than one legal parking space.

(4) In a staging area in compliance with §§ 152.140 through 152.147.

(5) In the Business Park (BP), General Industrial (I), Transit-Oriented Development Employment (TOD-E), ~~and Transit-Oriented Development Employment Transition (TOD-ET)~~ districts, commercial vehicles may be parked on a paved surface behind the front of the building provided that the vehicles do not block drive aisles or public right of way.

(B) *Commercial vehicles in residential districts.* 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.

#### §152.1105 DRIVEWAYS

- (A) Except for properties where gravel driveways existed prior to the enactment of this ordinance, all driveways shall be paved with a continuous impervious surface or an approved pervious surface, with the exception of farms and interim or temporary uses in the UR Urban Reserve District.
- (B) If a driveway that was installed before the enactment of this ordinance is expanded or enlarged by 20% or more in surface area, the entire driveway must be paved with a continuous impervious surface or an approved pervious surface.
- (C) All driveways, regardless of when installed, must be maintained in compliance with Chapter 106 of this code.
- (D) No vehicle can be parked so that it blocks a public sidewalk, trail, emergency access way, or a public or private fire hydrant.
- (E) All residential driveways must be no wider than 30 feet at the property line.
- (F) No residential property may have driveway access to more than one street.
- (G) Residential horseshoe driveways ~~with~~ must have two access points totaling 30 feet at the property line.

#### §152.1106 FENCES AND RETAINING WALLS

- (A) Residential fences and retaining walls.
  - (1) Fences or walls which detain or inhibit the flow of surface water drainage to and from abutting properties are prohibited. Retaining walls are prohibited from being placed in easements.
  - (2) Setbacks.
    - (a) Front. Fences and walls more than 42 inches in height must be setback 15 feet from the property line. Multiple family dwelling developments or townhouse developments may have wrought iron (or similarly designed) decorative fences constructed up to the front property line ~~with the approval of the City Manager.~~
    - (b) Interior side or rear. No setback.
    - (c) Side or rear abutting public right-of-way.
      - (1) Fences and walls must be set back 15 feet from the property line ~~and restricted for traffic visibility~~ unless they qualify for one of the following exemptions. Fences may be allowed up to the property line if:
        - (a) Properties are located on corners with controlled intersections, (i.e., stop signs or stop lights).
        - (b) Fence or wall does not encroach into the clear view triangle as defined and regulated in § .
      - (d) Fences measuring 42 inches or less may be placed anywhere on a lot, provided they comply with traffic visibility requirements set forth herein.
- (3) Access required.
  - (a) Detached single and attached two-family dwellings. Where any fence connects to a building at least one gate with a minimum width of 2 feet, 6 inches is required to allow access around the building.

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- (b) All other uses. Plans for fences and gates controlling access to the property must be approved by the Police and Fire Departments before construction begins.
- (4) Fence height. No fence may exceed 8 feet, 6 inches as measured from the top of the fence or supports to grade. ~~Exceptions to this height may be made for fences enclosing tennis courts and other similar recreational uses or as may be required elsewhere in the City Code.~~
- (5) Prohibited fence materials. Electric, concertina or barbed wire, or chicken wire fences are prohibited.
- (6) Restricted fence materials.
  - (a) Silt and other construction fences must be removed from the property at project completion.
  - (b) Snow fences may not be installed before November 1st and must be removed from all properties by April 1st. If snow is present within one foot of the fence location, the presence of the snow fence may be maintained at the discretion of the City Manager.
  - (c) Chain link fences must have a top rail and posts must be spaced at intervals not to exceed 10 feet.
  - (d) Chain link fences in the front yard must have a black, brown, or green vinyl coating. Bare galvanized chain link fences are not allowed in front yards. Privacy slats are not allowed in chain link fences in the front yard.
  - ~~(e)~~ Finished sides of fences and walls. If the visible facade material is not finished on both sides, the finished side of the material must be on the outside, facing the abutting or adjoining properties, and all posts or structures supporting the fence or wall must be on the inside.
- (B) Nonresidential and Mixed Use Fences and Retaining Walls.
  - (1) Fences or walls that detain or inhibit the natural flow of surface water drainage to and from abutting properties are prohibited.
  - (2) All fences must be constructed of durable, weather resistant materials and properly constructed and anchored in compliance with the Uniform Building Code.
  - (3) Setbacks.
    - (a) Public right-of-way. Fences and walls more than 30 inches in height may not be constructed between the public right-of-way and the facade of the principal building.
    - (b) Interior side or rear. No setback.
  - (4) Access required.
    - (a) Where any fence connects to a building at least one gate with a minimum width of 2 feet, 6 inches is required to allow access around the building.
    - (b) Fences and gates controlling access to the property must be approved by the City Manager before a building permit may be issued or approval is given through another process.
  - (5) Height. No fence may exceed 8 feet, 6 inches as measured from the top of the fence or supports to grade. Exceptions to this height may be made for fences enclosing tennis courts and other similar recreational uses with the approval of the City Manager.
  - (6) Prohibited fence materials include electric, chicken, concertina, or barbed wire fences.
  - (7) Restricted fence materials.
    - (a) Silt and other construction fences must be removed from the property at project completion.
    - (b) Snow fences must be removed from all properties by April 1st. If snow is still present within one foot of the fence location, removal may be extended at the discretion of the City Manager.
    - (c) Chain link fences must have a top rail, barbed ends must be placed at the bottom of the fence, and posts must be spaced at intervals not to exceed ten feet.
    - (d) Chain link fences must have a black, brown, or green vinyl coating.
  - (8) Finished sides. If the material used in fence construction is not finished on both sides, the finished side of the material must be on the outside, facing the abutting or adjoining properties and all posts or structures supporting the fence or wall must be on the inside.

### §152.1108 LANDSCAPING STANDARDS, RESIDENTIAL SITES

- (A) Purpose. The purpose of establishing minimum landscape standards is to enhance the city's environmental and visual character for its ~~citizens'~~ residents use; and enjoyment; preserve and stabilize the ecological balance in the city; establish a healthy environment by using vegetation to

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mitigate pollution’s ill-effects; ~~improve property values; protect public and private investments;~~ and promote high quality development in the city.

- (B) Landscape plan required. Prior to the issuance of a building permit for new construction or expansion of a multifamily structure, a landscape plan must be submitted for review and approval to the City Manager in compliance with the site plan review process in § ~~5.02~~. Landscape plans must be prepared by a landscape architect and be overlaid on the grading plan.
- (C) Installation of landscape materials. All landscaping elements must be installed with professional horticultural standards as established with the most current edition of the Landscape Construction Reference Manual as published by the Minnesota Nursery and Landscape Association within 90 days of the issuance of the Certificate of Occupancy, or by June 15 for homes for which a Certificate of Occupancy is issued between September 1 and March 1.
- (D) Minimum open space requirements for residential sites.

Figure ~~###~~. Minimum required open space

|                    | Single and Two-Family Dwellings                      | Townhouse Developments   | Multiple Family Dwellings |
|--------------------|--|--|---------------------------|
| Minimum Open Space | 25% total, to include a minimum of 50% of front yard | 40%  | 40%                       |
| Parking areas      | N/A  | 10% of interior parking lot area. This area counts towards total green area of the site. |                           |

- (E) Minimum tree and shrub quantities. All developments and subdivisions that occur in the residential districts after the effective date of this chapter shall provide the minimum number of trees and shrubs as specified in the following table:

Figure ~~###~~. Minimum required tree and shrub requirements at installation.

| Vegetation Type            | Size              | Single and Two-Family Dwellings   | Townhouse Developments  | Multiple Family Dwellings  |
|----------------------------|-------------------|---|---|--|
| Overstory deciduous trees  | 2" bb (Caliper)   | 2 in the front yard, 1 of which must be within 1 foot of the front property line, 3 additional on property  | 5 per unit or 1/40 lineal feet of site perimeter, whichever is greater  | 2/dwelling or 1/1,000 gross square feet of building area (grade level floor) or 1/40 lineal feet of site perimeter, whichever is greater |
| Coniferous trees           | 6' bb             | May be substituted for any of the overstory deciduous trees except the front yard tree at the property line | May be substituted on a 1 for 1 basis for the overstory deciduous trees   | Minimum of 30% of required overstory trees must be coniferous  |
| Ornamental deciduous trees | 1.5" bb (Caliper) | 2 may be substituted for 1 overstory tree   | 1 per unit required. 2 additional may be substituted for 1 overstory (maximum substitution = 50% of required overstory trees) | 2 may be substituted for 1 overstory (maximum substitution = 50% of required overstory trees)  |

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|                   |                      |             |            |  |
|-------------------|----------------------|-------------|------------|--|
| Understory shrubs | 3 gal. potted or 18" | 10 per unit | 5 per unit | 1/300 gross square feet of building footprint area or 1/30 lineal feet of site perimeter, whichever is greater |
|-------------------|----------------------|-------------|------------|--|

- (F) Additional residential landscape requirements. All portions of a site that are not covered by a building, hard surface coverage or water on a permanent basis must be planted with ground cover and landscaping materials.
- (1) All site areas must be covered with sod from curb(s) to all interior property lines. Seeding may not be permitted. Rock and mulch may be substituted for sod in landscaping planting beds and along the perimeter of buildings. Native plant communities may be reestablished as a part of a site plan review in compliance with all other sections of the City Code. Exceptions:
    - (a) Areas for gardens, decorative landscape plantings, and/or native plant communities.
    - (b) Developments in the Urban Reserve District (UR).
    - (c) Berms, swales, drainage ponds, and the like with slopes greater than 4 to 1.
  - (2) Prior to sodding, all single-family and two-family lots subdivided after the effective date of this chapter must have a minimum of three inches of black dirt as topsoil.
  - (3) Intersection visibility. All landscape materials must comply with the intersection visibility requirements of §   .
  - (4) Overstory trees may not be installed underneath overhead utility lines, nor may any landscape materials be installed over utility lines except in compliance with city policy.
  - (5) All sodded or landscaped areas for multiple family dwellings, townhouses, or non-residential uses must have and maintain irrigations systems, including landscaped parking islands and boulevards.
- (G) Quantity credits. Existing healthy trees that are not susceptible to disease, alternate sized trees, or decorative landscaping may be credited toward the required trees detailed above and the additional trees required for screening as defined in §   . The following table establishes the landscaping credits.

Figure   . Credits.

| Vegetation Type                    | Size                           | Exchange Credit   |
|------------------------------------|--------------------------------|---|
| Existing trees                     | 2" (Caliper)                   | 1 tree  |
|                                    | 4" (Caliper)                   | 2 trees   |
| New larger trees                   | 4" (Caliper) or 14' Coniferous | 2 trees   |
| Smaller trees                      | Min. 1½" Deciduous             | 2 smaller trees for 1 overstory tree. Maximum substitution = 50% of required overstory trees  |
| Shrubs (non-residential uses only) |                                | 10 shrubs for 1 tree (1½" bb ornamental or 2" bb overstory or 6' coniferous)  |
| Decorative Landscape Yard          |                                | Exterior sculptures, fountains, decorative walks, courtyards and/or additional ponds beyond those required, shown on a landscape plan that meets the intent of this section to the satisfaction of the City Manager |

**§152.1109 LANDSCAPING STANDARDS, NONRESIDENTIAL AND MIXED USE SITES**

- (A) Purpose. Enhance the city’s environmental and visual character; preserve and stabilize the ecological balance in the city; establish a healthy environment by using vegetation to mitigate pollution’s ill-effects; ~~improve property values~~; and protect public and private investments.
- (B) Landscape plan required. A landscape plan is required prior to the issuance of a building permit for new construction or expansion of a nonresidential or mixed use structure in any district. Landscape plans must be prepared by a landscape architect.
- (C) Installation of landscape materials.
  - (1) All landscaped areas must be in conformance with the approved landscaping plan.
  - (2) Planted landscaped materials must be replaced if it becomes diseased, dies, or removed.
  - (3) All landscaped areas and adjacent rights-of-way must be maintained in conformance with Chapter 97: Grass, Weed, and Tree Regulations.
  - (4) All landscaping elements and plant materials must be installed with current professional horticultural standards.
  - (5) All landscape materials must comply with the intersection visibility requirements of §   .
  - (6) Overstory and coniferous trees may not be installed underneath overhead utility lines, nor may any landscape materials be installed over utility lines except in compliance with the City Code and policy.
- (D) Landscape Areas. The landscape requirements have been divided into four categories: Canopy Cover (C), Foundation Landscape (FL), Open Areas Landscape (OL), Landscape Screen (LS) and Street Trees (ST).
  - (1) Canopy cover (CC). The purpose of this requirement is to mitigate the effects of vehicular hardscape by establishing tree canopy cover to intercept rainfall, protect pavement from sun deterioration, reduce the heat island affect, and improve aesthetics. Vehicular hardscape area shall include all loading drives, parking lots, driveways, drop-offs, and other areas covered with a hard surface intended for vehicles.
    - (a) A minimum of one large tree or two medium trees shall be provided per 360 square feet of required parking lot area green space. These trees shall be located within parking areas and not within any required perimeter landscaping area. Pervious pavements are considered 50% hardscape.
    - (b) Required canopy trees shall be located within the parking lot area islands (minimum width of six feet and total area of 180 square feet if designed as end island or 9 feet in width if designed as continuous island between bays.
  - (2) Foundation landscape (FL). The purpose of this requirement is to soften and enhance building architecture, define access points, add color and seasonal interest, and to blend buildings in with the natural environment.
    - (a) At least 40 percent of the total building perimeter shall be sodded or landscaped with approved ground cover, low level plantings in an area of no less than 6 feet in width.
  - (3) Open areas landscape (OL). The purpose of this requirement is to provide general site beautification and high aesthetic quality with a mix of plant materials in open areas. Open areas include all areas not occupied by building or hardscape.
    - (a) Each development must have at least the minimum percentage open space shown in the following table.

Figure   . Minimum required open space

|                        | B-1 | B-2 | B-3, B-4, <span style="background-color: yellow;">MU</span> | BP  | I   |
|------------------------|-----|-----|---|-----|-----|
| Total development site | 30% | 30% | 20%   | 30% | 20% |

- (b) Open space areas must not be covered by a building or other impervious surface, and must be planted with trees, shrubs, flowers, native plant species or similar and covered with sod, landscape rock or mulch. All site areas and areas that have been disturbed during

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construction must be covered with sod to property lines and/or adjacent rights-of-way. Rock and mulch may be substituted for sod in landscaping planting beds. Areas used for demonstrated parking cannot be used to fulfill the open space requirement. Interior parking lot landscaping provided on site to meet requirements in § 152.323 counts towards this open space requirement.

- (c) Plant diversity. No more than 25% of any trees planted shall come from the same family and 15% of the same species. In addition, the landscape plan design shall, at a minimum, provide at least 3 of the following required numbers of trees and shrubs in addition to any trees and shrubs required for screening in § 152.323:
  - (1) One overstory tree per 3,000 square feet of open area.
  - (2) One ornamental tree per 1,500 square feet of open space.
  - (3) One evergreen tree per 3,000 square feet of open area, except on sites where security, pedestrian or traffic safety are a concern evergreens may be excluded or installed in a reduced number.
  - (4) One deciduous or evergreen shrub per 100 square feet of open area.
- (d) Street trees (ST).
  - (1) Street trees are required at the rate of one tree per 70 linear feet of road frontage, within the property line, where the property fronts any public road. Acceptable and unacceptable species are listed in Figure 152.323(E) of this Code.
  - (2) Evergreens shall not be planted as a street tree.
  - (3) Street trees shall have a minimum trunk diameter of 2 inches measured 6 inches above grade.
  - (4) The boulevard (planting area) must be at least 8 feet in width.
  - (5) The street tree planting site must be located as follows:
    - (a) Fifty feet or greater from street curb intersections as per § 152.323.
    - (b) At least 15 feet from curb on Class-I collector and any arterial streets.
    - (c) At least ten feet from curb on local or Class-II collector streets.
    - (d) At least ten feet from any sewer line, water line, or driveway.
    - (e) At least five feet from a fire hydrant per § 93.26 and the International Fire Code.
    - (f) At least five feet from any gas, electric, telephone, cable TV or other underground utility.
    - (g) At least three feet from any sidewalk or trail.
    - (h) At least 20 feet from overhead utility cables or using an approved ornamental dwarf tree noted in Figure 152.323(E).
  - (6) Street trees shall be balled and burlapped and a minimum size of 2" caliper unless noted in 152.323(E).
  - (7) Street tree species and placement will be reviewed and approved by the Operations and Maintenance Department as not to interfere with existing or proposed utility systems.

Figure 152.323(E).

| Acceptable Shade Trees         | Acceptable Ornamental Dwarf Trees |
|--------------------------------|-----------------------------------|
| Bi-Color Oak (swamp white oak) | Amur Maple (single stem)          |
| Columnar Norway Maple          | Heritage River Birch              |
| Freeman Maple                  | Ironwood                          |
| Ginko (no seed producing)      | Japanese Lilac Tree               |
| Hackberry                      | Korean Mountain Ash               |
| Imperial Honey Locust          | Newport Plum                      |
| Little Leaf Linden             | Pink Spire Crabapple              |
| New Horizon Elm                | Red Splendor Crabapple            |
| Northwood Maple                |                                   |
| Sugar Maple                    |                                   |
| River Birch                    |                                   |
| Triumph Elm (street)           |                                   |

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|   |
|---|
| Additional species may be allowed with City Manager approval  |
| Prohibited Tree and Shrub Species   |
| American Elm<br>Amur Maple<br>Box Elder<br>Common Buckthorn<br>Cottonwood<br>North American Ash<br>Lomardy Poplar<br>Russian Honeysuckle<br>Siberian Elm                              |
| Above listed trees/plants are prohibited due their high maintenance costs, surface roots, intolerance to storms, undesirable fruiting habits, or a susceptibility to disease or pests |

(E) Minimum Size Requirements. The minimum plant size requirements are described in the following table:

Figure [redacted].

| Plant Type   | Minimum Size*  |
|--|--|
| Large trees  | Bare root - 1.75"<br>Balled and burlapped or container - 2" caliper  |
| Medium and small trees   | Bare root - 1.5"<br>Balled and burlapped or container - 1.5" caliper |
| Evergreen trees  | 6' height  |
| Large shrubs   | 5 gallon container   |
| Medium shrubs, small shrubs and groundcovers   | 3 gallon container   |
| Ornamental grasses and perennials  | 4" pot   |
| * City may limit bare root plantings in areas of high visibility. In selected situations the City may allow ten whip bare root plantings, or five 3/4" caliper bare root plantings to be substituted for 1 large tree. Bare root plantings must be protected with rodent guards. |  |

(F) Credits. Existing healthy trees that are not susceptible to disease, new larger or smaller sized trees, or decorative landscaping may be credited toward the required trees detailed in this section, and the additional trees required for screening as defined in § [redacted]. The following table establishes the landscaping credits.

Figure [redacted].

| Vegetation Type  | Size   | Exchange Credit |
|------------------|--|-----------------|
| Existing Trees   | 2" bb (Caliper) Deciduous or between 6' and 14' Coniferous | 1 tree          |
|                  | 4" bb (Caliper) Deciduous or 14' Coniferous or larger      | 2 trees         |
| New larger trees | 4" bb (Caliper) or 14' Coniferous                          | 2 trees         |
|                  | Two 3" bb (Caliper)  | three 2" trees  |

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|   |                    |   |
|---|--------------------|---|
| Ornamental Deciduous Trees or smaller overstory deciduous | min.1.5" (Caliper) | 2 trees may be substituted for 1 overstory deciduous tree (maximum substitution = 50% of required overstory trees)  |
| Shrubs  | 10 large shrubs    | 1 tree  |
| Decorative Landscape Yard                                 |                    | Exterior sculptures, fountains, decorative walks, courtyards and/or additional ponds beyond those required, shown on a landscape plan that meets the intent of this section to the satisfaction of the City Manager and/or City Council |

(G) Irrigation system required.

- (1) All landscaped areas, including parking area islands must be equipped with an underground, automatic irrigation system or an alternative if approved by the City Engineer. The irrigation system must include a flow meter, moisture sensing devices and must be calibrated to meet all applicable City Codes. Irrigation of adjacent rights-of-way is required; however, irrigation equipment must not be located within the right-of-way without approval from the City Manager.
- (2) In lieu of an underground automatic irrigation system, an alternative irrigation plan may be approved. An alternative plan can include, but is not limited to, rain gardens, closed rain barrels, or greywater systems. Any alternative system must ensure that landscaping will be provided with adequate irrigation.
  - (a) The greywater shall be contained on the site where it is generated.
  - (b) Greywater shall be directed to and contained within an irrigation or disposal field.
  - (c) Ponding or runoff is prohibited and shall be considered a nuisance.
  - (d) Greywater may be released above the ground surface provided at least two inches of mulch, rock, or soil, or a solid shield covers the release point. Other methods which provide equivalent separation are also acceptable.
  - (e) Greywater systems shall be designed to minimize contact with humans and domestic pets.
  - (f) Greywater shall not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from home photo labs or similar hobbyist or home occupational activities.
- (3) Arid landscaping plans are exempt from irrigation requirements.

**§152.1110 LIGHTING STANDARDS**

- (A) Purpose. The purpose of this subchapter is to provide regulations to balance lighting needs for visibility and personal and property safety with the negative impacts of off-site light spill-over.
- (B) Applicability. The following standards shall apply to all new development. Seasonal lighting is not regulated by this section.
- (C) Standards.
  - (1) Wall or roof lighting may be used to illuminate pedestrian walkways, entrance areas, loading docks, and yard areas within 20 feet of the building.
  - (2) No wall or roof lighting may be used to primarily illuminate areas for motor vehicle parking or access beyond 20 feet from the building.
  - (3) Any open area used for motor vehicle parking, storage or access must be primarily illuminated with free-standing luminaires.
  - (4) Free-standing luminaire regulations:
    - (a) Height maximums, as measured from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire (including the support structure), may be as follows:

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- (1) Within 250 feet of any property zoned residential: 15 feet including any base or support structures.
- (b) Farther than 250 feet from any property zoned residential or if the height of the building effectively blocks the light from a residential zone: 25 feet.
- (5) Cut-off angles must be equal to or less than 90°.
- (6) Low-pressure sodium fixtures may only be used for: single-family, duplex, and townhouse developments.
- (7) Lighting intensity must adhere to the standards in Figure ##.

Figure ##. Required Minimum and Maximum Light Intensities

| Use   | Minimum Intensity* | Maximum Intensity* | Maximum Intensity at side or interior Property Line* |
|---|--------------------|--------------------|--|
| Parking areas for non-residential uses          | 1                  | 15                 | 0.5  |
| Private sidewalks and other pedestrian walkways | 2                  | 20                 | 0.5  |
| Building entrances and exits                    | 5                  | 20                 | 0.5  |
| Exterior storage areas                          | NA                 | 15                 | 0.5  |
| *Measured in foot candles at ground level       |                    |                    |  |

- (D) Glare. All lighting must be arranged so as not to produce glare. All properties must be in compliance with the following:
  - (1) All light sources must be controlled and equipped with lenses, louvers, shields, or prismatic control devices designed to prevent off-site views of the light source.
  - (2) No flickering or flashing lights except those associated with public safety activities may be permitted.
  - (3) Light sources that are integrated into a canopy must be designed to be recessed and flush with the ceiling of the canopy and equipped with a flat lens surface.

**§152.1111 LOADING DOCKS AND STAGING AREAS**

- (A) Applicability. All business and industrial uses must have an area designated for loading, unloading, or staging of delivery vehicles in compliance with the following.
- (B) Loading docks must be provided in the Business Park and Industrial Districts, at a minimum, in compliance with the following:

| Building Size (in square feet) | Required Loading Docks |
|--------------------------------|------------------------|
| < or = to 10,000               | 1                      |
| >10,000 and < or = to 20,000   | 2                      |
| >20,000 and < or = to 50,000   | 3                      |
| >50,000                        | 4                      |

- (C) All staging areas and loading docks must be off-street and must be located on the same lot as the building or use to be served. A loading dock or staging area must not be located between the principal building and a public right-of-way or residential property. All loading docks and staging areas visible from public rights-of-way or residential areas must be screened in compliance with §.
- (D) All loading docks and staging areas must be located with the appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
- (E) Additional standards for loading docks:
  - (1) Outdoor storage of goods and materials is prohibited in loading dock area.

- (2) May not be included as part of the space requirements necessary to meet the off-street parking area.
- (F) Additional standards for staging areas:
  - (1) Temporary parking of commercial vehicles is allowed for 96 hours or less.
  - (2) Any commercial vehicles in the staging area must be related and necessary to the principal permitted use of the property.
  - (3) Outdoor storage of goods or materials is prohibited in the staging area.
  - (4) Temporary parking spaces cannot be blocking drive aisles or public right-of-way and must be properly marked and surfaced for orderly site design.
  - (5) Must be maintained, organized and free of trash or debris.
  - (6) Must be in a city-approved designated area of the property.
  - (7) May not be included as a part of the space requirements necessary to meet the off-street parking area.

**§152.1112 LOWEST FLOOR ELEVATION**

- (A) The lowest floor elevation for any residential basement construction must be at or above the regulatory flood protection elevation.
- (B) All nonresidential basements must follow the requirements of ##.

**§152.1113 NOISE POLLUTION CONTROL**

The following state agency regulations are adopted by reference: Minnesota Pollution Control Agency, Noise Pollution Control Section, 6 MCAR 4.2004 and NPC 1.

**§152.1114 OUTDOOR STORAGE**

*Outdoor storage.* Outdoor storage of materials, equipment, and products accessory and necessary to the principal use must comply with the following:

- (A) The items in the area designated for outdoor storage must be completely screened from view from adjacent public rights-of-way or adjacent properties.
- (B) The area must not be used for the storage of junk vehicles, trash, debris, or other nuisance items as defined elsewhere in the City Code.
- (C) The area designated for storage must be clearly defined by fencing, striping, paving, or other means.
- (D) Outdoor storage is not permitted in the Highway Overlay (HO) District.
- (E) Height of materials, vehicles, or equipment in outdoor storage area shall not exceed the height of the principal structure.
- (F) The following performance standards apply to outside storage:

|  |                         |           |           |          |
|--|-------------------------|-----------|-----------|----------|
| <b>Figure 152.362.01: Outdoor Storage Requirements</b> |                         |           |           |          |
|  | <b>Zoning Districts</b> |           |           |          |
|  | <b>B3</b>               | <b>B4</b> | <b>BP</b> | <b>I</b> |
| <b>Figure 152.362.01: Outdoor Storage Requirements</b> |                         |           |           |          |
|  | <b>Zoning Districts</b> |           |           |          |

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|                               |                                   | <b>B3</b>              | <b>B4</b>   | <b>BP</b>                 | <b>I</b>    |
|-------------------------------|-----------------------------------|------------------------|---|---------------------------|-------------|
| 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     |
| Setbacks                      | From side and rear                | 5 feet                 | 5 feet  | 50 feet                   | 15 feet     |
|                               | Adjacent to residential districts | 35 feet                | 35 feet   | NP                        | 5 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    | 35 feet     |

**§152.1116 PARKING**

- (A) Purpose. Establish off-street parking standards to allow for the orderly and adequate storage of vehicles on property, to alleviate and prevent congestion on public rights-of-way, and control the appearance and maintenance of parking areas and surfaces.
- (B) Applicability. All property in the city must comply with the minimum parking requirements of this subchapter unless an exception is granted per ##.
- (C) Required parking. Figures # and # establish the minimum number of off-street parking spaces required based on land use. For uses not specifically listed, off-street parking requirements may be established by the City Manager based upon the characteristics of the use and the district in which the use is located.
- (D) Exceptions to required parking. Parking requirements may be reduced when approved by the City Manager in the following cases.
  - (1) Industry standards. Based on verifiable information pertaining to industry parking standards.
  - (2) Proof of future parking. If it is clearly demonstrated by the owner that the required parking is more than anticipated demand, all required parking need not be constructed initially. A minimum number of spaces, as negotiated between the developer and the City Manager, shall initially be constructed. The remainder of the required spaces, as shown on the site plan, may be constructed by the owner if the City Manager determines they are needed. The area of future parking must be sodded with grass and kept free of shrubs or trees. To ensure the construction of the future spaces, a financial guarantee may be required by the city. Any changes to use and/or building size could invalidate the approval.
  - (3) Shared parking.
    - (a) Parking areas may be shared by uses on adjoining lots within 500 feet of the entrances to the uses it will serve provided that the standards in ## are met.
    - (b) Cross access easements shall be required to accommodate shared parking arrangements and access drives, and evidence of the maintenance of all shared facilities may be provided to the city for review and may be recorded.
  - (4) Public parking and transit. All uses, other than residential, located in proximity to rapid transit and/or municipal parking facilities shall be entitled to a reduced parking requirement based on the following criteria.
    - (a) Uses within 650 feet of municipal parking garages or lots shall be entitled to a 10% reduction in required parking.

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- (b) Uses within 1,000 feet of a bus stop or transit station shall be entitled to a 20% reduction in required parking.
- (5) Parking study. A parking study prepared by a registered professional engineer indicates a reduced number of parking stalls can adequately serve the proposed use. Said study shall include, at a minimum, the following:
  - (a) Size and type of uses or activities on site.
  - (b) Composition of tenancy on site.
  - (c) Rate of parking turnover.
  - (d) Peak traffic and parking loads to be encountered.
  - (e) Local parking habits.
  - (f) Availability of public transportation.
- (6) Credit for on-street parking. This subsection is intended to reduce the amount of unnecessary parking spaces and to encourage pedestrian activity as an alternative means of transportation. Requests for on street parking shall meet the following requirements:
  - (a) All on street parking facilities shall be designed in conformance with the standards established by the city.
  - (b) Prior to approving any requests for on street parking, the development review team shall determine that the proposed on-street parking will not materially adversely impact traffic movements and related public street functions.
  - (c) Credit for on street parking shall be limited to the number of spaces provided along the street frontage adjacent to the use.
  - (d) A public sidewalk must be present or installed along the street used for on-street parking for the entire length of the property or the area anticipated for parking, whichever is greater, with a walkway connection to the entrance of the building.

Figure ###. Minimum parking spaces required for residential uses.

| Use                                 | Surfaces Spaces Required  | Garage Spaces Required   | Bicycle Parking   |
|-------------------------------------|---|--|---|
| Single family (detached)            | 2 (see garage requirements)   | 2 spaces per unit; 400 square foot garage  | None  |
| Two family (attached)               | 2 (see garage requirements)   | 2 spaces per unit; 400 square foot garage  | None  |
| Townhouse (attached or detached)    | 2 spaces per unit, plus 1 space for each unit for guest parking   | 2 spaces per unit; 400 square foot garage  | None  |
| Multifamily                         | 2 spaces per unit, plus 0.5 spaces for each unit for guest parking  | A minimum of ½ of the number of required parking spaces must be enclosed within garages or an underground parking facility | 1 space per unit for the first 20 units, then 1.05 per unit over 20 |
| Mobile home                         | 2 spaces per unit   | N/A  | None  |
| Mobile home park                    | 2 space per unit, plus 3 per each 6 units as guest parking  | N/A  | 1 space per unit for the first 20 units, then 1.05 per unit over 20 |
| Senior housing (independent living) | 1 space per unit, plus 0.5 space for each unit for guest parking, plus 0.5 spaces for parking in reserve in the event | N/A  | 0.50 spaces per dwelling  |

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|  |  |     |                               |
|--|--|-----|-------------------------------|
|  | the development is converted to regular occupancy  |     |                               |
| Bed and breakfast establishments and boarding and rooming houses                             | 2 spaces for the principal residential dwelling unit plus 1 space for each rental room   | N/A | 2 spaces                      |
| Assisted living housing  | 0.5 spaces for each unit   | N/A | 0.25 spaces for each employee |
| Nursing home   | 1 space per 6 patient beds, plus 1 space per employee on the largest work shift  | N/A | None                          |
| Daycare facilities   | No additional spaces required if located in a single dwelling or one unit in a multiple dwelling structure                           | N/A | 2 spaces                      |
|  |  |     |                               |
|  |  |     |                               |
|  |  |     |                               |
|  |  |     |                               |
| Model houses/temporary real estate offices in residential units                              | 4 temporary spaces per dwelling or office in compliance with § 16-110.   | N/A | None                          |
| Offices related to leasing, renting and maintenance of multiple family or attached dwellings | 1 space for each employee on the largest shift, plus two visitor spaces or one space for each 100 square feet, whichever is greater. | N/A | 2 spaces                      |
| Residential facilities (Licensed for over 6 persons)   | 1 space for each staff person on the largest shift and 0.5 space for each resident of the licensed capacity                          | N/A | 2 spaces                      |

Figure ##. Minimum parking spaces required for nonresidential use.

| Use                            | Surface Spaces Required | Bicycle Parking Required |
|--------------------------------|-------------------------|--------------------------|
| Agricultural uses              | N/A                     | N/A                      |
| Airports and aeronautical uses |                         | N/A                      |
| Animal services                |                         |                          |

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|   |  |   |
|---|--|---|
| Assembly, banquet, convention halls or conference centers   | 1 space for each 2.5 seats based on the design capacity in the main assembly area, plus parking figured separately for additional gymnasiums, banquet rooms, meeting rooms, offices, and other multiuse spaces | 0.05 spaces per each person                                     |
| Automobile rental containing more than 6 cars on site   | 1 space for each 2,000 SF of land up to the first 8,000 SF, plus 1 space for each 4,000 SF up to a parcel of 24,000 SF, plus 1 space for each 6,000 square feet over 24,000.                                   | N/A   |
| Bank  | See “offices” for parking requirements.  | 0.05 spaces per each employee                                   |
| Boat and other recreational equipment and vehicle sales   | 4 spaces plus 1 additional space for each 500 square feet of gross floor area over the first 1,000 square feet   | N/A   |
| Body art  | 1 per chair  | N/A   |
| Bowling alley   | 5 spaces per lane, plus additional parking calculated separately for restaurants and other related uses  | 0.05 spaces per lane  |
| Bus or truck storage or service shops, including fuel stations  | N/A  | N/A   |
| Business, trade, or non-academic colleges   | Minimum of 3.5 spaces, with a maximum of 4 spaces per 1,000 square feet of gross floor area  | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Care center, convalescent home, and assisted living   |  | N/A   |
| Carwash   | N/A  | N/A   |
| Clinics – (medical, dental, chiropractic, etc.)   | 1 space for each staff doctor or dentist or 1 space for each 150 square feet of gross floor area, whichever is greater   | 0.05 spaces per each employee                                   |
| Clubs   | 1 space per each person at maximum capacity, plus 1 space for each employee  | 0.05 spaces per each person                                     |
| Commercial indoor recreational facility 2,450 SF or under   | 1 for every 2 users at maximum capacity, plus 1 space for each employee  | 0.05 spaces per each person                                     |
| Commercial indoor recreational facility over 2,450 SF   | 1 for every 2 persons at maximum capacity per fire code, plus 1 space for each employee  | 0.05 spaces per each person                                     |
| Commercial outdoor recreational facilities  | 1 for every 2 users at maximum capacity, plus 1 space for each employee  | 0.25 spaces per each person                                     |
| Concrete or asphalt mixing plants, concrete block fabrication, builder or contractor yards, brick yards | 2 spaces plus 1 space for each 400 square feet of gross floor area   | N/A   |

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|  |  |   |
|--|--|---|
| Conservation uses including drainage control, forestry, wildlife sanctuaries and facilities for making same available and useful to public | N/A  | N/A   |
| Daycare, preschools, except residential  | 1 space per employee plus one space per 7 children of licensed capacity of the facility  | 0.05 spaces per each employee                                   |
| Farmer's market  | 1 ½ spaces per producer and 1 ½ customer parking stalls per producer   | 0.05 spaces per each vendor                                     |
| Fuel or service stations   | 4 spaces plus 3 spaces for each enclosed service stall plus parking figured separately for retail or office space.   | 2 spaces per every 10,000 square feet of gross floor area       |
| Golf courses, driving ranges   | 4 spaces for each green, plus 1 for each employee on the largest shift, plus 2 spaces for each driving tee on a driving range  | 0.05 spaces per each employee                                   |
| Hotel, motel   | 1.25 spaces per rental room plus additional parking calculated separately for banquet rooms, meeting rooms, and restaurants  | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Hospitals  | 2 spaces for each patient bed  | 4 spaces  |
| Manufacturing, fabricating, or processing of a product or material   | 4 spaces plus 1 space for each 400 square feet of gross floor area   | N/A   |
| Movie theaters   | 1 space for each 2.5 seats of design capacity  | 2 spaces per every 10,000 square feet of gross floor area       |
| Offices, including government buildings and other professional offices > 6,000 sq ft of floor area   | Minimum of 5 spaces with a maximum of 5.5 spaces per 1,000 square feet of gross floor area   | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Offices, including government buildings and other professional offices 6,000 SF of floor area or less                                      | Minimum of 3.5 spaces, with a maximum of 4 spaces per 1,000 square feet of gross floor area  | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Open sales lots  | 1 space for each 2,000 SF of land up to the first 8,000 SF, plus 1 space for each 4,000 SF up to a parcel of 24,000 SF, plus 1 space for each 6,000 square feet over 24,000. | N/A   |
| Restaurants and delicatessens  | 1 space for each 40 SF of gross floor area of dining and bar plus 1 space for each 80 square feet of kitchen area  | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Restaurants, fast food   | 1 space per 50 square feet of gross floor area, plus 1 space per employee on the largest work shift, plus 6 off street stacking spaces per drive-through lane                | 2 spaces or 0.05 spaces per each employee, whichever is greater |

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|  |  |   |
|--|--|---|
| Restaurants where no interior serving areas are present, such as a drive-in or take out business   | 1 space for each 15 SF feet of building dedicated to patron service and 5 spaces for employees   | N/A   |
| Retail or service use, unless otherwise specified  | 1 space for each 200 SF of gross floor area. No retail or service use may provide parking in excess of 10 percent above the minimum required parking spaces. Such properties may hold parking in reserve if depicted on an approved site plan. | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Self-service storage facility  | 3 spaces, plus 1 per every 75 units.   | N/A   |
| Self-service storage facility (indoor or climate-controlled)   | 3 spaces, plus 1 per every 75 units.   | N/A   |
| Shopping centers and retail uses less than 50,000 sq ft  | Maximum of 5 spaces per 1,000 SF of gross floor area   | 2 spaces per every 10,000 square feet of gross floor area       |
| Shopping centers and retail uses 50,000 sq ft or greater   | Maximum of 4 spaces per 1,000 SF of gross floor area   | 2 spaces per every 10,000 square feet of gross floor area       |
| Showrooms for display or sales including furniture stores, carpet stores, etc.   | 1 space per 400 square feet for first 25,000 square feet, plus 1 space per 600 square feet thereafter.   | 1 space per every 10,000 square feet of gross floor area        |
| Showrooms for sale of automobiles  | 5 spaces for customer parking for every acre of total site area, plus 5 spaces for customer service parking for every acre of total site area, plus 1 space for each 400 square feet of gross floor area for employees.                        | 1 space per every 10,000 square feet of gross floor area        |
| Skating rinks (indoor), dance halls, miniature golf, ice arenas (indoor), health and fitness clubs, commercial indoor recreational facility over 2,450 square feet, etc. | 1 space per 300 SF of gross floor area, plus 1 space per employee on the largest work shift  | 2 spaces or 0.05 spaces per each employee, whichever is greater |
| Warehousing (and storage) in structures < 6,000 sf   | 1 space for each 600 SF of gross floor area, with a minimum of 5 spaces  | N/A   |
| Warehousing (and storage) in structures > 6,000 sf   | 1 space for each 2,000 SF of gross floor area, with a minimum of 10 spaces   | N/A   |

**§152.1117 PARKING AREA DESIGN**

- (A) Applicability. All new construction, expansion, repaving, or modification of parking areas with more than four parking spaces must comply with the following parking lot design standards.
- (B) Setbacks. All parking areas created after the effective date of this chapter must be designed and constructed so that no part of any vehicle may ever be nearer than the following:
  - (1) Side or rear setback when adjacent to a residential use – 35 feet.
  - (2) All other interior side or rear setback – 5 feet.
  - (3) Setback from public rights-of-way – 15 feet.
- (C) Drive Aisles. Each parking space and drive aisle must be unobstructed and must adhere to the design requirements included in the following table:

Figure ## Required Length and Width of Parking Spaces

| Angle of Parking Space | Type                | Minimum Width of Space at Curb (Non-Retail Uses) | Minimum Width of Space at Curb (Retail Uses) | Minimum Length of Space from Curb | Minimum Drive Aisle Width (One Way) | Minimum Drive Aisle Width (Two Way) |
|------------------------|---------------------|--|--|-----------------------------------|-------------------------------------|-------------------------------------|
| 90 degrees             | Standard<br>Compact | 9'<br>8'   | 10'<br>8'                                    | 18'<br>16'                        | 20'<br>20'                          | 25'<br>25'                          |
| 60 degrees             | Standard<br>Compact | 10'<br>9'  | 12'<br>9'                                    | 21'<br>17'                        | 18'<br>18'                          | 25'<br>25'                          |
| 45 degrees             | Standard<br>Compact | 13'<br>9'  | 14'<br>9'                                    | 21'<br>17'                        | 15'<br>15'                          | 25'<br>25'                          |

- (1) Parking spaces for the disabled or for specially equipped vehicles for the disabled must comply with the State Building Code requirements and the Americans with Disability Act standards.
  - (2) Where parking spaces abut perimeter curbs, the length of the spaces may be shortened to account for the car overhang. They shall not be shorted adjacent to sidewalks.
  - (3) All parking spaces must be designated by clearly visible painted lines.
  - (4) Non-residential driveway width shall be approved at the time of site plan review based on expected traffic demands and road classification.
- (D) Curbing required. Paving areas must be separated with curb and gutter from all designated landscaping areas, curb islands, and at ingress-egress locations to the traveled roadway. Curbing must be constructed of poured-in-place concrete equipped with a gutter and must be of a six-inch non-surmountable design. Other curb options may be allowed as approved by the city.
- (E) Paving requirements.
- (1) All areas shall be surfaced with concrete, bituminous, pavers, or pervious paving/paver systems provided appropriate soils and site conditions exist for the pervious systems to function. Gravel driveways are prohibited. This paving requirement includes the entire parking area including parking stalls, aisles and driveways.
  - (2) The use of pervious paving/paver systems is encouraged for pedestrian walkways, parking areas, overflow parking areas, snow storage areas, within raised medians and islands, emergency vehicle lanes and other low traffic areas. The owner shall provide soils information and the City Engineer shall make the final determination if soils are conducive for use of pervious paving/paver systems. Owners of property in Business, Industrial and Mixed-Use districts shall enter into a maintenance agreement to ensure ongoing maintenance and operation of all pervious paving/paver systems. This requirement also applies to open sales lots, open rental lots, and outdoor storage or display areas. Other materials such as decorative rock, gravel, sand, or bare soil are prohibited.
  - (3) Any parking spaces proposed in excess over minimum requirements, as listed in § ##, shall use a pervious paver system (provided appropriate soil conditions exist, as determined by the City Engineer), within the total square footage of excess parking proposed, as approved by the City Engineer.
- (F) Drainage. Driveways shall not exceed a grade of 4% and all parking lots except those for less than four vehicles shall include a minimum of a one percent grade. Catch basins, sumps, and underground storm sewers must be installed if required by the City Engineer.
- (G) Traffic regulatory signs. Stop signs are required at all driveway exits to city streets. Other signs may be required as part of the site plan review process.
- (H) Shared parking. Parking areas may be shared by uses on adjoining lots within 500 feet of the entrances to the uses it will serve provided that the following are met:

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- (1) The marking or signing of parking spaces in multitenant building for the exclusive use of specific tenants is not permitted.
- (2) Certain uses that have their highest peak demand for parking at substantially different times of the day or week can consider a plan to provide required parking by sharing parking with adjacent uses based on the following criteria:
  - (a) Up to 50% of the off-street parking stalls required for a theatre, bowling alley, dance hall, bar, or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as a primarily daytime use in subparagraph (d) below.
  - (b) Up to 50% of the off-street parking stalls required for any use specified under subparagraph (d) below as primary daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theatres, bars, or restaurants.
  - (c) Up to 50% of the off-street parking stalls required by § [redacted] for a religious institution or for an auditorium incidental to a public or parochial school may be supplied by off-street parking facilities provided by uses specified under subparagraph (d) below as primarily daytime uses.
  - (d) For the purpose of this section, the following uses are considered as primarily daytime uses, such as banks, business offices, retail stores/shopping centers, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale, and similar uses.
- (3) The parking area must have a pedestrian connection, which includes a trail or walkway, paved with a continuous impervious surface that connects to all users of the shared parking.
- (4) The parking plan for the area must demonstrate that all other applicable ordinances can be met.
- (5) Any adjacent properties with approved shared parking agreements must have vehicle access between them.
- (6) The agreement between all affected property owners may be approved as to content by the City Attorney and may define responsibilities for maintenance. Where shared use of parking exists within the same site or across sites, a properly drawn legal instrument, drafted and executed by the parties concerned, must be filed as a deed restriction on both properties with the records for both properties in the Registrar of Titles' or Recorder's Office of Hennepin County with proof thereof presented to the city. The intent in either case is that the agreement will be in the public record in perpetuity, and not altered unless approved by the city.
- (7) Revocation. Failure to comply with the shared parking provisions of this section constitutes a violation of this Code. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided as otherwise set forth in § 152.142 of this Code, or if an alternative shared parking plan is approved by the city.
- (8) Multi-tenant buildings. A parking lot for a building containing more than one tenant or user is considered shared between all users. Exclusive parking spaces are not permitted.
- (9) Time-limited (i.e., 10-minute parking) parking spaces are permitted.
- (I) Parking areas for interim or temporary uses in the UR Urban Reserve District are exempt from provisions in § [redacted] only when approved through the interim use permit process as described in §§ [redacted].
- (J) Parking lot landscaping and screening. This section is intended to break up large impervious areas and provide greater shading and reduction of heat island effect. Review and approval of a landscape plan shall be required for new parking lots and changes to existing parking areas that create or affect more than four stalls prior to issuance of any permits, including snow removal.
  - (1) All landscaped areas, including parking area islands must be equipped with an underground, automatic irrigation system. The irrigation system must include a flow meter, moisture sensing devices and must be calibrated to meet all applicable City Codes.
  - (2) Ten percent of the impervious, interior parking area must be landscape islands, rain gardens or other green space. The 10% is included as part of the total open space requirement.
  - (3) Landscape islands.
    - (a) All parking lots of at least 25 parking stalls or more shall be designed with landscaped parking lot islands distributed throughout the entire parking area.

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- (b) To ensure adequate distribution of landscaped islands within parking lots no more than the maximum number of stalls as displayed in the table below may be installed without abutting some type of landscaped islands.
- (c) Landscaped islands may be designed at the ends of stalls, in a continuous row between bays as shown in the diagram below, or in other patterns, provided that an island is abutting parking stalls based on the table below.
- (d) Islands designed at the end of rows shall have a minimum size of 180 square feet. Continuous parking lot islands shall be at least nine feet in width.
- (e) Islands can be designed at the end of rows or in a continuous row to meet the maximum number of stalls between island requirements

Figure ###: Landscape Island Requirements

| Use Type  | Maximum Number of Stalls Between Island |
|---|---|
| Residential – multiple family uses                  | 12 stalls                               |
| Commercial, mixed use, civic and institutional uses | 22 stalls                               |
| Industrial and business park uses                   | 22 stalls                               |
| Open storage warehouse and like uses                | 50 stalls                               |

- (f) Type and quantity of landscaping required in islands and within the parking area shall comply with landscaping standards in §. Each landscape island must be planted with a minimum of one deciduous large or two medium trees, two shrubs and pervious ground cover as required in §. Rain gardens shall be finished with hardy native plant species that will survive and remain aesthetically pleasing in wet and dry conditions. The trees and shrubs in the landscape islands and rain gardens shall count toward the overall required landscaping in §.
- (4) Parking areas greater than 50,000 square feet shall be divided both visually and functionally into smaller parking courts.
- (5) Screening. Screening must be required for any off-street parking or loading area and may be any combination of landscaping, decorative fencing, and berms, approved through the Site Plan Review process or as required elsewhere in this chapter, unless further restricted by the following:
  - (a) Residential. All parking and loading areas over four spaces must be screened from adjacent residential zoning districts. Screening must be a minimum of six feet in height when installed as measured from the parking area surface to the satisfaction of the City Manager. Fences alone shall not meet this requirement.
  - (b) Street rights-of-way. All parking areas containing more than four stalls and all loading areas must be screened from adjacent public rights-of-way. Screening must be a minimum of three feet in height as measured from the top of the adjacent parking area surface.
- (6) Perimeter parking area landscaping standards. Where a parking area serving a use abuts a street right-of-way, vacant land, or any other development (except another parking use area), perimeter landscaping strips shall be provided and maintained between the vehicle use areas and the abutting right-of-way or property line in accordance with the following standards:
  - (a) Location.
    - (1) Perimeter landscaping strips shall be located on the same land where the parking use area is located.
    - (2) Perimeter landscaping strips may not be placed within future street rights-of-way as identified on the city’s transportation plans.
  - (b) Minimum width. When the parking use area is located within 50 feet of a street right-of-way, the perimeter landscaping shall be located within a planting strip at least six feet wide. In all other instances, the strip shall be the minimum width necessary to assure required landscaping is not damaged by vehicle or other on-site activity. In no instance shall the strip be less than three feet wide.

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- (c) Landscaping. Each perimeter landscaping strip shall include landscaping screening of three feet in height as measured from the top of the adjacent parking area surface or screening that is 80% opaque where a parking lot abuts a residential zoning district.
- (K) Stormwater management. Rainwater and snowmelt shall be managed to encourage infiltration, evapotranspiration, and water reuses to achieve water quality and quantity measures as required by the applicable watershed district. Additionally, a minimum of two of the following stormwater management techniques shall be implemented. The appropriate watershed district shall have final review and permitting authority for all surface water management measures proposed.
  - (1) Permeable paving for parking spaces, drive aisles, overflow parking, snow storage areas, and other hard surfaces in the parking lot.
  - (2) Trees, shrubs, and other absorbent landscaping throughout the parking lot to provide shade and places for water uptake.
  - (3) Bio-retention areas, such as swales, vegetated islands, and overflow ponds.
  - (4) Catch basin restrictors and oil/grit separators.
  - (5) Rainwater harvesting from rooftops and other hard surfaces for landscape irrigation.
  - (6) Bio-retention areas shall be appropriately designed and located to filter, store, and/or convey the expected stormwater flows from surrounding paved areas.
- (L) Cart storage. Where shopping carts are used, ample space shall be provided for cart storage within off-street parking areas (unless all carts are stored and returned at the building entry). The need and specific amount of required cart storage space shall be determined as part of site plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and include facilities for cart confinement.

### §152.1118 PARKING RAMP

- (A) Applicability. All new parking ramps or garages shall adhere to the following standards.
- (B) Design. Parking ramps comply with the following:
  - (1) Ground floor active uses are required; in this instance, an active use shall mean a principal nonresidential use.
  - (2) Design features that facilitate future conversion of parking garages to other uses, including flat floors, are encouraged.
  - (3) Multi-level parking deck or garage structures, whether stand-alone or part of a larger development, shall comply with the following standards:
    - (a) Facades of the parking deck or garage that are facing a street or within 100 feet of open space shall be harmonious and complement the principal structure and contain all of the following architectural treatments:
      - (1) Facade articulation (i.e. wall offsets).
      - (2) Horizontal and vertical projections.
      - (3) Material and color variation.
      - (4) Varied proportions of openings.
    - (b) No vehicles parked within or on the roof of the deck or garage shall be visible from the street.
    - (c) All internal elements such as plumbing pipes, fans, ducts, and lighting shall be screened.
    - (d) No deck or garage ramp areas shall be visible from the street and shall be internal to the building.
    - (e) Openings off any street shall not exceed two lanes in width or 30' maximum per entrance/exit. Entrances/exits on alleys/service roads are exempt from this requirement.
    - (f) If the deck or garage is accessed from a street, there shall be only one point of access to the garage area from that street.
    - (g) Pedestrian entrances to the deck or garage shall be directly from a frontage line through an exterior or interior pedestrian passage or a combination thereof running from the rear to the front of the lot. Parking spaces serving residential units are exempt from these requirements.
  - (4) Accessory parking ramps in all MU districts shall be one level less than the adjacent principal structure.

**§152.1119 PEDESTRIAN CIRCULATION (SIDEWALKS AND WALKWAYS)**

- (A) Purpose. Establish design criteria for pedestrian circulation facilities to reduce reliance on automobiles, provide opportunities for recreational walking throughout the city, and ensure safe pedestrian movement between properties and from off-street parking areas to building entrances.
- (B) Applicability. Except for platted single-family and two-family sites, walkways must be provided within all sites.
- (C) Sidewalks Standards.
  - (1) Sidewalks are required along all existing and future minor arterials (high and low density), all major collectors as designated by the Functional Classification System included in the Comprehensive Plan, and according to the provisions of Chapter 151 of the City Code.
  - (2) Sidewalks may be required on any street where one or more of the following are present as determined by the city:
    - (a) Concrete curb and gutter have been constructed on the roadway.
    - (b) Traffic volumes on the road exceed 1,000 vehicles per day.
    - (c) A roadway connecting a neighborhood to a commercial area, park, school, religious institution or other community-oriented facility.
    - (d) Along any street in a business district.
    - (e) A multi-family, office, commercial, or industrial use that is expected to generate pedestrian traffic.
- (D) Walkway Standards.
  - (1) Walkways must be located to provide convenient, safe pedestrian access, as determined by the city, between principal uses, parking areas, and/or adjacent public sidewalks.
  - (2) Walkways must be as direct as possible to minimize distance and other impediments to walking.
  - (3) All parking lots serving multiple family and nonresidential uses shall be subject to the following standards to provide a safe pedestrian environment:
    - (a) A direct and continuous pedestrian network shall be provided to connect parking lots to building entrances, public sidewalks, transit stops, and other pedestrian destinations.
    - (b) At least one pedestrian route shall be provided between the main building entrance and the public sidewalk that is uninterrupted by surface parking and driveways.
    - (c) In larger parking lots, or where parking lots serve more than one building or destination, designated pedestrian pathways for safe travel through the parking lot shall be provided.
    - (d) All pedestrian routes within a parking lot shall include a clear division from vehicular areas, with a change in grade, soft landscaping, or a change in surface materials.
    - (e) Where pedestrian routes cross street access driveways and other major drive aisles, crossings shall be clearly marked and sight distance for both pedestrian and vehicles shall be unobstructed.

**§152.1120 RELOCATING STRUCTURES**

~~All relocated structures must meet the requirements of the district in which they will be located. In addition, the applicant provides the following:~~

- ~~(A) A report from the Building Official which specifies, at a minimum:
 
  - ~~(1) The improvements to the house that may be required for the structure to meet all applicable, current codes, based on an inspection.~~
  - ~~(2) If the applicant's submitted plans will successfully meet the required improvements.~~
  - ~~(3) If the sewer and water connections have been plugged or discontinued at the curb line or at the main and that all other hazards have been eliminated.~~~~
- ~~(B) Evidence that all taxes and sewer and water charges have been paid against the property the structure is being relocated.~~
- ~~(C) The applicant must submit evidence that upon completion, the relocated structure will have a fair market value equal to at least 80% of the assessed value of similar buildings within a 500-foot radius.~~

- ~~(D) A signed development contract stating that the applicant has agreed to complete the necessary changes specified by the City Manager within a period of one year, and a performance bond or cash deposit in compliance with §   .~~
- ~~(E) Evidence that the applicant has secured the necessary permits or permission for the displacement of any overhead electrical or other wires from the person, association, or corporation that owns, operates, or controls the wires.~~
- ~~(F) Evidence that the applicant or their designated person, firm or corporation engaged in moving structures has a license, in compliance with Section 445, before moving any structure over streets controlled by the City of Brooklyn Park.~~

**§152.1121 SATELLITE DISHES**

- (A) Satellite or microwave dishes: Dishes may be considered permitted in all districts, provided they meet all of the following:
  - (1) The communication sending and/or receiving dish is accessory to the primary use on the site.
  - (2) The dish is not located within any of the building setbacks unless it is one meter or less in diameter and attached to a building.
  - (3) When placed on a flat roof, the dish must be setback from the edge of the building a distance equal to the height of the dish, unless it is one meter or less in diameter. The height of the dish cannot exceed 15 feet.
  - (4) Dishes over one meter in diameter may not be placed on a residential roof when visible from a public right-of-way.
  - (5) When placed on the ground, setbacks from other properties are at least equal to the height of the communication device.
  - (6) No more than one satellite dish over one meter in diameter may be permitted on any one property zoned for residential uses and two satellite dishes over one meter in diameter are permitted on any one property zoned for business uses.
  - (7) All other satellite dishes are considered conditional uses, except for the number allowed per parcel, unless otherwise modified in this chapter.
  - (8) No satellite dishes may exceed five feet in diameter.

**§152.1122 SCREENING**

- (A) Applicability. All mechanical or accessory uses, including, but not limited to, exterior storage areas, exterior loading docks, service areas, mechanical areas, waste and refuse areas, and rooftop equipment, must be screened as follows.
- (B) Requirements.
  - (1) Screening may be accomplished using a wing-wall, fencing, walls, earth berms (not to exceed slopes of 4:1), and/or landscape plantings consisting primarily of evergreens. Must achieve 80% opacity year-round at maturity. Fences and walls are regulated elsewhere in this chapter.
  - (2) Non-landscaped screening must be designed with the same exterior materials and incorporate similar architectural features as the principal building and be designed so that the equipment is not visible from any public right-of-way or residential development.
  - (3) Rooftop equipment screening must be provided by the building parapet or incorporate similar architectural features as the building, use the same exterior materials as the principal structure, or be designed so that the equipment is not visible from six feet above ground level on any property line of the applicable site.
  - (4) Incidental equipment deemed unnecessary to be screened by the City Manager must be of a color to match the building, roof, or the sky, whichever is most effective.
  - (5) Metal cabinets and/or fences used to enclose and protect mechanical equipment may not substitute as screening.
  - (6) Residential properties along principal or minor arterial streets shall adhere to the additional screening requirements for residential properties per Figure ##   .
  - (7) For all nonresidential and mixed use development projects, a 35 foot berm and landscaped area must be included within the required setback area from residential district property lines.

- (8) The City Council may approve alternative screening such as decorative fencing and landscaping meeting minimum opacity requirements in lieu of the berming requirements of **Figure ##**.

Figure ##. Additional screening for residential properties.

| Along ...                                  | Height of Berming (in feet) | Depth of Berms or Landscaped Area (measured in feet from the property line on private property) See Alternate Requirements Below | Amount of plant materials                |
|--|-----------------------------|--|--|
| Principal and "A" Minor Arterials          | 6                           | 50-foot bermed and landscaped area   | 4 coniferous trees and 3 deciduous trees |
| "B" Minor Arterials and Class I Collectors | 3                           | 25-foot landscaped area  | 4 trees and 5 shrubs                     |

**§152.1123 TELECOMMUNICATION TOWERS**

- (A) Purpose. The Council finds that regulations are necessary to accommodate the communication service facilities to benefit the needs of residents and businesses while protecting the public health, safety, and general welfare of the community. These regulations are necessary to:
- (1) Provide for the appropriate locations for the development of communication facilities to serve the residents and businesses of the city.
  - (2) Minimize adverse visual effects of communication towers and other facilities through careful design and siting standards.
  - (3) Avoid potential tower failure damage to adjacent properties through structural standards and setback requirements; and,
  - (4) Maximize the use of existing and approved towers, buildings, and other structures to accommodate wireless telecommunication devices to reduce the number of towers needed to serve the community.
- (B) Existing antennas and towers.
- (1) Previous licensees, owners, operators, or secured parties must remove all abandoned or unused towers or associated facilities and equipment within 12 months of the cessation of operations at the site. Cessation of operations means the removal of the antennas from the tower or the cessation of electricity and/or phone service to the site.
  - (2) All hazardous towers or associated facilities and equipment as defined in the Uniform Building Codes definition of hazardous structures must be removed from the property within a maximum of 60 days of the date of the hazardous determination by the city. The city may require more expeditious removal based on the nature of the hazard.
- (C) General requirements.
- (1) No towers may be constructed in the Mississippi River Critical Area Overlay.
  - (2) Towers and antennas in parks must obtain a valid lease from the appropriate city, county, or state agency.
  - (3) Towers and antennas may not be artificially lighted except if required by the FAA unless they are incorporated into the approved design of the tower, such as light fixtures illuminating ball fields, parking lots, or a similar use.
  - (4) Roof or wall-mounted communication devices (excluding satellite dishes) shall adhere to the following standards.
    - (a) Roof-mounted antennas must be no more than 15 feet in height.
    - (b) Roof-mounted antennas and their accessory equipment/buildings must be setback from the edge of the principal building or structure a distance equal to the height of the antenna, equipment, or building.

## AGENDA ITEM 5.2 – REDLINE CHANGES

- (c) Installation of the antennas requires a building permit. The applicant must submit a report prepared by a qualified professional engineer licensed by the State of Minnesota indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment must be indicated.
  - (d) All other antennas may be considered conditional unless otherwise modified in this chapter.
  - (e) Proof of non-interference with public safety telecommunications: Each application for construction of wireless communication equipment includes a statement from a qualified professional engineer licensed by the State of Minnesota that the construction of the tower, including reception and transmission functions, will not interfere with public safety telecommunications, provided however, that no application requires any statement regarding the environmental effects of radio frequency emissions to the extent that the wireless telecommunication equipment complies with FCC regulations concerning such emissions. Before the introduction of any new service or changes in existing service, telecommunication providers must notify the city and the Hennepin County Sheriff's Radio Systems Manager at least ten calendar days in advance of such changes to allow interference levels to be monitored during the testing process.
- (5) Construction and design requirements: Proposed or modified towers and antennas must meet the following design requirements:
- (a) All towers and antennas erected, constructed or located within the city, and all wiring must comply with the requirements set forth in the Minnesota Building Code.
  - (b) Towers and antennas must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except when otherwise dictated by federal or state authorities. The telecommunications facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.
  - (c) Commercial wireless telecommunication service towers intended primarily for the support of their related antennas must be self-supporting monopoles unless the City Council determines that an alternative design would better blend into the surrounding environment. The use of guyed towers is prohibited.
- (6) Permanent platforms or other structures exclusive of antennas that serve to increase off-site visibility are prohibited.
- (7) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (8) Accessory buildings and equipment: All accessory equipment related to towers and antennas must be housed within an existing structure whenever possible. Any new accessory buildings, lockers, and/or ground mounted equipment must meet the following:
- (a) They must be architecturally designed to blend in with the surrounding environment, subject to the landscaping and screening requirements of §§ 152.270 through 152.276 and §§ 152.370 through 152.376.
  - (b) They must meet the minimum setback requirements of the underlying zoning district, unless they are located on the roof of the principal building, in which case they must be setback from the edge a distance equal to their height.
  - (c) Unless the accessory equipment is mounted on an existing structure or housed within an existing structure, the city may require a security fence around the base of the tower and/or accessory equipment. If required, the security fence must have a maximum opacity of 50% and meet the fencing requirements elsewhere in the City Code.
- (9) Maintenance hours: Nonemergency maintenance of towers, antennas and associated equipment must be completed between the hours of 7:00 a.m. and 7:00 p.m. for all towers within 1,000 feet of a residential district.
- (10) Collocation requirements. All towers erected, constructed, or located within the city to support antennas for wireless communication service providers as defined in §152.008, must comply with the following requirements:

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- (a) The City Council will not approve a proposal for a new tower unless it finds that the antennas cannot be accommodated on an existing or approved tower or building within a one-mile search radius (one half-mile search radius for towers 120 feet or less in height) of the proposed tower due to one or more of the following reasons:
    - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer licensed by the State of Minnesota and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
    - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional engineer licensed by the State of Minnesota and the interference cannot be prevented.
    - (3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function as documented by a qualified professional engineer licensed by the State of Minnesota.
    - (4) Written documentation that the applicant made a good faith, diligent, but unsuccessful effort to install or collocate the antenna(e) within the defined search radius. The documentation must include the names, addresses and telephone numbers of all owners of other towers, buildings, or other structures of appropriate height, including those on city-owned property.
    - (5) Other unforeseen circumstances as approved by Council.
  - (b) Any proposed tower intended to support antennas for wireless communication service providers, as defined in § 152.008, and its proposed site must be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and accessory equipment and comparable antennas and equipment for at least two additional users if the tower is over 100 feet in height and for at least one additional user if the tower is between 60 to 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Alternative designs for towers with more than three users may be approved by the City Council if they prevent the construction of multiple towers and are found to be compatible with the neighborhood.
  - (c) Any tower proposed at less than 75 feet must be constructed with a foundation adequate to accommodate an additional 20 feet of height to accommodate an additional user. The applicant must provide written evidence that they will allow the extra height added to their tower with a reasonable request for a collocation lease.
- (11) Tower and/or antenna setbacks. Towers and antennas must meet the setbacks of the underlying zoning district, unless modified by the following:
- (a) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
  - (b) In Business Park (BP) and Industrial (I) zoning districts, towers and/or antennas may encroach into the rear setback area, provided that the rear property line abuts another property in the Business Park (BP) or Industrial (I) district and the tower does not encroach upon any easements.
  - (c) All towers and/or antennas must be set back from planned public rights-of-way as documented in city corridor studies, the Comprehensive Plan, or the appropriate county or state plans, by a minimum distance equal to one half of the height of the tower including all antennas and attachments.
  - (d) If applicable, setbacks for towers and/or antennas must be determined for the full height of the proposed tower, including extension/expansion height as may be required elsewhere in this chapter.
  - (e) Towers in residential districts shall be setback a distance equal to four times the height of the structure.

## AGENDA ITEM 5.2 – REDLINE CHANGES

- (f) Towers in districts adjacent to residential parcels used primarily or guided for residential purposes shall be setback a distance equal to two times the height of the tower.
- (12) Height. Height may be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon or attached to other structures, the combined height of the structure and tower must meet the height restrictions of this section. In addition, all towers must meet the following:
  - (a) In all residential zoning districts on parcels other than those used primarily for residential purposes, the maximum height of any tower, including all antennas and other attachments, may not exceed one foot for each four feet the tower is setback from residential parcels used primarily or guided for residential purposes, up to a maximum height of 125 feet.
  - (b) In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, may not exceed one foot for each two feet the tower is setback from residential parcels used primarily or guided for residential purposes up to a maximum height of 125 feet.
- (13) Preference for identification of tower sites. The following preferences shall be followed in site selection for new towers when collocation is not possible:
  - (a) Existing buildings or structures;
  - (b) Public institution sites;
  - (c) Sites zoned BP or I;
  - (d) Sites zoned B3 or B4;
  - (e) Sites zoned B1 or B2;
  - (f) Other properties consistent with provisions of this subchapter.
- (D) Towers and antennas in residential areas. All towers and antennas in the following residential and mixed-use districts: R-1, R-2, R-3, R-4, R-5, and in those areas in the PDO guided for low and medium residential development must comply to the following:
  - (1) Radio and television towers and antennas: Proposed towers for personal radio and television antennas located on parcels zoned residential and used primarily for residential purposes may be considered permitted if they meet the following conditions:
    - (a) The tower and/or antennas, including all accessory antennas and other attachments, is (are) at or below the maximum height as regulated elsewhere in the City Code.
    - (b) It meets the setbacks of the underlying district.
    - (c) It is located to the rear of the property.
    - (d) Only one tower is allowed per parcel.
  - (2) Personal (non-commercial) radio and television towers and antennas that exceed the maximum height defined elsewhere in the City Code and commercial towers shall be considered conditional uses in residential districts. Commercial towers may only be allowed as a conditional use on the following parcels:
    - (a) Religious institution sites, when constructed in or as part of a steeple, spire, bell tower or similar architectural feature.
    - (b) Park sites, if conformance with this section are met to the satisfaction of the city.
    - (c) Government, school, utility, and institutional uses.
- (E) Additional submittal requirements. In addition to the information required elsewhere in this Code, Conditional Use Permit applications for towers require the following supplemental information:
  - (1) A report from a qualified professional engineer licensed by the State of Minnesota which:
    - (a) Describes the tower's capacity, including the number and type of antennas that it can accommodate.
    - (b) Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas.
  - (2) A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

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- (3) A copy of the relevant portions of a signed lease which require the applicant to remove the tower and associated facilities when they are abandoned, unused or become hazardous may be submitted as a requirement of the Conditional Use Permit before any building permits may be issued.
  - (4) In the event that a tower is not removed within 12 months, the tower and associated facilities may be removed by the city and the costs of removal, as well as any city staff time spent in processing the removal, may be assessed against the property.
  - (5) Proposals to erect new towers must be accompanied by any required federal or state agency licenses.
  - (6) A signed statement that certifies that the proposed tower complies with regulations administered by Federal Aviation Administration.
  - (7) All applications for towers erected, constructed, or located within the city to support antennas for wireless communication service providers, as defined elsewhere in this chapter, may be required to submit a current area plan map showing their existing towers and the search areas for the towers and antennas for which the Conditional Use Permit application has been filed. The area map must include those towers and antennas (including existing and proposed in the Conditional Use Permit application) within the city and a radius of one mile outside the city's boundaries.
  - (8) Proof of non-interference with public safety telecommunications: Each application for construction of wireless communication equipment includes a statement from a qualified professional engineer licensed by the State of Minnesota that the construction of the tower, including reception and transmission functions, will not interfere with public safety telecommunications, provided however, that no application requires any statement regarding the environmental effects of radio frequency emissions to the extent that the wireless telecommunication equipment complies with FCC regulations concerning such emissions. Before the introduction of any new service or changes in existing service, telecommunication providers must notify the city and the Hennepin County Sheriff's Radio Systems Manager at least ten calendar days in advance of such changes to allow interference levels to be monitored during the testing process.
- (F) Evaluation and monitoring. As a condition of approval for telecommunication facilities, the applicant must reimburse the city for its costs to retain outside expert technical assistance to evaluate any aspect of the proposed siting of telecommunications facilities, including but not limited to other possible sites within the city. The owner of a telecommunications facility must provide the city with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city's reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner must reimburse the city for its reasonable costs in carrying out such compliance testing.

### **§152.1124 TRANSPORTATION DEMAND MANAGEMENT.**

- (A) Purpose. Lessen congestion on streets and roads, reduce environmental pollution associated with vehicular transportation, and generally protect the public health, safety and welfare.
- (B) Intent. The standards and regulations are intended to be components of an overall transportation demand management plan.
- (C) Applicability. These standards apply to all new construction in nonresidential districts, TOD districts, and nonresidential uses in any residential district.
- (D) Bicycle parking requirements.
  - (1) The minimum number of bicycle parking spaces provided for any use shall be 5% of the vehicular parking spaces required for such use.
  - (2) Design standards for bicycle parking spaces.
  - (3) Bicycle parking spaces shall be:
    - (a) Located on the same lot as the principal use.
    - (b) Located to prevent damage to bicycles by cars.
    - (c) In a convenient, highly visible, active, well lighted area.
    - (d) Located so as not to interfere with pedestrian movements.
    - (e) As near the principal entrance of the building as practical.

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- (f) Located to provide safe access from the spaces to the right-of-way or bicycle lane.
  - (g) Consistent with the surroundings in color and design and incorporated, whenever possible, into buildings or street furniture design.
  - (h) Anchored to resist rust or corrosion, or removal by vandalism.
- (E) Transit service.
- (1) Parking may be reduced by 10% for any parcel located within one-quarter mile of a transit stop. This 10% shall be shown on the site as proof of parking in the event transit services are altered and additional parking is required. To qualify, the transit stop must be served by regular transit service on all days of the week that the business or use is in operation and adequate pedestrian access must be available between the transit stop and parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.
- (F) Motorcycle/scooter parking.
- (1) Two motorcycle/scooter parking spaces may be provided in lieu of one required automobile parking space. The maximum automobile parking space reduction under this provision shall be calculated at a 1:30 ratio (For every 30 required automobile parking spaces, one automobile space may be waived).
  - (2) Parking areas under 30 spaces may reduce the parking requirement by a maximum of one automobile parking space. Motorcycle parking must be properly labeled with signs and surfaced with concrete. The minimum stall size for one motorcycle shall be four-foot in width by seven foot in depth.
- (G) Compact parking stalls.
- (1) Parking areas including 30 spaces or more may include 35% compact parking stalls which must be labeled as such on the parking plan and located in areas of anticipated infrequent use. Compact parking stall sizes are stated in Figure   .
- (H) Industrial businesses in the General Industrial (I) zoning district may, after five years of operation at their current location, reduce the existing parking space width to 8.5 feet for workforce management.

### §152.1125 WASTE ENCLOSURES

- (A) Applicability. All uses except single-family dwellings, two-family dwellings, and townhouses must store their trash in compliance with one of the following two options:
- (1) Indoors. Within a designated area of the interior of the building in conformance with the following:
    - (a) The adopted Fire and Building Codes.
    - (b) The area must be readily accessible by collection vehicles.
    - (c) The area must be readily accessible to the users by use of a pedestrian access, such as an easily operable door. The door must remain closed, except when servicing.
    - (d) The interior walls and floor of the area must be finished with smooth, non-absorbent material sealed or finished to withstand frequent cleaning.
    - (e) All waste storage areas must be kept clean and sanitary, and maintained in good condition.
- (B) Outdoors. Outdoors within a four-sided accessory structure designed and sized for this purpose. The enclosure must be in conformance with the adopted Fire and Building Codes. Design standards. All exterior waste enclosures must meet the following design standards:
- (1) Walls must be constructed of architectural masonry or similar materials.
  - (2) Enclosures must have an opaque gate made of metal or decorative wood. Design and materials of the enclosure must be compatible with the principal building.
  - (3) Additional landscape screening may be required for any enclosure requiring design review.
  - (4) Trash enclosures may have a pedestrian entrance when shared by multiple units. No more than two openings may be present per enclosure and the openings may not be placed in the same wall section. The opening may be no less than 32 inches and no more than 36 inches. For nonresidential properties, a gate is required for the opening. Where a gate is required or provided for the opening, it must be an opaque metal or decorative wood gate, meeting the design standards of this chapter.
  - (5) Trash enclosures must have minimum inside dimensions, excluding pedestrian access areas, of 8 feet by 12 feet, and must be sized to accommodate all waste, recycling, organics recycling, and trash storage. Walls and gates must be of a height to fully screen the view of the bins and

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storage. A maximum 6-inch space may exist at the bottom of the gate to the ground surface. A maximum of two openings on not more than two sides area allowed for drainage. Each opening may not exceed 8 inches by 16 inches per wall section.

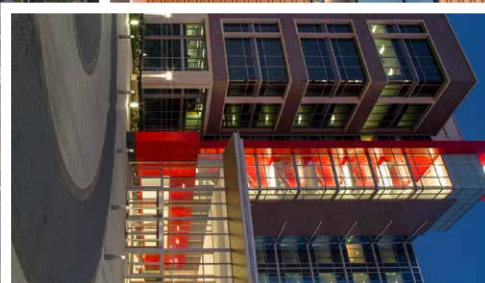
- (6) Location.
  - (a) Enclosures may not be located in the front or side yards and may not be closer than five feet of an interior lot line.
  - (b) Enclosures must meet all parking setback requirements.
  - (c) Enclosure doors must not restrict driveways, extend into adjacent parking spaces, or obstruct fire hydrants or building exits.
  - (d) Enclosures must be located so they are accessible to collection vehicles.
  - (e) Enclosures must remain at least five feet from any combustible construction or building openings.
  - (f) .
- (C) Construction and maintenance standards.
  - (1) All waste enclosure structures, including gates, must be maintained in good condition.
  - (2) All gates and doors must be kept closed, except during servicing.
  - (3) The enclosure area must be set on a concrete pad at ground level, with a minimum slope to prevent accumulation of water from cleaning and rain runoff.
- (D) Trash compactors. Trash compactors that are open to or loaded outside must be located in a waste enclosure meeting the requirements of this chapter. Self-contained trash compactors that are completely enclosed and loaded only from the interior of a building must be located in a waste enclosure or meet the following criteria:
  - (1) Design and materials of the trash enclosure must conform to the architecture of the buildings in the development and be compatible with the finish of the principal building, such as matching paint.
  - (2) Landscape screening or other screening may be required to eliminate or minimize the view from adjacent properties.
  - (3) Appropriate measures must be taken to prevent or eliminate nuisances from noise, trash, or other nuisances created by the location or use of the trash compactor.
- (E) Alternative compliance.
  - (1) The City Manager's designee may consider alternatives to standard trash enclosures. Such alternatives shall be evaluated with respect to the following seven criteria:
    - (a) The proposal provides adequate capacity for the use.
    - (b) The proposal blends with the architecture of the site.
    - (c) The proposal provides convenient access for residents and businesses located within the development.
    - (d) The proposal meets code requirements for all setback requirements including, but not limited to, the front and street side yards and corner cut-offs.
    - (e) The proposal is accessible to trash collection vehicles.
    - (f) The proposal does not generate the potential for undesirable odors, noise, flies or nuisances.
    - (g) The proposal represents an improvement upon code requirements and more adequately meets the needs of the occupants.
  - (2) Requests for consideration of alternatives.
    - (a) Requests for consideration of alternatives must be submitted to the City Manager's designee with the following items: a written letter explaining the request, the reason for it, an explanation of how it meets the above seven criteria, a site plan, and a detail of the proposed alternative including specifications, colors and materials, and measures that will be taken to correct any problems associated with the proposed use if approved.
    - (b) After consideration, the City Manager's designee may, upon written findings reflecting compliance with the above seven criteria, allow installation of the requested alternative.
    - (c) Alternatively, the City Manager's designee may deny the request.
    - ~~(d)~~ Such denial shall set forth which criteria are not met.

5.2B – TECHNICAL CHANGES DOCUMENT

| Section         | Title  | Changes  |
|-----------------|--|--|
| <b>152.1101</b> | Building and Site Design Standards (Residential and Mixed Use) | <ul style="list-style-type: none"> <li>• 152.1101(B)(3) (d) language struck</li> <li>• 152.1101(C)(1)(b)(3) reformatted materials into table, consistent with nonresidential uses</li> </ul>   |
| <b>152.1102</b> | Building and Site Design Standards (Nonresidential)            | <ul style="list-style-type: none"> <li>• 152.1102(A) struck “contribute to depreciation of neighborhood property values”</li> <li>• 152.1102(C)(3) replaced “the design is obviously superior to the intent of this chapter as determined” with “approved”</li> </ul>  |
| <b>152.1103</b> | Clear View Triangle  | <ul style="list-style-type: none"> <li>• 152.1103 struck purpose statement</li> </ul>  |
| <b>152.1104</b> | Commercial Vehicle Parking Standards                           | <ul style="list-style-type: none"> <li>• 152.1104(A)(5) struck “and Transit Oriented Development Employment Transition (TOD-ET)”</li> </ul>  |
| <b>152.1105</b> | Driveways  | <ul style="list-style-type: none"> <li>• 152.1105(G) replaced “with” with “must have”</li> </ul>   |
| <b>152.1106</b> | Fences and Retaining Walls                                     | <ul style="list-style-type: none"> <li>• 152.1106(A) added “Retaining walls are prohibited from being placed in easements.”</li> <li>• 152.1106(A)(2)(a) struck “with approval of the City Manager”</li> <li>• 152.1106(A)(2)(d) added language “fences measuring 42 inches or less may be placed anywhere on a lot, provided they comply with traffic visibility requirements set forth herein.”</li> <li>• 152.1106(A)(4) struck “Exceptions to this height may be made for fences enclosing tennis courts and other similar recreational uses or as may be required elsewhere in the City Code.”</li> </ul> |
| <b>152.1108</b> | Landscaping Standards, Residential Sites                       | <ul style="list-style-type: none"> <li>• 152.1108(A) replaced “citizens” with “residents” and struck “improve property values; protect public and private investments;</li> <li>• 152.1108(D) added “for residential sites”</li> <li>• 152.1108(F) added “residential”</li> </ul>  |
| <b>152.1109</b> | Landscaping Standards, Nonresidential and Mixed Use Sites      | <ul style="list-style-type: none"> <li>• 152.1109(A) struck “improve property values”</li> <li>• 152.1109(D)(6) added “unless noted in 152.1109(E)</li> </ul>  |
| <b>152.1120</b> | Relocating Structures  | <ul style="list-style-type: none"> <li>• Moved to Article 1</li> </ul>   |

# Brooklyn Park

## Zoning Diagnosis



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BROOKLYN PARK, MN



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# Introduction



# Introduction

## AGENDA ITEM 5.2C - SUPPORTING DOCUMENTS

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



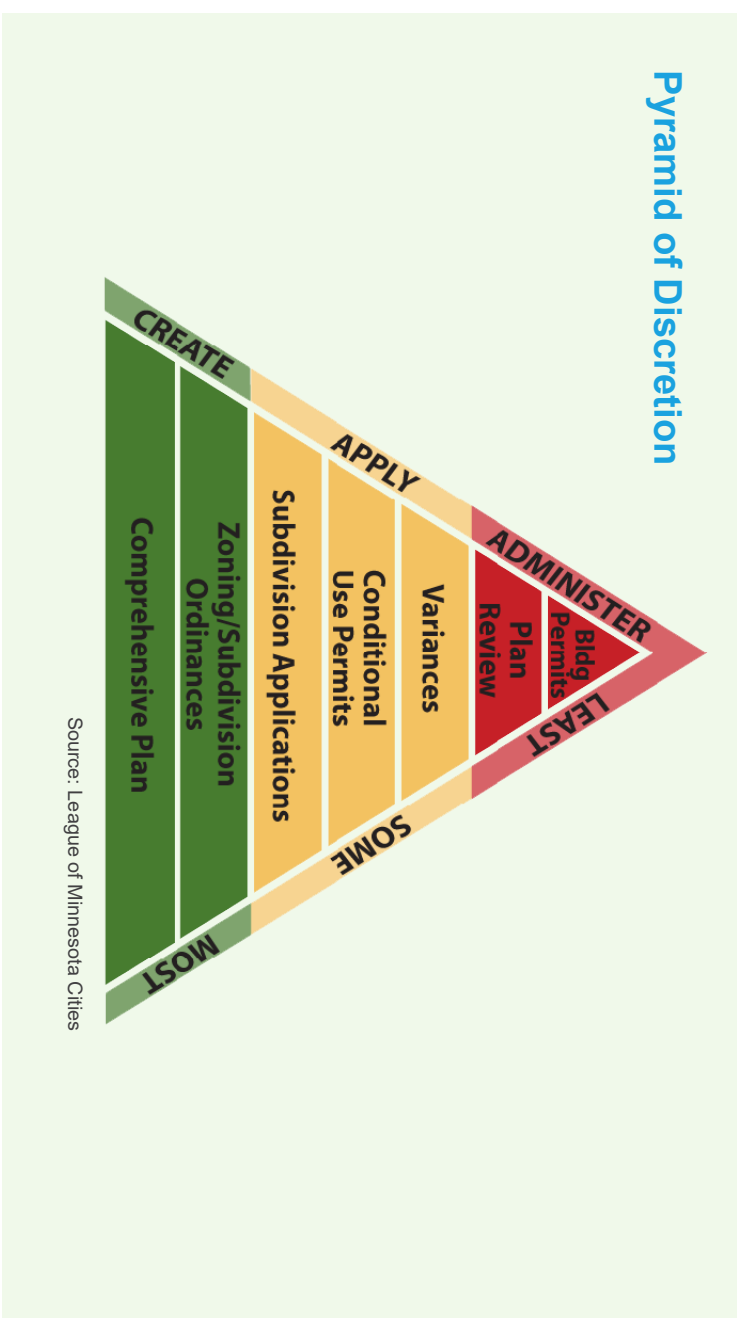
### WHAT ZONING CAN'T DO:

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



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.



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

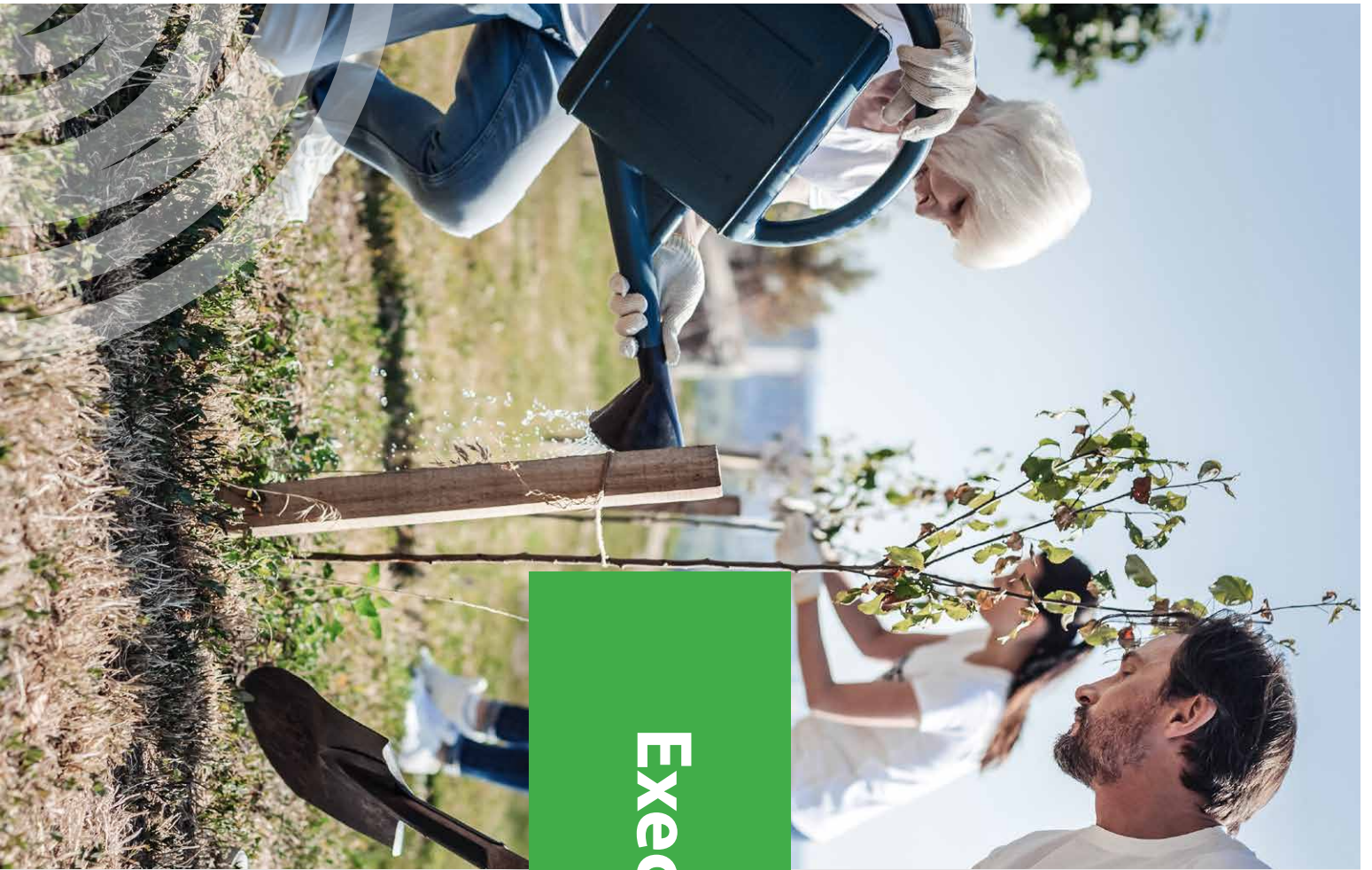
The intent of this chapter is to protect the public health, safety, and general welfare of Brooklyn Park and its people through the establishment of minimum regulations governing the development and use of property within the city. Such regulations are established to:

- 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.

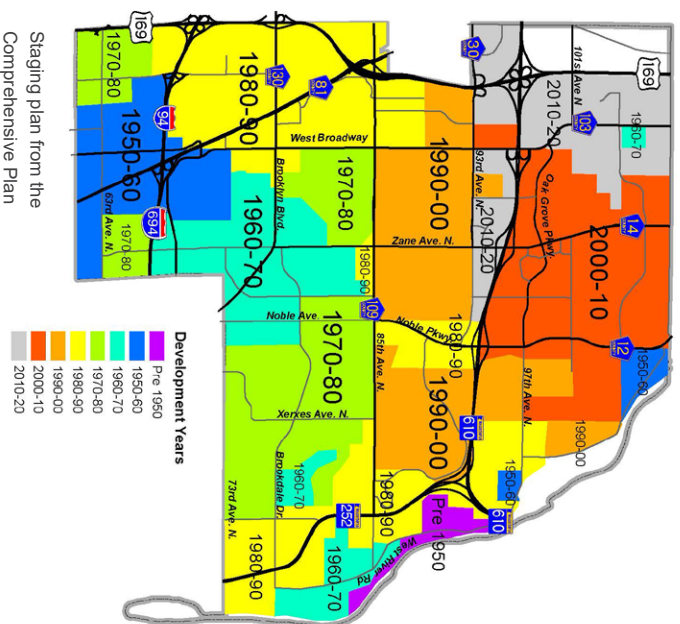


# 2

## 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:

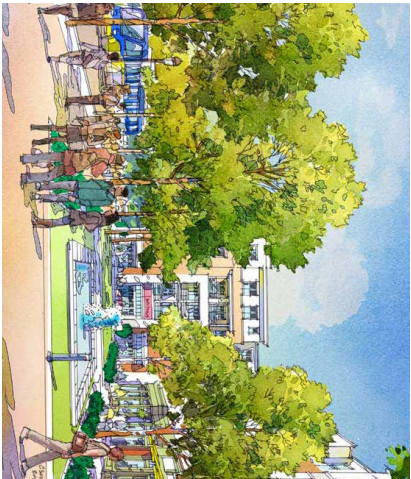
### 1. A united and welcoming community, strengthened by our diversity



#### What it looks like:

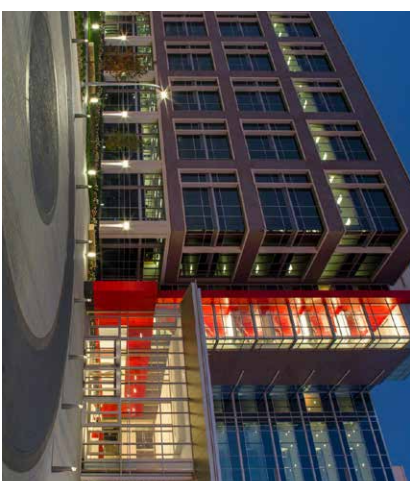
- We have **connected neighbors** who understand and celebrate our unique **cultures**.
- Brooklyn Park is unified with a strong positive **identity** and image.
- Our community's activities, events and services are inclusive, multi-cultural, and **accessible**.
- We have places and spaces for diverse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

- 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.



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

- 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

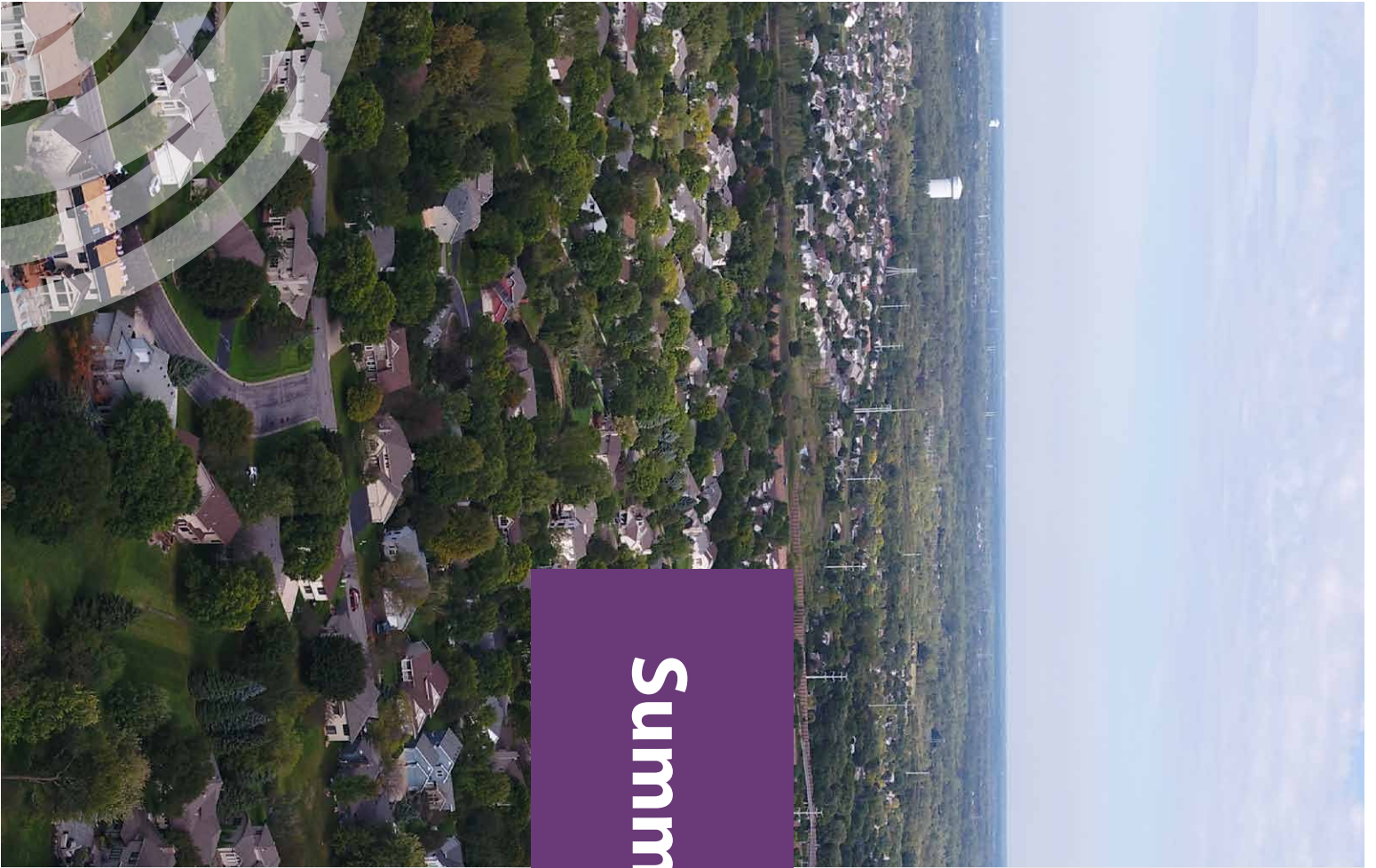


**6. Effective and engaging government recognized as a leader.**

**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

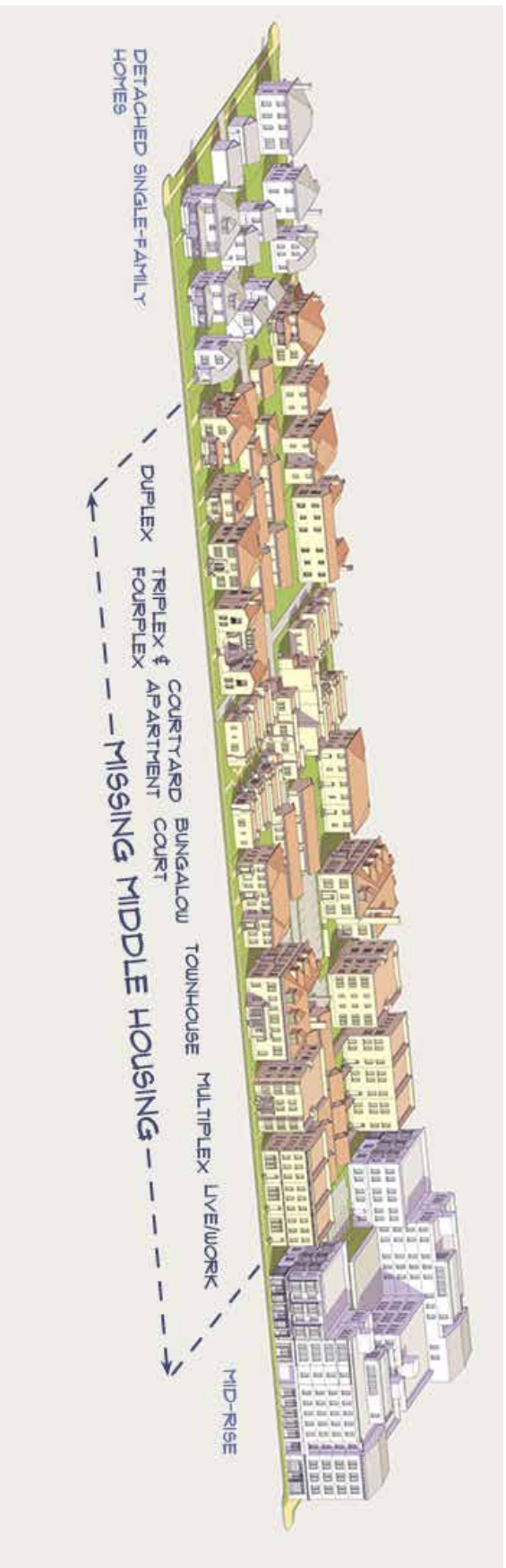
and desired development could be achieved by-right with performance standards or with fewer approvals.

## 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.

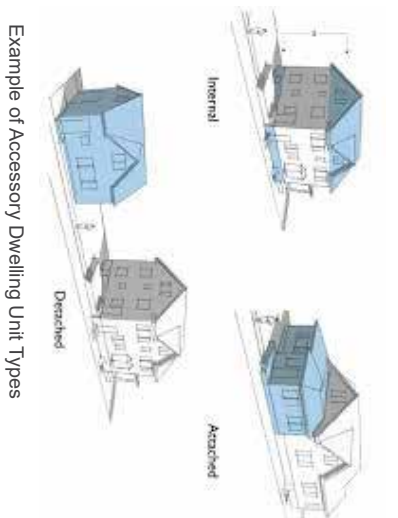
These “Missing Middle” housing types continue to provide a range of housing choices in scale with nearby single-family residential uses and provide a residential intensity that help support neighborhood centers. Existing in between single-family development and higher intensity and mixed-use residential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

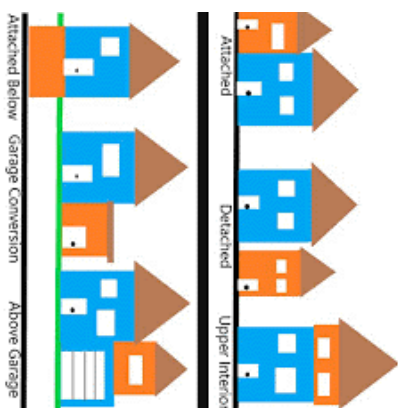
# Summary of Key Findings

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



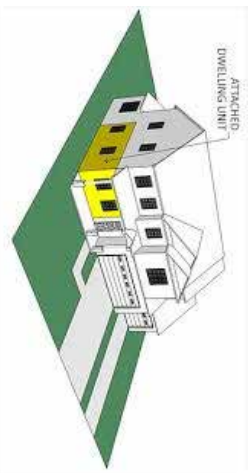
Attached Below Garage Conversion Above Garage



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:

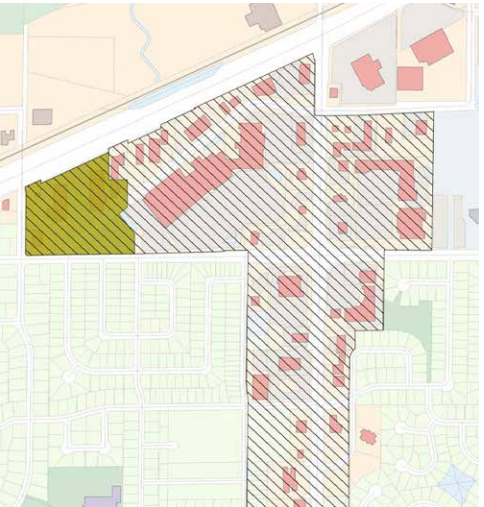
| Options | Minimum Number of Affordable Units Required | Minimum Affordability Standard                            |
|---------|---|---|
| 1       | At least 5% of total project units          | Affordable for households at 30% Area Median Income (AMI) |
| 2       | At least 10% of total project units         | 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.



Transit Oriented Development Overlay

**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



Oak Grove Station

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.



4

# 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   |
|-----------------|---|
| <b>BP</b>       | 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.   |
| <b>I</b>        | 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.   |
| <b>PCDD</b>     | Designed for use where the general areas contain a unique physical or recreational feature or require detailed, coordinated planning efforts to achieve specific goals.   |
| <b>PUB</b>      | Development that is in compliance with the land use designation that allows innovation in development standards.  |
| <b>TC</b>       | High quality, comprehensively designed commercial and residential neighborhoods with developments designed to promote walking, bicycling and transit use.   |
| <b>CD</b>       | 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.  |
| <b>PI</b>       | Public buildings, uses and needs that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose.   |
| <b>VR</b>       | 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

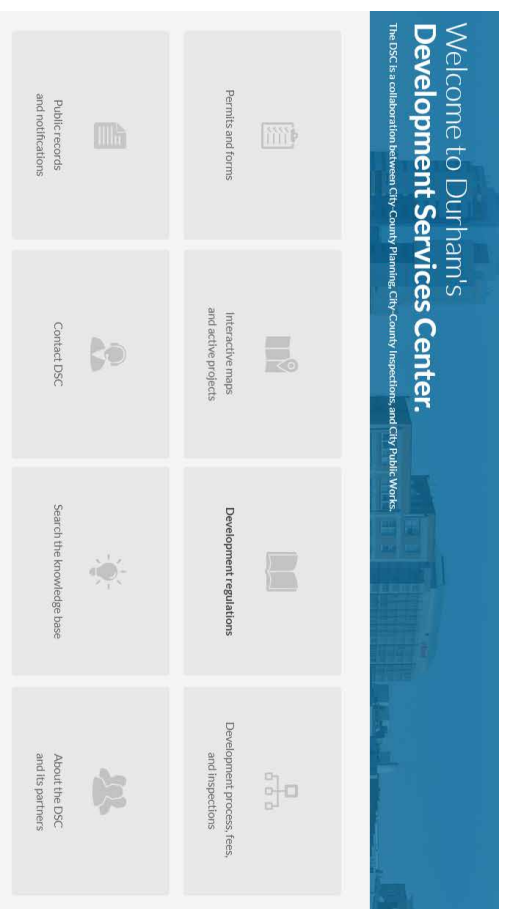
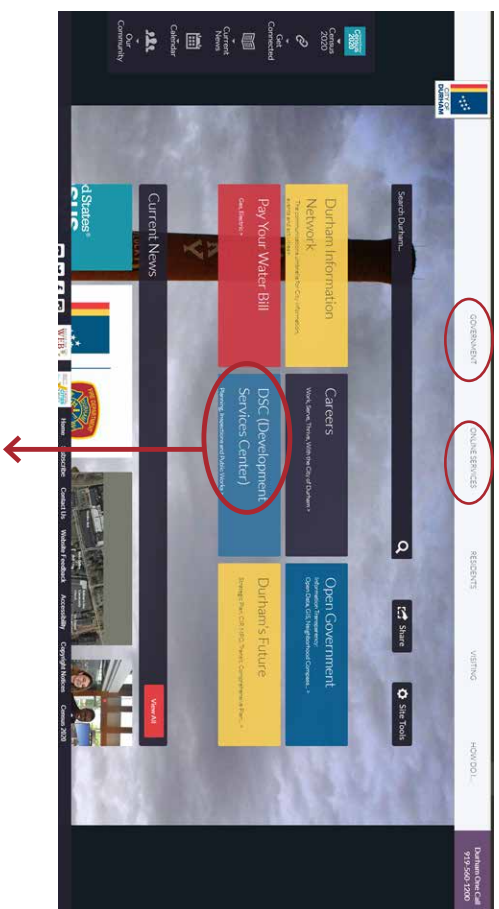
**Maintenance.** Federal and state law relating to zoning and land use are consistently changing and this update provides an opportunity to ensure compliance with changes to laws such as:

- 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

- 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

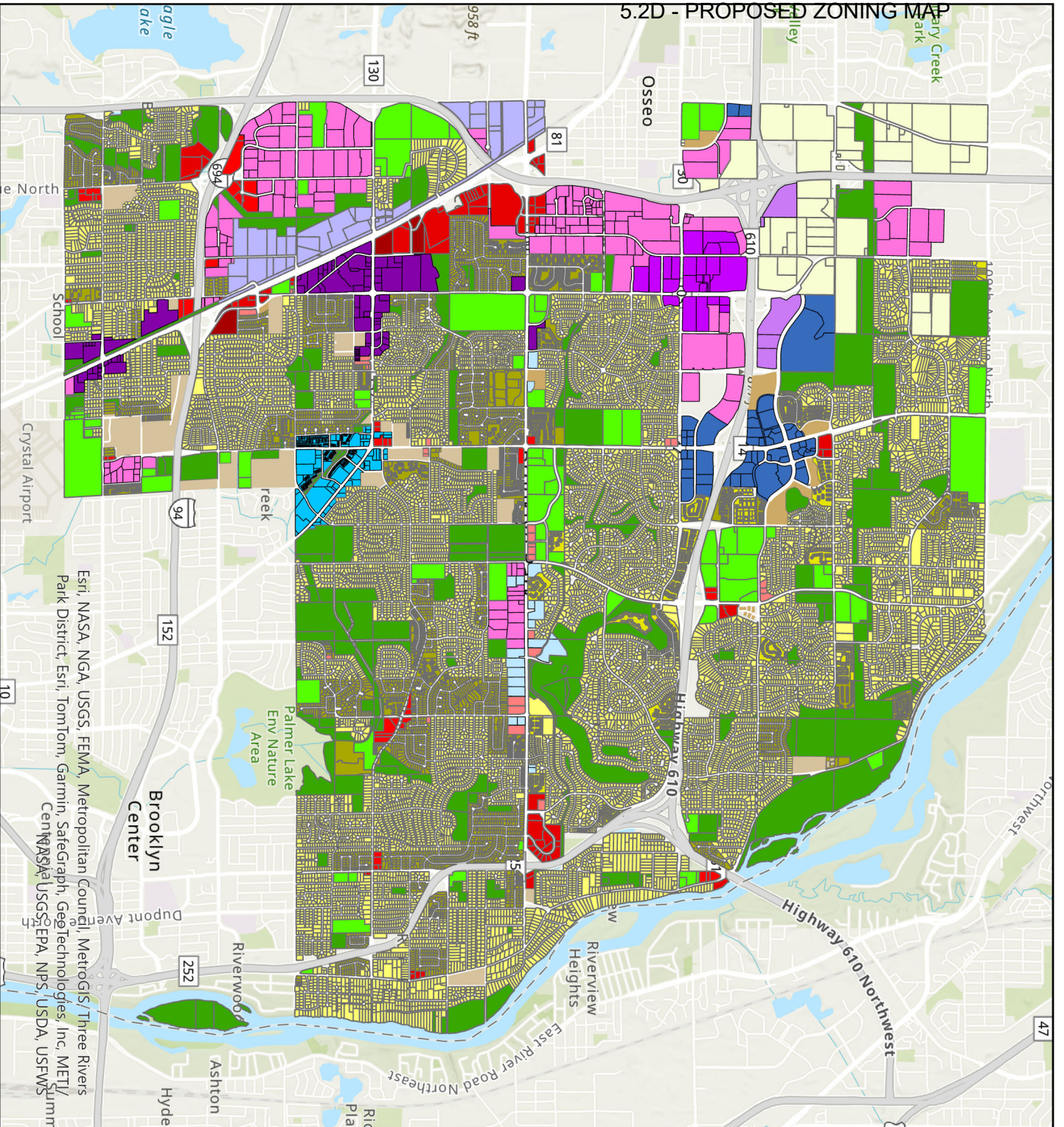
What follows is a typical approach to addressing uses and establishing districts in a Unified Development Code:

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
  - 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

- 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

# Brooklyn Park Zoning Map - Proposed

- Zoning**
- B1
  - B2
  - B3
  - B4
  - BP
  - I
  - LW
  - MU
  - NMU
  - OP
  - PI
  - R1
  - R2
  - R3
  - R4
  - R5
  - R6
  - TOD-C
  - TOD-E
  - TOD-G



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: \_\_\_\_\_