

Zoning Code Chapter 6

Industrial Districts

Article 1. I-1, Light Industrial District, ' ' 6-010--6-060

Article 2. I-2, Heavy Industrial District, ' ' 6-110--6-150

Article 3. I-3, Limited Industrial District, ' ' 6-210--6-420

Article 4. MX, Mixed Use District, ' ' 6-500--6-570

Article 5. MX-G, Mixed Use District, ' ' 6-600--6-670

Article 6. Northwest Quadrant District ' ' 6-680-- 6-750

Article 7. Environmental Constraint Overlay Area ' ' 6-760 --6-810

Article 1. I-1, Light Industrial District

Sec. 6-010. Reserved. (Code of 2001)

Sec. 6-020. Intent.

The I-1 Light Industrial District is a general industrial district established to provide and encourage industrial uses that are aesthetically pleasing in appearance, have all processing within buildings, are complementary to surrounding land uses, and have reasonable amounts of truck traffic. (Ord. No. 502, 12-14-82; Code of 2001)

Sec. 6-030. Permitted Uses in an I-1 District.

- (1) Any use permitted in a Business District except residential use.
- (2) Wholesale and warehousing.
- (3) Laboratories for research and quality control in the physical sciences.
- (4) Public and public utility uses.
- (5) The manufacturing, assembling, and/or processing of the following:
 - A. Beverages and bottling.
 - B. Business machines, such as typewriters, accounting machines, calculators, computers, and card counting equipment.
 - C. Cameras and other photographic equipment except film.
 - D. Canvas and canvas products.
 - E. Ceramic products such as pottery and small glazed tile.
 - F. Cosmetics and toiletries.
 - G. Electric appliances such as lighting fixtures, irons, fans, toasters and electric toys.
 - H. Electric equipment, such as home radio receivers, television receivers, and home movie equipment but not electric power substations or electric machinery.
 - I. Electrical supplies, such as wire and cable assembly, switches, lamps. insulation, and dry cell

- batteries.
 - J. Food products except meat and fish: baking, boiling, canning, dehydrating, freezing, frying, grinding, mixing and pressing, except the rendering of fats and oils.
 - K. Glass products from previously manufactured glass.
 - L. Hair, felt, and feather products except washing, curing and dyeing.
 - M. Hat bodies of fur and wool felt.
 - N. Ink mixing and packaging and inked ribbons.
 - O. Leather products including shoes and matching belting.
 - P. Luggage.
 - Q. Metal: finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, and heat treatment.
 - R. Metal: stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils.
 - S. Musical instruments.
 - T. Orthopedic and medical appliances such as artificial limbs.
 - U. Paper products such as envelopes and stationary, bags, boxes, tubes, and wallpaper printing.
 - V. Plastic products such as tableware, phonograph records, and buttons.
 - W. Printing.
 - X. Rubber products, small and synthetic treated fabrics such as washers, gloves, footwear, bathing caps, and atomizers except for all rubber and synthetic processing
 - Y. Silverware, plate, and sterling.
 - Z. Soap and detergents: packaging only.
 - AA. Sporting and athletic equipment such as balls, baskets, cues, gloves, bats, racquets, and rods.
 - BB. Statuary, mannequins, figurines, religious and church art goods excluding foundry operations.
 - CC. Textiles: spinning, weaving, manufacturing, dyeing.
 - DD. Tools and hardware such as bolts, nuts and screws, door knobs, drills, hand tools, cutlery, hinges, house hardware, locks, nonferrous castings, and plumbing appliances.
 - EE. Toys.
 - FF. Bulk upholstery including mattress manufacturing, rebuilding, and renovating.
 - GG. Children=s vehicles such as bicycles, scooters, wagons and baby carriages.
 - HH. Wood products such as furniture, boxes, crates, baskets, pencils, and cooperage works.
 - II. Vaults, caskets, and burial vaults.
 - JJ. Welded screen manufacturing, conducted entirely within a fully enclosed, climate controlled building, and not involving electroplating or stamping. (Ord. No. 696, 5-28-02)
- (6) Adult establishments licensed under Chapter 15, Article 14 of the City Code. (Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 622, 7-23-96; Ord. No. 654, 2-23-99; Code of 2001)

Sec. 6-040. Permitted Accessory Uses in an I-I District.

- (1) Restaurants, lunch counters, and confectioneries to serve employees of the District.
- (2) One dwelling for security personnel.
- (3) Off-street parking and off-street loading as regulated under the Zoning Code.
- (4) Other uses which are definitely necessary for the successful operation of the permitted uses of this

District with the exception of outside storage which shall be allowed by special use permit under the provisions of Section 6-050.

(5) Signs as regulated in Chapter 9. (Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 654, 2-23-99; Ord. No. 656, 4-13-99; Code of 2001)

Sec. 6-050. Specially Permitted Uses in an I-I District.

(1) Outside storage as an accessory use, subject to compliance with the following:

A. Outside storage areas shall be screened from adjacent residential property and public rights-of-way by landscaping and/or an opaque fence six to eight feet tall.

B. Outside storage shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage, or fire or safety hazards.

(2) The City Council may permit any use in Industrial Districts, except residential uses, by means of a special use permit if such use meets the standards in Section 8-130. However, any use that is allowed within an I-2, Heavy Industrial District, or by the nature of the use is heavy industrial, shall not be considered as a use permitted by special use permit.

(3) The City Council may permit service station canopies with setbacks of between ten feet and forty feet in front yards and from all streets on corner lots provided the industrial district is not separated from a residential district by a street, by special use permit if such use meets the standards in Section 8-130

(4) Accessory structures in excess of 40 feet in height, subject to the following conditions:

A. The property is located adjacent to the right of way of Interstate 35W.

B. The accessory structure is located in the rear or side yard.

C. The accessory structure meets setback requirements for principal structures.

D. No adjacent properties are zoned residential.

E. The accessory structure is located at least 10' from the principal structure when measured at the closest point.

F. The accessory structure height is no more than 160% of the height of the principal structure, and in no case more than 50'.

G. The lot area of the property on which the accessory structure is located on is at least 5 acres.

H. The property is in compliance with the performance standards of Section 6-390.

I. The accessory structure complies with the standards of Section 8-130.

Sec. 6-055. Interim Permitted Uses in an I-1 District.

(1) Outdoor recreational improvements for employees such as patios, pergolas, or barbeque/grill stations within required side or rear yard setbacks provided the following conditions exist:

A. The adjacent parcel is currently in a natural or undeveloped state within 40 feet of the proposed improvement; and

B. The applicant agrees to remove or protect the outdoor recreational improvement as directed by the Department of Community Assets & Development at such time as any development occurs on

the adjacent parcel within 40 feet of the proposed improvement. (Ord. 877, 9-22-20)

Sec. 6-060. Lot and Yard Standards in an I-1 District.

- (1) The front yard setback in an I-1 District shall be forty feet. On corner lots, the setback from all street lines shall be forty feet. The setback from the street in an I-1 District shall be not less than sixty feet where the I-1 District is separated from a Residential District by a street.
- (2) The side yard setback in an I-1 District shall be not less than fifteen feet.
- (3) The side yard in an I-1 District adjacent to a residential boundary line shall provide for a landscaped strip at least sixty feet in width along the boundary line. A portion of this landscaped strip shall be planted to provide a screen.
- (4) The rear yard setback in all Industrial Districts shall be a minimum of twenty feet which may be used for parking. The provisions of Section 6-060 (3) shall apply if the rear yard of an Industrial District abuts on or is across the alley or street from a Residential District.
- (5) In an I-1 District, the floor area ratio shall be a maximum of 0.4 for one-story and 0.6 for two-story buildings.
- (6) No building or structure shall exceed forty feet in height.
- (7) Front yard setbacks for service station canopies of between forty feet and ten feet may be permitted by a special use permit. On corner lots, the city Council may grant special use permits for setbacks for service station canopies from all street lines of between forty and ten feet provided the industrial district is not separated from a residential district by a street (Ord. No. 600, 7-13-99; Code of 2001)

Article 2. I-2, Heavy Industrial District

Sec. 6-110. Reserved. (Code of 2001)

Sec. 6-120. Intent.

The purpose of an I-2 District is to establish a District for industries that: manufacture and/or process products from large bulky materials; have a need for outside storage of large equipment, material and some outside processing or assembly; or transport large products. (Ord. No. 502, 12-14-82; Code of 1988; Code of 2001)

Sec. 6-130. Permitted Uses in an I-2 District.

- (1) Any use permitted in an I-1 District.
- (2) The manufacturing, assembling, and/or processing of the following:
 - A. Aircraft: small assembly, storage, and restoration.
 - B. Automobiles, trucks, and trailers.
 - C. Building materials such as prefabricated houses, composition wall boards, partitions, and panels.
 - D. Chemicals that do not involve noxious odors or dangers from fire or explosives, such as: adhesives, bleaching products, calcimine, dye stuffs (except aniline dyes), essential oils, plaster of paris, and vegetable gelatin, glue, and size.
 - E. Structural clay products such as brick, fire brick, tile, and pipe.
 - F. Food products, manufacturing of basic products from the raw state, refining, roasting, pasteurization, and extraction of vegetable oils, including such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose and dextrine, maple sugar, milk, butter and cheese, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, oils, sugar, and yeast.
 - G. Glass manufacturing and large glass products such as structural and plate glass.
 - H. Hair, felt, and feathers: bulk processing, washing, curing and dyeing.
 - I. Ink from primary raw materials including colors and pigment.
 - J. Leather and fur: tanning, curing, finishing and dyeing.
 - K. Machinery: heavy manufacturing and repair of electrical, construction, mining, and agricultural.
 - L. Machinery, miscellaneous light and electrical equipment such as washing machines, firearms, refrigerators, air conditioning, and commercial motion picture equipment.
 - M. Packing and processing of meat and fish but not including slaughtering.
 - N. Metal alloys and foil.
 - O. Metal and metal products: fabrication, assembly, treatment, and processing.
 - P. Heavy metal casting and foundry products including ornamental iron work, but not including magnesium foundries.
 - Q. Precious and rare-reduction metals: smelting and refining.
 - R. Bulk paper products such as shipping containers, and pulp goods which are pressed or molded including paper mache, carbon paper and coated paper stencils.
 - S. Porcelain products such as bathroom and kitchen equipment.
 - T. Wood and wood products: assembly, treatment, and processing of wood and wood products.

(3) Adult establishments licensed under Chapter 15, Article 14 of the City Code. (Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 622, 7-23-96; Ord. No. 654, 2-23-99; Code of 2001)

Sec. 6-135. Permitted Accessory Uses in an I-2 District.

(1) Restaurants, lunch counters, and confectioneries to serve the employees of the District.

(2) One dwelling for security personnel.

(3) Off-street parking and off-street loading as regulated under the Zoning Code.

(4) Other uses which are definitely necessary for the successful operation of the permitted uses of this District with the exception of outside storage which shall be allowed by special use permit under the provisions of Section 6-140.

(5) Signs as regulated in Chapter 9. (Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 656, 4-13-99; Code of 2001)

Sec. 6-140. Specially Permitted Uses in an I-2 District.

(1) Truck terminals.

(2) Truck and trailer repair.

(3) Truck and trailer sales.

(4) Outside storage as an accessory use, subject to compliance with the following:

A. Outside storage areas shall be screened from adjacent residential property and public rights-of-way by landscaping and/or an opaque fence six to eight feet tall.

B. Outside storage shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage, or fire or safety hazards.

(5) The City Council may permit any use in an I-1 Industrial Districts, except residential uses, by means of a special use permit if such use meets the standards in Section 8-130. (Code of 1988; Ord. No. 656, 4-13-99; Code of 2001)

(6) Storage of salt, sand, or other similar road treatment materials by public road authorities in structures not meeting requirements found in Sec. 6-390 (12). (Ord. No.720, 5/25/04)

(7) Accessory structures in excess of 40 feet in height, subject to the following conditions:

A. The property is located adjacent to the right of way of Interstate 35W.

B. The accessory structure is located in the rear or side yard.

C. The accessory structure meets setback requirements for principal structures.

D. No adjacent properties are zoned residential.

E. The accessory structure is located at least 10' from the principal structure when measured at the closest point.

F. The accessory structure height is no more than 160% of the height of the principal structure, and

in no case more than 50'.

G. The lot area of the property on which the accessory structure is located on is at least 5 acres.

H. The property is in compliance with the performance standards of Section 6-390.

I. The accessory structure complies with the standards of Section 8-130.

(Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 600, 7-13-99; Ord. No. 654, 2-23-99; Ord. No. 656, 4-13-99; Code of 2001), Ord. 752, 11-27-07

Sec. 6-150. Lot and Yard Standards.

The standards for lots and yards in the I-2 District are the same as the requirements in an I-1 District.
(Code of 2001)

Article 3. I-3, Limited Industrial District

Sec. 6-210. Reserved. (Code of 2001)

Sec. 6-220. Intent.

This District allows for industrial users that are sensitive to surrounding land uses. This District is typically found in transitional areas between more intense Industrial Districts and Residential or Recreational Districts. (Ord. No. 502, 12-14-82; Code of 1988; Code of 2001)

Sec. 6-230. Permitted Uses in a I-3 District.

(1) Any use permitted in the Business District.

(2) Any use permitted in the Light Industrial District excluding those uses that the City Council determines do not meet the following requirements:

A. Development and/or uses shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage, or fire or safety hazards.

B. There shall be only one outside storage area of materials, products, etc., and commercial semi-trucks not to exceed twenty percent of the gross floor area of the building on the site. The storage area shall be screened with an opaque six to eight foot fence. This storage area shall be located only in the rear yard.

C. There shall be no external bulk chemical storage for either use or sale except as necessary for auxiliary heating.

D. There shall be no more than six trips per day of commercial trucks with six or more wheels per vehicle per 10,000 square feet of building gross floor area.

E. There shall be no excessive vehicular traffic between 8:00 p.m. and 6:00 a.m. as from shift changes.

F. The buildings and grounds shall be of an appearance that is in harmony with surrounding land uses.

G. All parking, maneuvering, driveway, and storage areas shall be surfaced with asphalt or concrete.

(3) Adult establishments licensed under Chapter 15, Article 14 of the City Code. (Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 622; 7-23-96; Code of 2001)

Sec. 6-235. Permitted Accessory Uses in an I-3 District.

(1) Off-street parking and off-street loading shall be as regulated in the Zoning Code.

(2) Other uses that are definitely necessary for the successful operation of the permitted uses in an I-3 District. (Ord. No. 502, 12-14-82; Code of 1988; Ord. No. 622; 7-23-96; Code of 2001)

Sec. 6-240. Lot and Yard Standards in an I-3 District.

The standards for lots and yards in an I-3 District are the same as the requirements in an I-1 District. (Code of 2001)

Sec. 6-250. Specially Permitted Uses in an I-3 District.

The regulations for uses by special permit are the same as the requirements in an I-1 District and must meet the standards of Section 6-230 (2) A-G. (Ord. No. 502, 12-14-82; Code of 1988; Code of 2001)

Sec. 6-310. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-320. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-330. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-340. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-350. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-360. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-370. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-380. Repealed. (Code of 1988; Ord. No. 567, 12-13-88; Code of 2001)

Sec. 6-390. General Performance Standards.

(1) Any use established in an Industrial or Business District after October 24, 1968, shall be so operated as to comply with the performance standards set forth hereinafter. No use established before October 24, 1968, shall be so altered or modified to conflict with the performance standards hereinafter stated.

(2) No activities involving the storage, utilization, or manufacturing of materials or products that could decompose by detonation shall be permitted except such as are specifically licensed by the City Council. These materials shall include but not be confined to all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl and ammonia nitrates; propellants and components thereof, such as nitrocellulose, black powder, ammonium perchlorate, and nitroglycerine; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrates; and, nuclear fuels and reactor elements such as uranium 235 and plutonium.

(3) Screening shall be provided and maintained by the property owner for a parcel used for industrial or business purposes adjacent to a Residential District. The screening, either of planting, fence or wall, shall be designed to reduce noise and prohibit eye-level vision from the residential land to the Industrial or Business District.

(4) Sound levels above the following are prohibited:

<i><u>Octave Band Cycles per Second</u></i>	<i><u>Along Residential Line Levels in Decibels</u></i>	<i><u>Along Nonresidential Line Levels in Decibels</u></i>
---	---	--

0 to 75	72	79
75 to 150	67	74
150 to 300	39	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Over 4800	32	39

Sound levels shall be measured by equipment meeting the specifications of the American Standards Association.

(5) Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge, shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. This standard shall not apply to vibrations created during the process of construction.

(6) Any use established in an Industrial or Business District shall be so operated as to permit no smoke or particulate to be discharged that is darker than No. 1 classification of the Ringelmann Smoke Chart furnished by the U.S. Bureau of Mines. Further, the emission shall not exceed more than 0.07 pounds per hour per acre of site occupied.

(7) Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundary of the lot where such use is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare; or, cause injury or damage to property or businesses.

(8) Any use established in an Industrial or Business District shall operate in a way so as to prevent the emission of odorous matter of such quality as to be readily detectable beyond the lot line of the site on which such use is located.

(9) Any use producing intense heat or direct light transmission shall have shielding to prevent the heat or direct light from being detectable at the lot line of the site on which the use is located.

(10) Any use established in a Residential, Industrial, or Business District which requires the storage of material or goods shall provide a six foot screen to shield the material or goods from sight by the public traveling on the public right-of-way. Also, if such material or goods extends to a height greater than six feet, it shall be subject to the same yard requirements as a building for the district in which it is located. Material stored in the open shall be in rows no greater than fifty feet in width with access drives not less than eighteen feet between rows.

(11) All loading docks and vehicular doors established after October 24, 1968, shall be, when facing a public right-of-way, fifty feet or more from the public right-of-way but at no time shall trucks or trailers cross the property line when parked. No more than one loading dock accommodating one truck at a time shall face a public street. More than one loading dock, but no more than three, may face a public right-of-way when said loading facilities are screened from that public right-of-way by topography, landscaping and/or fence. If any part of the fence that provides such screening is a gate, the gate must have an automated control that keeps the gate closed except when vehicles are passing through.

(Ord. No. 775, 4-28-2009)

(12) The exterior treatment on the street side of the structure shall be brick, stone, tilt-up slabs, architectural metal panels, decorative block, or the equivalent. The other sides of the structure shall not be raw block. (Code of 2001)

Sec. 6-400. Fences.

The placement or construction of a fence in an industrial district shall be subject to regulations contained in Section 4-540 (1) through (3) except as hereinafter modified.

(1) In any industrially zoned part of the City, no fence shall be erected except in conformance with the following:

- A. Fences erected in the front yard or a street side yard shall not exceed 3 2 feet in height and shall have at least 75 percent of their vertical surface plane open when viewed from a point perpendicular to that plane. Where higher or more solid fences are required by other Sections of the Zoning Code, the requirements of those Sections shall govern.
- B. Fences in other yards shall not exceed eight feet in height.
- C. Fences may have arms on which barbed wire can be fastened commencing at a point at least seven feet above the ground provided such arms do not project outside the property line. (Code of 2001)

Sec. 6-410. Floodplain Management.

All industrially zoned lands within the City that is subject to periodic inundation as shown on the official floodplain zoning map shall be subject to all regulations contained in Chapter 10 of the Zoning Code. (Code of 2001)

Sec. 6-420. Height Exceptions.

Those types of structures that are proposed to exceed the height limitation for an Industrial District are to be regulated by Section 4-600 of the Zoning Code. (Code of 2001)

Article 4. MX, Mixed Use District

Section 6-500. Reserved. (Code of 2001)

Section 6-510. Intent.

The purpose of the MX District is to provide a flexible framework for the development of high intensity mixed uses which are vertically and horizontally integrated in accordance with the Highway 8 Corridor Study. Specific objectives are:

- (1) To provide a reasonable use of existing properties in the short term while creating incentives for the kinds of high intensity mixed uses which are consistent with the Study. Such uses include convenience retail, housing, office and office-showroom, recreation, entertainment, and restaurants, and integrated parking and transit elements.
- (2) To be a place where buildings and the street have a relationship and residents, employees, and shoppers have dedicated and safe pathways for walking.
- (3) To have uses that are integrated and buildings have the appearance of being related or connected even if they are not.
- (4) To be a place where people drive to gain access but feel comfortable walking within this exceptionally connected place. (Ord. No. 648, 11-30-98; Code of 2001)

Section 6-520. Permitted Uses.

(1) **Residential Uses.** Residential multi-family and attached single family uses. Fifty percent of the required parking shall be provided as underground parking.

(2) **Commercial Uses.**

A. Retail business for local and neighborhood needs provided the building does not exceed 5,000 square feet to the following limited extent:

1. The sale and manufacture of baked goods; the sale of confectionery, dairy products, delicatessen, fruits, vegetables, groceries and meats in permanent buildings only.
2. The sale of books, magazines, newspapers, cigars, drugs, flowers, gifts, music, photographic goods, sporting goods, and stationery.
3. Restaurants and cafeterias.
4. Places for sale and consumption of soft drinks, juices, and ice cream.
5. Service establishments, barber or beauty shops, custom tailors, laundry agencies, self-service laundries hand laundries, con laundries, shoe repair, also dry cleaning, pressing, and tailoring shops in which not more than five persons are engaged in such work or business at any one time and in which only non-explosives and non-flammable solvents are used and no work is done on the premises for retail outlets elsewhere.
6. Pet shops.

B. Retail business for local and neighborhood needs provided the building does not exceed 22,000 square feet to the following limited extent:

1. Hardware store.
2. Grocery store.

- 3. Video store.
- 4. Sale of dry goods and variety merchandise.
- C. Motels and motor hotels when located on property adjacent to and having access to State or Federal highways.
- D. Day nurseries, nursery schools, and day care centers.
- E. Amusement and recreation, armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social, sport, or recreation center operated as a business.

(3) Professional/Office Uses.

- A. Out-patient medical clinic.
- B. Professional and service occupations such as accountant, architect, artist, broker, dentist, engineer, attorney, physician, realtor, chiropractor, osteopath, optometrist, secretarial agency, advertising agency, finance agency, insurance agency, investment agency, travel agency, bonding agency, mortgage agency, shopping service, and office/business machine agency.
- C. Business offices and services; office buildings, banks, business colleges, private trade schools.
- D. Government office and service buildings and public parks.

(4) Other Uses.

- A. Funeral home, radio and television studios.
- B. Clubs, fraternal and labor organizations provided that no such buildings are erected nearer than 100 feet to a residential district.
- C. Public utility facility.
- D. The City Council shall consider other uses not listed in this Section. Such other uses may be granted if, in the opinion of the City Council, the use is compatible with other uses in the district. (Ord. No. 648, 11-30-98; Code of 2001)

Section 6-530. Permitted Accessory Uses.

- (1) Signs as regulated in Chapter 9.
- (2) Off street parking and off street loading as regulated by Chapter 11. (Ord. No. 648, 11-30-98; Code of 2001)

Section 6-540. Special Use Permits.

(1) Industrial Uses.

- A. Laboratories for research and quality control in the physical sciences.
- B. The manufacturing, assembly and/or processing of:
 - 1. Business machines such as typewriters, accounting machines, calculators, computers, and card counting equipment.
 - 2. Cameras and other photographic equipment except film.
 - 3. Ceramic products such as pottery and small glazed tile.
 - 4. Cosmetics and toiletries.
 - 5. Electric appliances such as lighting fixtures, irons, fans, toasters, and electric toys.
 - 6. Electric equipment assembly such as home radio and television receivers and home movie equipment, but not electric power substations or electric machinery.
 - 7. Electrical supplies, manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation, and dry cell batteries.

8. Musical instruments.
9. Orthopedic and medical appliances such as artificial limbs.
10. Printing.

C. Industrial Use Standards. In addition to compliance with Sections 6-550 and 6-560, all uses listed in Section 6-540 (1) A and B shall comply with the following standards. The strictest application shall apply.

1. Development and/or uses shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage or fire or safety hazards.
2. There shall be no external bulk chemical storage for either use or sale except as necessary for auxiliary heating.
3. There shall be no more than six commercial truck trip of six or more wheels per vehicle per 10,000 square feet of building gross floor area per day.
4. There shall be no excessive vehicular traffic between 8:00 p.m. and 6:00 a.m., as from shift changes.
5. The buildings and grounds shall be of an appearance that is in harmony with surrounding land uses.
6. Buildings on the site shall not occupy more than ten percent of the total site area.
7. All buildings and uses shall comply with Section 6-060 (1) through (6) and I-1 District minimum lot standards.
8. The minimum site size shall be five acres.
9. Industrial uses must satisfy the requirements of Sections 6-550, 6-560, 6-570, and 8-130.

(2) Commercial Uses.

- A. The sale of general merchandise including in department stores.
- B. The sale of apparel of all kinds.
- C. The sale of furniture and household goods including furniture and accessory furniture storage.
- D. Service establishments as permitted in neighborhood business districts without limitation on the number of persons engaged in such work or business, research laboratory, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifty feet from a residence district.
- E. Clinics, hospitals, sanitariums, convalescent homes, rest homes, nursing homes, and similar institutions provided that all main buildings are not less than fifty feet from any adjoining premises in a residential district not used for a similar purpose. (Ordinance No. 803, 07-26-2011)
- F. Cat and dog hospitals or pet shops provided that noise and odors are effectively confined to the premises.
- G. Racquet clubs subject to the conditions outlined in Section 5-030 (5).
- H. Commercial Use Standards. All uses listed in 6-640 (A) through (G) shall comply with these standards:
 1. The total amount of floor area for any one use shall not exceed ten percent of the total site area or 50,000 square feet, whichever is less.
 2. The minimum site size shall be five acres.
 3. All commercial uses must satisfy the requirements of 6-550, 6-560, 6-570, and 8-130.
- I. General hardware stores with outdoor garden sales area.
 1. The building shall not have a footprint larger than 50,000 square feet.
 2. All outdoor garden sales shall have approved screening, contain no storage visible above the screening material, and satisfy any other conditions deemed necessary by the City Council.

3. All items stored or displayed outdoors shall be wholly within the “garden center” area at all times and all displays shall be maintained in an attractive, aesthetically pleasing manner.
4. Only plant and plant-related materials shall be allowed to be displayed and sold in the designated outdoor garden sales area.
5. Power and non-power equipment storage or display outdoors shall not be allowed.
6. Additional seasonal sales items shall be allowed in designated areas to be approved by the City Planner on a case-by-case basis.
7. The use shall satisfy the requirements of 6-550, 6-560, 6-570 and 8-130.

(3) **Residential Uses.** Higher density residential multi-family and attached single family uses located on a single site may be allowed by the issuance of a special use permit provided that:

A. The density of a special use single site residential development shall not exceed:

<u>Structure</u>	<u>Lot Area per Unit</u>
One Floor	2,400 SF
Two Floors	2,240 SF
Over Two Floors	2,000 SF

B. The maximum dwelling unit density for Senior Housing shall be seventy percent of the required minimum lot area per unit.

C. Fifty percent of all required parking shall be provided as underground parking.

D. The minimum site size shall be five acres.

E. Higher density residential single site developments may only be located adjacent to Long Lake Regional Park.

F. Residential uses must satisfy the requirements of Sections 6-550, 6-560, 6-570, and 8-130.

(4) **Mixed Residential and Commercial Uses.** Higher density residential multi-family and attached single family uses located on the same site as commercial or office uses permitted under Section 6-520 (2) through (4) may be allowed by the issuance of a special use permit provided that:

A. The density of a special use residential mixed-use development shall not exceed:

<u>Structure</u>	<u>Lot Area per Unit</u>
1. One Floor	2,100 SF
2. Two Floors	1,960 SF
3. Over Two Floors	1,750 SF

B. The maximum dwelling unit density for Senior Housing shall be seventy percent of the required minimum lot area per unit.

C. Fifty percent of all required parking for residential use shall be provided as underground parking, or in a parking ramp.

D. The minimum site size shall be five acres.

E. The commercial or office use of a mixed-use building containing residential uses shall occupy at least ten percent but not more than 35 percent of the total floor area of the buildings on the site.

F. Higher density residential mixed-use developments may only be located adjacent to Long Lake Regional Park.

G. All uses must satisfy the Special Use Standards found in Sections 6-550, 6-560, 6-570, and 8-130.

(5) **Mixed Industrial and Commercial or Professional/Office Uses.** A mixture of uses, permitted under

Section 6-540 (1) A through B, may be located on the same site, or in the same building, or in a corporate campus setting with other business or office uses permitted under Section 6-520 (2) through (4) provided compliance with these standards:

- A. The development and/or uses shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage, or fire or safety hazards.
- B. There shall be no external bulk chemical storage for either use or sale except as necessary for auxiliary heating.
- C. The buildings and grounds shall be of an appearance that is in harmony with surrounding land uses.
- D. If the primary use of the site is industrial, at least forty percent of the total building floor area shall be occupied by commercial or professional/office uses.
- E. If the primary use of the site is professional/office, at least thirty percent of the total building floor area shall be occupied by commercial uses.
- F. Residential uses shall not be allowed.
- G. The minimum site size shall be ten acres.
- H. All uses must satisfy the Special Use Standards found in Sections 6-550, 6-560, 6-570, and 8-130.

(6) Fences shall be permitted that satisfy the special uses standards found in Sections 6-550 and 8-130. (Ord. No. 648, 11-30-98; Code of 2001) (Ord. No. 712, 12-8-03 Ord. No. 733, 9-13-2005.)

Section 6-550. Special Use Permit Standards in an MX District.

(1) All buildings that are located on sites adjacent to Long Lake Regional Park shall take advantage of the views to Long Lake and shall provide site improvements that compliment the natural features of Long Lake Regional Park.

(2) All developments shall provide pedestrian linkages to Long Lake Regional Park and neighboring developments for residents, employees, and shoppers, and provide integrated parking and transit elements whenever practical.

(3) All uses shall be complementary or integrated and buildings shall be related or connected in accordance with the vision of the adopted Highway 8 Corridor Study.

(4) All buildings and building sites shall be designed to encourage social interchange and a sense of community, provide sufficient residential amenities, and mitigate any adverse impacts of business and industrial uses on residential uses. (Ord. No. 648, 11-30-98; Code of 2001)

Section 6-560. Site Standards.

These site standards shall apply to all uses allowed within an MX District:

(1) The maximum floor area ratio shall be 75 percent, except that the area north of I-694, south of 14th Street NW, east of Highway 8, and west of I-35W, shall have a maximum floor area ratio of 125 percent. Uses authorized under Section 6-540 (5) shall have a maximum floor area ratio of 150 percent.

(2) All buildings shall have a height limitation of three stories or forty feet in height, whichever is less.

Building height may be increased by a special use permit. (Ord. No.727, 2-8-05)

(3) All buildings shall comply with the following setbacks:

A. Sixty feet from the boundary of Long Lake Regional Park; and

B. Residential Uses:

Front Yard	25 feet
Side Street Yard	25 feet
Side Yard	5 feet
Rear Yard	5 feet

C. Commercial Uses:

Front Yard	25 feet
Side Street Yard	25 feet
Side Yard	5 feet
Rear Yard	5 feet

D. Industrial Uses:

Front Yard	40 feet
Side Street Yard	40 feet
Side Yard	15 feet
Rear Yard	5 feet

E. Subject to approval of the City Council, buildings setbacks may be decreased in front yards if pedestrian linkages to Long Lake Regional Park and neighboring developments for residents, employees, and shoppers are provided along with an approved streetscape plan.

(4) Where a single site or mixed-use residential development abuts a non-residential use, a fifteen foot wide strip of green area consisting of plantings, berming and/or other types of landscaping treatments shall be provided on the residential sites to buffer the residential uses.

(5) There shall be 300 square feet of green area for each dwelling unit in a single site or mixed-use residential development.

(6) Unless a higher density is authorized by the issuance of a special use permit, the density of a residential multi-family and attached single family development located on a single site shall not exceed:

<u>Structure</u>	<u>Lot Area per Unit</u>
1. One Floor	6,000 SF
2. Two Floors	5,600 SF
3. Over Two Floors	5,000 SF

(7) The provisions of the Zoning Code dealing with Planned Residential Development and Planned Unit Development may not be used to increase densities and floor area ratios provided by the MX District. (Ord. No. 648, 11-30-98; Code of 2001, Ord No 746 4-24-2007)

Section 6-570. Performance Standards.

These performance standards shall apply to all uses allowed within the MX District:

- (1) Conformance with Section 6-390 (1) through (9) and (11) through (12), Performance Standards.
- (2) The exterior treatment of the structures shall be wood, brick, stone, decorative block or the equivalent. The City Council may consider other exterior treatments such as precast concrete, aluminum, steel, glass, or curtain walls providing such exterior treatments are highly decorative, aesthetically pleasing, and consistent with the spirit and intent of the vision for the Highway 8 corridor.
- (3) All parking, maneuvering, and driveway areas shall be surfaced with asphalt or concrete.
- (4) Outdoor storage of materials, equipment, or products is prohibited.
- (5) Compliance with Chapter 11, Parking Standards. (Ord. No. 648, 11-30-98; Code of 2001)

Article 5. MX-G, Mixed Use District.

Section 6-600. Reserved. (Code of 2001)

Section 6-610. Intent.

The purpose of an MX-G District is to provide a flexible framework for the development of high intensity mixed uses which are vertically and horizontally integrated in accordance with the vision of the adopted Highway 8 Corridor Study. The intent is to provide a reasonable use of existing properties in the short term while creating incentives for the kinds of high intensity mixed uses which are consistent with the Highway 8 Corridor Study, such as convenience retail, housing, office and office-showroom, recreation, entertainment, restaurants, and integrated parking and transit elements.

An MX-G District is intended to be a place where:

- (1) Buildings and the street have a relationship and residents, employees and shoppers have dedicated and safe pathways for walking.
- (2) Uses are integrated and buildings have the appearance of being related or connected even if they are not.
- (3) People drive to gain access but feel comfortable walking within this exceptionally connected place.
- (4) Convenience gasoline establishments may be allowed where such establishments serve local needs for fuel for personal motor vehicles and should not be designed to provide fuel for large commercial vehicles. (Ord. No. 657, 4-27-99; Code of 2001)

Section 6-620. Permitted Uses in an MX-G District.

(1) **Residential Uses.** Residential multi-family and attached single family uses. Fifty percent of all required parking shall be provided as underground parking.

(2) **Commercial Uses.**

A. Retail business for local and neighborhood needs, provided the building does not exceed 5,000 square feet, to the following limited extent:

1. The sale and manufacture of baked goods; the sale of confectionery, dairy products, delicatessen, fruits, vegetables, groceries and meats in permanent buildings only.
2. The sale of books, magazines, newspapers, cigars, drugs, flowers, gifts, music, photographic goods, sporting goods, and stationery.
3. Restaurants and cafeterias.
4. Places for the sale and consumption of soft drinks, juices, and ice cream.
5. Service establishments, barber or beauty shops, custom tailors, laundry agencies, self-service laundries, hand laundries, coin laundries, shoe repair.
6. Dry cleaning, pressing and tailoring shops in which not more than 5 persons are engaged in such work or business at any one time and in which only non-explosives and non-flammable solvents are used and no work is done on the premises for retail outlets

elsewhere.

7. Pet shops.

B. Retail business for local and neighborhood needs, provided the building does not exceed 22,000 square feet, to the following limited extent:

1. Hardware stores.

2. Grocery stores.

3. Video stores.

4. The sale of dry goods and variety merchandise.

C. Motels and motor hotels when located on property adjacent to and having access to state or federal highways.

D. Day nurseries, nursery schools, and day care centers.

E. Amusement and recreation, armories, assembly halls, bowling allies, dance halls, pool and billiards, theaters, skating rinks or other social, sports, or recreation center operated as a business.

(3) Professional/Office Uses.

A. Out-patient medical clinics.

B. Professional and service occupations such as accountants, architects, artists, brokers, dentists, engineers, attorneys, physicians, realtors, chiropractors, osteopaths, optometrists, secretarial agencies, advertising agencies, finance agencies, insurance agencies, investment agencies, travel agencies, bonding agencies, mortgage agencies, shopping services, and office/business machine agencies.

C. Business offices and services, office buildings, banks, business colleges, private trade schools.

D. Government office and service buildings, public parks.

(4) Other Uses.

A. Funeral homes

B. Radio, and television studios.

C. Clubs and fraternal and labor organizations provided that no such buildings are erected nearer than 100 feet to a Residential District.

D. Public utility facilities.

E. The City Council shall consider other uses not listed in this Section. Such other uses may be granted if, in the opinion of the City Council, the use is compatible with other uses in the district. (Ord. No. 657, 4-27-99; Code of 2001)

Section 6-630. Permitted Accessory Uses in an MX-G District.

(1) Signs as regulated in Chapter 9.

(2) Off street parking and off street loading as regulated by Chapter 11. (Ord. 657, 4-27-99; Code of 2001)

Section 6-640. Specially Permitted Uses in an MX-G District.

(1) Industrial Uses.

A. Laboratories for research and quality control in the physical sciences.

B. The manufacturing, assembly and/or processing of the following:

1. Business machines such as typewriters, accounting machines, calculators, computers, and card counting equipment.

2. Cameras and other photographic equipment except film.

3. Ceramic products, such as pottery and small glazed tile.
4. Cosmetics and toiletries.
5. Electric appliances such as lighting fixtures, irons, fans, toasters, and electric toys.
6. Electric equipment such as home radio and television receivers and home movie equipment, but not electric power substations or electric machinery.
7. Electrical supplies such as wire and cable switches, lamps, insulation, and dry cell batteries.
8. Musical instruments.
9. Orthopedic and medical appliances such as artificial limbs.
10. Printing.

C. Industrial Use Standards. In addition to compliance with Sections 6-550 and 6-560, all uses listed in A and B shall comply with the following standards provided that the strictest application shall apply:

1. The development and/or uses shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage, or fire or safety hazards.
2. There shall be no external bulk chemical storage for either use or sale except as necessary for auxiliary heating.
3. There shall be no more than six trips per day of commercial trucks with six or more wheels per vehicle per 10,000 square feet of building gross floor area.
4. There shall be no excessive vehicular traffic between 8:00 p.m. and 6:00 a.m., as from shift changes.
5. The buildings and grounds shall be of an appearance that is in harmony with surrounding land uses.
6. Buildings on the site shall not occupy more than ten percent of the total site area.
7. All buildings and uses shall comply with Section 6-060 (1) through (6) and I-1 District minimum lot standards.
8. The minimum site size shall be five acres.
9. Industrial uses must satisfy the requirements of Sections 6-550, 6-560, 6-570, and 8-130.

(2) Commercial Uses.

- A. The sale of general merchandise including in department stores.
- B. The sale of apparel of all kinds.
- C. The sale of furniture and household goods including furniture and accessory furniture storage.
- D. Service establishments as permitted in neighborhood business districts without limitation on the number of persons engaged in such work or business, research laboratory, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifty feet from a residence district.
- E. Clinics, hospitals, sanitariums, convalescent homes, rest homes, nursing homes, orphanages and similar institutions provided that all main buildings are not less than fifty feet from any adjoining premises in a residential district not used for a similar purpose.
- F. Cat and dog hospitals or pet shops provided that noise and odors are effectively confined to the premises.
- G. Racquet clubs subject to the conditions outlined in Section 5-030 (5).
- H. Commercial Use Standards. All uses listed in 6-640 (A) through (G) shall comply with the following standards:
 1. The total amount of floor area for any one use shall not exceed ten percent of the total

site area or 50,000 square feet, whichever is less.

2. The minimum site size shall be five acres.

3. All commercial uses must satisfy the requirements of 6-550, 6-560, 6-570, and 8-130.

I. Convenience Gasoline Establishments shall be permitted by special use permit, subject to compliance with the following standards:

1. The exterior wall treatments of all on-site structures, with the exception of canopies, shall be brick, natural stone, precast decorative concrete, decorative concrete block, architectural metal panel, or stucco.

2. The number of gasoline pumps shall be limited to eight with a maximum total of sixteen pumping stations or stalls.

3. Outside storage of merchandise shall be prohibited.

4. Non-attendant, credit card only stations shall be prohibited.

5. A car wash or canopy associated with the convenience gasoline establishment shall only be located in the rear or side yard.

6. The car wash exit door must be closed during the operation of a car wash and may not be opened until all car wash machinery, including dryers, is turned off.

7. Canopy lighting shall be recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. The fascia of the canopy shall not be illuminated.

8. Canopy signage shall not exceed fifteen percent of the canopy facade and shall only be allowed on a face that fronts a public right-of-way.

9. The size of the canopy shall not exceed 150 percent of the square footage of the principal structure.

10. The following structure setbacks, including canopies and car washes, shall be required:

Front Yard	25 feet (canopies and car washes are not allowed in front yard)
Side Street Yard	25 feet
Side Yard	10 feet
Rear Yard	10 feet

11. Convenience Gasoline Establishments must satisfy the requirements of Sections 6-650, 6-660, 6-670, and 8-130.

(3) **Residential Uses.** Higher density residential multi-family and attached single family uses located on a single site may be allowed by the issuance of a special use permit provided that:

A. The density of a special use single site residential development shall not exceed:

<u>Structure</u>	<u>Lot Area per Unit</u>
One Floor	2,400 SF
Two Floors	2,240 SF
Over Two Floors	2,000 SF

B. The maximum dwelling unit density for Senior Housing shall be seventy percent of the required minimum lot area per unit.

C. Fifty percent of all required parking shall be provided as underground parking.

D. The minimum site size shall be five acres.

E. Higher density residential single site developments may only be located adjacent to Long Lake Regional Park.

F. Residential uses must satisfy the requirements of Sections 6-550, 6-560, 6-570, and 8-130.

(4) **Mixed Residential and Commercial Uses.** Higher density residential multi-family and attached single family uses located on the same site as commercial or office uses permitted under Section 6-520 (2) through (4) may be allowed by the issuance of a special use permit provided that:

A. The density of a special use residential mixed-use development shall not exceed:

<u>Structure</u>	<u>Lot Area per Unit</u>
1. One Floor	2,100 SF
2. Two Floors	1,960 SF
3. Over Two Floors	1,750 SF

B. The maximum dwelling unit density for Senior Housing shall be seventy percent of the required minimum lot area per unit.

C. Fifty percent of all required parking for residential use shall be provided as underground parking, or in a parking ramp.

D. The minimum site size shall be five acres.

E. The commercial or office use of a mixed-use building containing residential uses shall occupy at least ten percent but not more than 35% of the total floor area of the buildings on the site.

F. Higher density residential mixed-use developments may only be located adjacent to Long Lake Regional Park.

G. All uses must satisfy the Special Use Standards found in Sections 6-550, 6-560, 6-570, and 8-130.

(5) **Mixed Industrial and Commercial or Professional/Office Uses.** A mixture of uses, permitted under Section 6-540 (1) A-B, may be located on the same site, or in the same building, or in a corporate campus setting with other business or office uses permitted under Section 6-520 (2) through (4) provided compliance with the following standards:

A. The development and/or uses shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage, or fire or safety hazards.

B. There shall be no external bulk chemical storage for either use or sale except as necessary for auxiliary heating.

C. The buildings and grounds shall be of an appearance that is in harmony with surrounding land uses.

D. If the primary use of the site is industrial, at least forty percent of the total building floor area shall be occupied by commercial or professional/office uses.

E. If the primary use of the site is professional/office, at least thirty percent of the total building floor area shall be occupied by commercial uses.

F. Residential uses shall not be allowed.

G. The minimum site size shall be ten acres.

H. All uses must satisfy the Special Use Standards found in Sections 6-550, 6-560, 6-570, and 8-130.

(6) Fences shall be permitted that satisfy the special uses standards found in Sections 6-550 and 8-130. (Ord. No. 657, 4-27-99; Code of 2001)

Section 6-650. MX-G District Special Use Permit Standards.

(1) All buildings that are located on sites adjacent to Long Lake Regional Park shall take advantage of the

views to Long Lake and shall provide site improvements that compliment the natural features of Long Lake Regional Park.

(2) All developments shall provide pedestrian linkages to Long Lake Regional Park and neighboring developments for residents, employees, and shoppers, and provide integrated parking and transit elements whenever practical.

(3) All uses shall be complementary or integrated and buildings shall be related or connected in accordance with the vision of the adopted Highway 8 Corridor Study.

(4) All buildings and building sites shall be designed to encourage social interchange and a sense of community, provide sufficient residential amenities, and mitigate any adverse impacts of business and industrial uses on residential uses. (Ord. 657, 4-27-99; Code of 2001)

Section 6-660. Site Standards.

The following site standards shall apply to all uses allowed within an MX-G District:

(1) The maximum floor area ratio shall be 75 percent, except that the area north of I-694, south of 14th Street NW, east of Highway 8, and west of I-35W, shall have a maximum floor area ratio of 125 percent. Uses authorized under Section 6-540 (5) shall have a maximum floor area ratio of 150 percent.

(2) All buildings shall have a height limitation of three stories or forty feet in height, whichever is less. In the area which is located east of Highway 8, south of Highway 96 and north of I-694, the height may be increased by a special use permit.

(3) All buildings shall comply with the following setbacks:

A. Sixty feet from the boundary of Long Lake Regional Park; and

B. Residential Uses:

Front Yard	25 feet
Side Street Yard	25 feet
Side Yard	5 feet
Rear Yard	5 feet

C. Commercial Uses:

Front Yard	25 feet
Side Street Yard	25 feet
Side Yard	5 feet
Rear Yard	5 feet

D. Industrial Uses:

Front Yard	40 feet
Side Street Yard	40 feet
Side Yard	15 feet
Rear Yard	5 feet

E. Subject to approval of the City Council, buildings setbacks may be decreased in front yards if pedestrian linkages to Long Lake Regional Park and neighboring developments for residents, employees, and shoppers are provided along with an approved streetscape plan.

(4) Where a single site or mixed-use residential development abuts a non-residential use, a fifteen foot

wide strip of green area consisting of plantings, berming and/or other types of landscaping treatments shall be provided on the residential sites to buffer the residential uses.

(5) There shall be 300 square feet of green area for each dwelling unit in a single site or mixed-use residential development.

(6) Unless a higher density is authorized by the issuance of a special use permit, the density of a residential multi-family and attached single family development located on a single site shall not exceed:

<u><i>Structure</i></u>	<u><i>Lot Area per Unit</i></u>
1. One Floor	6,000 SF
2. Two Floors	5,600 SF
3. Over Two Floors	5,000 SF

(7) The provisions of the Zoning Code dealing with Planned Residential Development and Planned Unit Development may not be used to increase densities and floor area ratios or decrease setbacks provided by the MX-G District. (Ord. No. 657, 4-27-99; Code of 2001)

Section 6-670. Performance Standards.

The following performance standards shall apply to all uses allowed within the MX-G District:

(1) Conformance with Section 6-390 (1) through (9) and (11) through (12), Performance Standards.

(2) The exterior treatment of the structures shall be wood, brick, stone, decorative block or the equivalent. The City Council may consider other exterior treatments such as precast concrete, aluminum, steel, glass, or curtain walls providing such exterior treatments are highly decorative, aesthetically pleasing, and consistent with the spirit and intent of the vision for the Highway 8 corridor.

(3) All parking, maneuvering, and driveway areas shall be surfaced with asphalt or concrete.

(4) Outdoor storage of materials, equipment, or products is prohibited.

(5) Compliance with Chapter 11, Parking Standards. (Ord. No. 657, 4-27-99; Code of 2001)

Article 6. NBE, New Brighton Exchange District

(*See Figures at End of Article.)*

Sec. 6-680. Intent

The purpose of the NBE New Brighton Exchange District is to provide an area for an intensely developed mixed use center that will be a vibrant and active place where people can live, work, shop, play and be entertained. The mixture of land uses and design specifications in this ordinance are designed to implement the principles and guidelines established in the 1999 New Brighton Comprehensive Plan and the Northwest Quadrant Framework Plan and Design Guidelines, including the placement of buildings, streets, parking areas, sidewalks, and open space. It is acknowledged, that in order to respond to market demands, not every element of the Design Guidelines can be implemented into each development but that every development will meet the spirit and intent of the Design Guidelines. Therefore, flexibility is provided within this Article for the City Council to approve site standards that may vary from the described standards in this Article, but only if it is found that the spirit and intent of the Design Guidelines have been met.

(Ord. 822, 4-22-2014)

Sec. 6-690. Permitted Uses.

The following uses are permitted within those parts of the NBE District designated for such uses in Section 6-720 and Figure A:

- (1) Residential Uses
 - A. Multi-family residential dwellings, as regulated by Section 6-720.
 - B. One family detached dwellings as part of a Planned Development as regulated in Chapter 7 of the Zoning Code.

- (2) Commercial Uses

Permitted Uses allowed on street level in the areas designated for B1 and B2 Building Types in Section 6-720 and Figure A, if the use is less than 10,000 square feet in area:

- A. Sale and manufacture of baked goods; the sale of confectionery, dairy products, delicatessen, fruits, vegetables, groceries and meats in permanent buildings only.
- B. The sale of books, magazines, newspapers, cigars, drugs, flowers, gifts, music, photographic goods, sporting goods, and stationery.
- C. Restaurants, cafeterias, coffee houses, chocolate houses, juice bars, ice cream shops, and similar uses offering food or drink.
- D. Service establishments, barber or beauty shops, custom tailors, laundry agencies, self-service laundries, hand laundries, coin laundries, shoe repair, also dry cleaning, pressing, and tailoring shops in which only non-explosives and non-flammable solvents are used and no work is done on the premises for retail outlets elsewhere.

- E. Health clubs, exercise salons, racquet clubs, and similar uses, amusement and recreation, armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social, sport, or recreation center operated as a business.
 - F. Video store.
 - G. Sale of dry goods, apparel of all kinds, and variety merchandise.
 - H. The sale of furniture and household goods including furniture and accessory furniture storage.
- (3) Office Uses in Areas Designated for B1 and B2 Building Types in Section 6-720 and Figure A:
- A. Out-patient medical clinic.
 - B. Professional and service occupations such as accountant, architect, artist, broker, dentist, engineer, attorney, physician, realtor, chiropractor, osteopath, optometrist, secretarial agency, advertising agency, finance agency, insurance agency, investment agency, travel agency, bonding agency, mortgage agency, shopping service, and office/business machine agency.
 - C. Business offices and services; office buildings, banks, business colleges, private trade schools.
 - D. Government office and service buildings.
- (5) Public parks and associated buildings.

(Ord. 818, 10-17-2013; Ord. 822, 4-22-2014; Ord. No. 843, 4.26.2016)

Section 6-693. Special Uses in B1 and B2 Building types.

The following may be allowed by Special Use Permit in areas designed for the B1 and B2 Building Type in Section 6-720 and Figure A, upon a finding by the City Council that such uses are in keeping with the spirit and intent of the NWQ Framework Plan in that location:

- A. Day nurseries, nursery schools, and day care centers, provided adequate provision is made for drop-off and traffic circulation.
 - B. Other uses not specifically listed herein which the City Council finds to be substantially the same or similar to listed uses.
- C. Helipads, defined for the purpose of this section as at-grade take-off and landing area for helicopters, subject to the following conditions:
1. The helipad must be accessory to the office use.
 2. Permitted only on properties containing all of the following attributes:
 - a. At least four (4) acres in area or the principal use has been permitted via a Planned Development; and

- b. Abutting Interstates 694 or 35W.
3. Landing pads shall meet the following setbacks:
 - a. at least 320' from multi-family residential uses;
 - b. at least 820' from single family residential uses;
 - c. at least 800' from schools, churches, nursing homes, or similar types of public institutional uses; and
 - d. at least 2500' from another helipad.
4. Landing pads shall be reasonably screened from public rights-of-way of minor arterial status or greater and include a 36" hedge and/or wall combination around the perimeter.
5. A maximum of 20 landings per calendar year. A landing shall be defined as an arrival and a departure associated with the same trip. Flight logs shall be kept and made available to City staff for review to confirm compliance with this section.
6. Landings shall not be permitted during the hours of 7pm – 7am Monday thru Friday. Weekend and holiday landings are prohibited.
7. Permitted flights paths, helicopter type, and decibel level standards shall be specified at the time of approval and be determined based on the characteristics of surrounding property, including but not limited to, vegetated cover, topography, and proximity to residential uses.
8. The applicant secures all necessary permits from other state and/or federal authorities for use of the helipad, including but not limited to the Federal Aviation Administration and Minnesota Department of Transportation.
9. Because every property has a unique set of characteristics with regard location of buildings, landscaping, and topography, the City Council may impose other conditions not specified herein that are deemed necessary to mitigate any negative impacts resulting from use of the helipad.
10. Special use permit procedures of Sections 8-120 and 8-220 shall be followed except that public hearing notice shall be mailed to each property owner within 1000' of the property under consideration.
11. Compliance with the special use standards of Section 8-130.

(Ord. 822, 4-22-2014; Ord. No. 835, 6.23.2015)

Sec. 6-695. Other Special Uses.

- (1) The following uses may be allowed by Special Use Permit on any lot or within any Building Type in the NBE District, provided they meet the intent of the Design Framework and the special use standards of Section 8-130:
 - A. Public utility facility.
- (2) Fences. Fences may be allowed by Special Use Permit as special use accessory to a permitted use or a principal special use if they satisfy the intent of the Northwest Quadrant Framework Plan and the special uses standards found in Section 8-130.
- (3) Outdoor seating may be allowed as a Special Use accessory to a licensed food or drink establishment, provided:
 - A. A sidewalk area at least six feet wide is maintained free of seating, and;
 - B. An outdoor seating plan is prepared and approved by the City Council on the recommendation of the city staff and Planning Commission, with the finding that the plan will not compromise public health, safety, or welfare.
- (4) Principal Structures with front yard setbacks greater than 40 feet may be allowed by Special Use Permit on any lot or within any Building Type in the NBE District provided it meets the spirit and intent of the Design Framework and the special use standards of Section 8-130 and provided other pedestrian-friendly design elements are incorporated into the overall development. Such design elements include, but are not limited to, sidewalks, trails and other pedestrian connections to neighboring developments, or amenities, plazas, public art, enhanced landscaping and streetscapes, pedestrian-friendly lighting, on-street parking, ground level expression within the buildings architecture or signage, and accommodation of alternative forms of transportation, such as bike racks.

(Ord. 748, 4-27-2007) (Ord. 822, 4-22-2014; Ord. No. 843, 4.26.2016)

Sec. 6-700. Permitted Accessory Uses.

- (1) Signs as regulated in this article.
- (2) Off-street parking and off-street loading as regulated in this article.
- (3) Classes or instruction associated with the products or services offered by any Permitted Use or Special Use, provided such instruction is clearly secondary to the principal use.
- (4) 25% of floor area may consist of clean room assembly, laboratories, and storage provided such use is clearly accessory to, and secondary, to the principal use.

(Ord. 822, 4-22-2014)

Sec. 6-710. Site Standards

- (1) Lot Area, Lot Width, and Yard Requirements.
 - A. Minimum lot width: 100 feet
 - B. Minimum lot area: 20,000 square feet
 - C. Setback – Principal Structure:
 - 1. Front: 10 feet minimum, 40’ maximum unless a greater front setback is authorized by Special Use Permit
 - 2. Side: 0 (zero) feet
 - 3. Corner Side: same as Front
 - 4. Rear: 15 feet minimum
 - D. Setback – Accessory Structure:
 - 1. Front: At least 5 feet greater than Principal Structure setback
 - 2. Side: 0 (zero) feet
 - 3. Corner Side: same as Front
 - 4. Rear: 5 feet minimum
 - E. Setback – Parking
 - 1. Front: 10 feet
 - 2. Side: 0 (zero) feet
 - 3. Corner Side: same as Front
 - 4. Rear: 5 feet minimum
- (2) Stormwater Treatment Requirements. In order to ensure ecologically sound stormwater treatment throughout New Brighton Exchange, all development shall conform to a plan that meets to the following requirements to the extent possible, based on the recommendation of the City Engineer:
 - A. The plan will include stormwater management systems for all new development that incorporate conservation development design and/or ecological stormwater management techniques. These techniques include the methods listed below and described further in the Northwest Quadrant Framework Plan:

1. Detention Ponds
 2. Infiltration systems including trenches, basins, pervious paving systems, roof downspout systems.
 3. Biofiltration systems including vegetated swales, vegetated filter strips, media filters, and catch basin filter inserts.
 4. Multifunctional systems including enhanced swales and ponds and bioretention.
 5. Rooftop collection and filtration systems.
- B. The plan will minimize total impervious area of a development by one or a combination of the following:
1. Locating parking areas beneath buildings,
 2. Minimizing building footprints by adding stories, or
 3. Using pervious paving materials rather than traditional asphalt and concrete for parking lots, roads, sidewalks, and driveways.
- C. The plan will limit the connectedness of impervious surfaces and direct runoff into vegetated landscape areas. This may include sloping driveways, sidewalks and streets to drain runoff to lawns or vegetated swales.
- D. The plan will include a variety of trees and native plant materials such as Cattails, Blue Flag Iris, Sedge Grass and Common Reed to capture rainfall through absorption or evaporation and provide roots for infiltration purposes.
- (3) Screening of Parking Areas. Wherever a parking lot faces street frontage, such frontage shall be screened by a combination of hedges, ornamental railings, walls, bollards, trees, and other methods to screen parking lots from pedestrian spaces while maintaining eye-level visibility. Such screening shall be maintained at a height of between 2-1/2 feet and 3-1/2 feet. Such screening shall be accommodated within the required parking setback area. Overstory trees are allowed within this screening area, as long as the canopy of the tree is at least 7 (seven) feet above the ground to allow open visibility between the parking area and street frontage, under the tree canopy. If plantings are included in this screening area, the area must be a minimum of 6 feet in width to allow adequate room for plantings and snow storage.
- (4) Parking structures.
- A. Parking structures shall maintain setbacks required for buildings as described in this article.
 - B. Openings in a parking lot structure that face a street or public open space, must be screened with slats, grating, screens, glass, or other architectural treatment to buffer substantially the visual impact of vehicles parked in the structure.

For one family detached dwellings, lot area, lot width, and yard requirements shall be established as part of the Planned Development process specified in Chapter 7 of the Zoning Code.

(Ord. 748, 7-24-2007) (Ord. 818, 10-17-2013) (Ord. 822, 4-22-2014)

Sec. 6-720. Building Types.

Within the New Brighton Exchange District, Building Types are established. No building shall be constructed and occupied except with the land uses and characteristics described herein, on a block or portion of a block, designated for that Building Type on Figure A:

- (1) Building Type B1, Office.
 - A. Building Type B1 shall include office uses.
 - B. Building Type B1 may have a flat or pitched roof.
 - C. At least 15% (fifteen_percent) of the site area for a Type B1 building must be occupied by buildings at least 3 stories in height, with no maximum height requirement.
 - D. Commercial uses may occupy 10,000 (ten thousand) square feet of floor area within a Type B1 building.
- (2) Building Type B2, Office.
 - A. Building Type B2 shall include office uses.
 - B. Building Type B2 may have a flat or pitched roof.
 - C. At least 15% (fifteen_percent) of the site area for a Type B2 building must be occupied by buildings at least 2 stories in height, with no maximum height requirement.
 - D. Commercial uses may occupy 10,000 (ten thousand) square feet of floor area within a Type B2 building.
- (3) Building Type C1, Multi-family. Type C1 buildings shall include residential units on first and upper floors. Type C1 buildings shall place parking below ground. Type C1 buildings may have a flat or pitched roof and shall be 3 to 5 stories in height.
- (4) Building Type C2, Multi-family. Type C2 buildings shall include residential units on first and upper floors. Type C2 buildings may have a flat or pitched roof and shall be 2 to 5 stories in height.
- (5) Building Type C3, one family detached dwellings. Type C3 buildings shall not exceed 2 ½ stories or 30' in height, whichever is greater, and shall be regulated as part of a Planned Development per Chapter 7 of the Zoning Code.
- (6) Building Type P, Public park buildings. Type P buildings are permitted on publicly owned land within the NBE District, or in any other area within the NBE District with a special use permit.

(Ord. 748, 7-24-2007) (Ord. 818, 10-17-2013) (Ord. 822, 4-22-2014)

Sec. 6-730. Street Types.

Repealed (Ord. 818, 10-17-2013)

Sec. 6-740. Parking Requirements.

- (1) Off-street parking shall be provided at a ratio of four spaces per thousand square feet of floor area of retail, commercial and office development. For the purposes of this section net floor area shall mean floor area minus hallways, bathrooms, lobby, lunch/break rooms and the like.
- (2) Parking for residential units in the NBE District shall be provided on site, and shall be calculated as follows:
 - A. Townhouses: two spaces per unit plus one visitor space per four units, so that there are at least two visitor spaces within 200 feet of every unit.
 - B. Other multi-story multi-family: 1.5 spaces per unit, plus one visitor space per four units.
 - C. Multi-family devoted exclusively to seniors aged 55 years and older: 1.1 spaces per unit, plus one visitor space per four units, located so that the majority of visitor spaces are within 100 feet of the entrance to the building.
 - D. One family detached dwelling units: 2 enclosed per unit.
- (3) Residential parking spaces shall be specifically reserved for the use of residents and visitors only, separate from any commercial, office, or other uses on site or nearby, and shall not be counted as part of any shared parking or joint parking arrangement.
- (4) Parking for restaurants shall be calculated as required in Chapter 11 of this code.
- (5) If present, on-street parking directly in front of a given building or lot shall count toward fulfilling the total parking requirement.

(Ord. 818, 10-17-2013) (Ord. 822, 4-22-2014)

Sec. 6-750. General Provisions.

- (1) Building Design:
 - A. All buildings in the NBE District shall be designed to accomplish the goals and policies of the Comprehensive Plan and the Northwest Quadrant Framework plan.
 - B. Façade treatments.
 1. Buildings in the NBE District shall address the street with windows, prominent entrances, and unique corner treatments.
 2. Buildings in the NBE District shall have a well-defined base, middle, and top.

3. The primary façade(s) of buildings of forty (40) feet or more in width shall be divided architecturally by means all or a combination of the following:
 - a. Significantly different materials or textures, or
 - b. Division into storefronts with separate display windows, or
 - c. Ornamental features such as arcades or awnings, or
 - d. Division of the building mass into several smaller segments.
 - e. Horizontal offsets of at least 2 feet in depth
- C. Ground level design. Buildings in the NBE District shall use a combination of the following methods to distinguish the ground floor from upper floors:
 1. An intermediate cornice line,
 2. Use of different building materials or detailing on the ground level,
 3. Awnings, trellises or arcades,
 4. Windows
 5. Clearly defined entrances
 6. Pocket parks, outdoor café seating, and plantings.
- D. Rear facades and entries.
 1. Where parking is located in the interior of a block, rear entrances shall be designed and improved to create a safe and welcoming environment including the following elements:
 - a. Signs as regulated by this Chapter,
 - b. Lighting as regulated by this Chapter,
 - c. Canopies,
 - d. Windows.
 2. Where parking is located in the interior of a block and no rear entrance is provided, a lighted walkway, small identification signs and a directional sign to the front of the building shall be provided.
- E. Roof design. To add visual interest and individuality to buildings, roofs shall use high quality durable materials and shall incorporate at least one of the following elements:
 1. Varying roof heights and cornices within an otherwise unified design scheme.

2. Roof line changes to note entrances or commercial bays.
 3. Contrasting roof lines at street corners.
- F. Accessory structures shall be constructed from the same materials as the primary building in similar architectural quality and style.
- G. Mechanical equipment. Rooftop and ground mounted mechanical equipment shall be completely screened from view from adjacent properties, streets and open spaces. If a screening material other than the parapet wall is proposed, the equipment shall be grouped within a single enclosure and the screen shall be designed with durable materials compatible with the architectural treatment of the principal building.
- H. Service, Loading and Storage Areas. Loading docks, truck parking, mechanical equipment, trash and recycling collection, or other service functions shall be incorporated within a completely enclosed building or screened from eye-level view of public streets, public open spaces, and adjacent properties with walls of similar materials and design as the principal building. Landscape materials shall also be incorporated into such screening to a height of at least six feet. Adequate space shall be provided on site for recycling collection and equipment.
- I. Residential Uses. Whenever residential uses are included on the first floor, the first floor elevation shall be at least 2 feet above the street level adjacent to it. In addition, each first-floor unit must have an individual private entrance at street level.

(2) Building Materials:

- A. Exterior building materials. All buildings shall be constructed of high-quality materials and utilize green, sustainable building practices through the demolition, site preparation, construction, operation and maintenance phases of the building cycle.
1. Primary building materials. Primary building materials shall cover at least 60% of the façade. These materials may include brick, natural stone, precast concrete units, decorative block of dimension, color, and texture that resembles brick, or glass, and must be integrally colored.
 2. Secondary building materials. Secondary building materials shall cover no more than 30% of the façade. These materials may include decorative block, stucco, cement board siding, or architectural metal panels.
 3. Accent materials. Accent materials shall cover no more than 10% of any of the building's facades. These materials may include door and window frames, lintels, cornices, architectural metalwork, glass block, copper flashing, or similar materials.
 4. For townhouse and one family buildings the primary materials described above shall cover at least 30% of the façade, the secondary materials shall cover no more than 60% of the façade, and accent materials no more than 10% of the façade, except as otherwise permitted through a Planned Development.

(3) Landscaping.

- A. All land area not occupied by buildings, parking, driveways, sidewalks, or other hard surface shall be sodded or mulched and landscaped with approved ground cover, flowers, shrubbery and trees.
- B. At least ten percent (10%) of the total land area within the perimeter of private parking and driveway areas shall be landscaped.
- C. Parking lot landscaped islands shall be a minimum of one hundred fifty (150) square feet in area and include at least one overstory or evergreen tree meeting the requirements of this ordinance.
- D. Where parking abuts the site perimeter there shall be provided at least one overstory tree per twenty-five (25) feet of site perimeter.
- E. At least one overstory tree shall be provided for every five hundred (500) square feet of landscaped area on the entire site.
- F. The landscape plan shall include a full complement of overstory, ornamental and evergreen trees, shrubbery, and ground covers that are hardy and appropriate for the locations in which they are planted, and which provide year-round color and interest.
- G. For parking areas abutting I-35W or I-694, there shall be a landscape buffer to height of 3 (three) feet, consisting of berms, shrubbery, ornamental trees, or a combination, that will screen the view of automobile headlights from the highways.

(4) Signage.

- A. All signs erected on any building or land within the NBE District must comply with the standards of this section and of this Title.
- B. Wall signs:
 - 1. Wall signage is allowed on buildings in the NBE District within a horizontal band no more than three feet (3') in height, at least eight feet (8') and no more than fifteen (15') above the ground. Exception: Wall signs erected on buildings with frontage on I-35W or I-694 may exceed a height of fifteen feet (15') above ground, but no higher than 2 feet below the top of the tallest wall, when mounted on a building façade facing I-35W and I-694.
 - 2. Wall signage may be either:
 - a. Attached – flat and parallel to the surface of the building and projecting no more than one (1) foot from it, or
 - b. Projecting – perpendicular to the surface of the building and no more than one (1) foot in thickness.
 - 3. Attached wall signage shall consist of individual letters or script logos mounted on the building.

4. Projecting signs may project no more than four (4) feet from the front edge of the building and be no more than twelve (12) square feet in area.
 5. Projecting signs may not extend over a public right-of-way or public property unless by special use permit.
 6. Projecting signs may not extend over a designated parking space or loading area.
 7. Signs on canopies are allowed only if they are on a surface perpendicular to the ground and if all other requirements of this section as to area and location are adhered to.
 8. Allowable area of wall signs is one and one half (1-1/2) square feet of signage per lineal foot of building frontage on a public street, public open space, or private parking area. Each wall shall be calculated individually and sign area may not be transferred to another side of the building. In calculating the total allowable area of wall signage, only one side of a two-sided projecting sign shall be counted.
- C. Freestanding signs.
1. Freestanding monument signs are allowed within the NBE District if constructed of the same exterior building materials and colors as the principal structure.
 2. Freestanding monuments signs may be no more than 10 (ten) feet in height and no more than 50 (fifty) square feet in area per side.
 3. One freestanding monument sign per lot per street frontage is allowed.
 4. Freestanding signs in the NBE District must be solid and opaque from the ground to the top of the sign, and the base of the sign must be as wide or wider than the face of the sign.
- D. Box signs or cabinet signs, whether on a wall, projecting or on canopies, are prohibited, except for logo signs as approved as part of the overall signage plan.
- (5) Lighting. All exterior lighting levels shall be consistent with the character and intensity of surrounding areas and designed to relate to building architecture and landscaping. Lighting located adjacent to walkways and entrances to buildings shall not exceed 15 feet in height.
- A. Parking lot lighting shall consist of cutoff fixtures and shall be located below the mature height of trees located in parking lot islands.
- (6) Resource efficiency. All buildings and site plans within the NBE District will be encouraged in the use of resource efficient building practices, including energy efficiency, water stewardship, waste reduction, use of recycled and non-toxic building materials, and recovery of waste materials through recycling or other beneficial use.

(Ord. 760, 5-27-2008) (Ord. 818, 10-17-2013) (Ord. 822, 4-22-2014)

Article 7: Environmental Constraint Overlay Area

Section 6-760. Purpose and Intent.

There are certain properties within the City with environmental constraints that were created by past land uses. The City recognizes in these situations that conformance with underlying zoning regulations may be difficult due to site characteristics that resulted from those environmental issues and/or remediation efforts. Further, the City recognizes that it may not be feasible to comply with underlying zoning designations due to these environmental characteristics.

Rather than leave these sites dormant or allow them to persist as unsightly or underutilized, the City wishes to provide a means to develop or use these properties that is both practical and economical. The City recognizes that certain deviations from the industrial district standards may be necessary for a viable use to develop and evolve so that landowners are able to make good use of property.

It is the intent of the Environmental Constraint Overlay Area to provide the legislative means to meet land use goals for these unique sites while also imposing such regulations and limitations on the uses, or the accumulation of those uses, that may occur within the area in order to ensure the adequate protection of the environment and the health, safety, and welfare of the surrounding properties. (Ord. 832)

Section 6-770. Designation of the Environmental Constraint Overlay Area.

Property included in the Environmental Constraint Overlay Area is illustrated in Figure A.

Requests for additional property to be included by ordinance in the Environmental Constraint Overlay Area may be considered by following the procedures set forth in Section 8-320 to 8-350, provided the property meets the following requirements at the time of application:

- (1) Underlying I-1, Light Industrial or I-2, Heavy Industrial zoning
- (2) Maximum lot area of 40 acres
- (3) Not adjacent to residential or commercial uses
- (4) The boundary of the site must be at least 800' from nearest residence
- (5) Primary access is served by a private roadway or a public roadway when a 650' road setback exists
- (6) There are documented environmental constraints that limit the use of the property for a typical industrial use and that were not caused by the current landowner/user. (Ord. 832)

Section 6-780. Permitted Uses.

Any permitted use of the underlying zoning shall only be allowed in the Environmental Constraint Overlay Area upon issuance of a special use permit. (Ord. 832)

Section 6-790. Accessory Uses.

Only those accessory uses of the underlying zoning that are directly related to the permitted principal use on a property shall be an allowed accessory use on the property in the Environmental Constraint Overlay Area. (Ord. 832)

Section 6-800. Specially Permitted Uses.

- (1) Any permitted or specially permitted use of the underlying zoning.
- (2) Aggregate crushing and recycling with associated materials storage, subject to the following conditions:
 - A. Noise generated on site shall not exceed the following decibel limits:
 1. Measured at the lot line: 100 dBA
 2. Measured from the nearest residential use: 56.5 dBA
 - B. Odor shall not be readily detectable beyond the lot line of the site on which such use is located per Section 6-390 (8).
 - C. Dust-mitigation shall be implemented so as to prevent dust from leaving the site boundaries, as practical. A dust mitigation plan shall be submitted as part of the special use permit process.
 - D. Screening methods shall be implemented so as to prevent the use from being visible from properties that are occupied by residences or from public roadways to the extent reasonably possibly and in accordance with the applicable provisions of the Zoning Code and any approved screening plan. Any berming efforts must be constructed in a manner to adequately control drainage on site.
 - E. Maximum pile height shall be determined at the time of Special Use Permit consideration. Site characteristics, including adjacent and nearby sites, will be considered to ensure compliance with letter D above.
 - F. No more than 37% of the available pile storage area may be utilized for piles. The available pile storage area shall be specified as part of the special use permit process. The piles stored in the pile storage area shall consist of processed and unprocessed piled soils, concrete, and aggregate only. No more than 15% of the pile storage area shall be occupied by unprocessed rubble.
 - G. The site must have access to a street with a classification of minor arterial or greater either directly, or by private road, or by a street serving only industrial properties. Truck routes to and from the site within the municipal boundary shall not include use of any street with a classification less than minor arterial.
 - H. Dirt and/or aggregate are not deposited onto a public roadway.
 - I. Other conditions identified by the City Council.
- (3) Yard Waste Transfer Facility
 - A. The volume and height of piled yard waste shall be limited based on site characteristics (such as topography and vegetative covering), including characteristics of adjacent and nearby sites, to ensure no negative visual impacts result to residential property. The area designated to store yard waste material shall be depicted on a Site Plan and include a maximum volume amount not to exceed 400 cubic yards and a pile height not to exceed 12'.
 - B. Screening shall be implemented that prevents, to the extent reasonably possible and in accordance with the applicable provisions of the Zoning Code and any approved screening plan, the use from being visible from properties that are occupied by residences or from public roadways. Any berming must be designed to adequately control drainage on site.
 - C. All yard waste material is transferred off site within 24 hours of the time it is dumped and the yard waste area must be cleared of all yard waste material at least once in a 24 hour period.
 - D. Odor shall not be readily detectable beyond the lot line of the site on which such use is located, per Section 6-390 (8).
 - E. Dust-mitigation shall be implemented so as to prevent dust from leaving the site boundaries, as practical. A dust mitigation plan shall be submitted as part of the special use permit process.
 - F. The site shall be designed to minimize leaves and other yard waste debris from blowing off site.

- G. A contingency plan to control odor and decomposition shall be devised should an unforeseen event prevent the material from being transferred off site within 24 hours. The City Planner shall be notified of every occurrence where material is left on the property longer than 24 hours. Should this occur more than 3 times in a calendar year, the contingency plan must be re-evaluated through an amendment to the Special Use Permit with the Planning Commission.
- H. Noise generated by the use shall not exceed the levels noted in Section 7-810 (2) (A).
- I. Other conditions identified by the City Council.

(4) Road Salt Storage and Transfer Facility.

- A. The road salt must be covered on three sides, including a roof and solid impermeable floor, and the combined area of all salt sheds shall not exceed 10,000 SF. The shed(s) shall be reasonably screened from adjacent and nearby residential uses and public rights-of-way. A grading plan for the salt shed(s) shall be submitted at the time of Special Use Permit submittal.
- B. Salt delivered via rail shall be from bottom-drop rail cars and off-loaded into a concrete pit with containment slab. Only rubber-tired loaders equipped with OSHA approved “shoosh” back-up alarms shall be used to load salt into the shed and onto trucks.
- C. Rail car off-loading shall not exceed 6 hours per delivery and uncoupling/coupling of rail cars shall be minimized so as not to unreasonably disturb adjacent and nearby uses.
- D. The road salt pile must be included in the calculations for the amount of land area to be occupied by piles under 2(F) above if this use is utilized in conjunction with an aggregate crushing and recycling with associated materials storage use.
- E. No more than 13,500 tons of salt shall be brought onto the property in any calendar year.
- F. Salt tonnage per delivery and delivery dates and times shall be logged and made available for review to ensure compliance with this section. No salt deliveries shall be made between the hours of 9pm-8am. No weekend or holiday deliveries are permitted.
- G. An Environmental Storm Water Sampling Program shall be reviewed and approved as part of the Special Use Permit and shall be commissioned to ensure road salt activity is not negatively impacting down gradient storm water receptors. Such program shall be reopened and/or revised as necessary throughout the life of the special use to ensure salt storage activities do not negatively impact down gradient storm water receptors.
- H. Failure to strictly comply with the specific requirements in this Paragraph (4) shall not constitute a violation if the item of noncompliance is, in the City’s determination, nominal or is due to factors beyond the reasonable control of the business such as weather or equipment failures. However, no flexibility shall be allowed with respect to the total limits established in this Paragraph (4) for total square footage of sheds and total amount of salt brought onto a property. (Ord. 832)

Section 6-810. Procedure and Amendments.

- (1) The procedure for consideration of uses under this Article is as set forth in Sections 8-110 through 8-130 and Sections 8-240 through 8-260. The Special Use shall not be considered unless the conditions of Section 7-800 and the findings of Section 8-130 are met.
- (2) A special use permit may be denied if the City Council determines the potential impacts of the proposed use, when taken together with the existing uses on a property, would cumulatively result in negative impacts on the environment, surrounding properties, or public infrastructure that cannot be reasonably avoided or mitigated through the imposition of conditions on a special use permit.
- (3) It is recognized that from time to time the nature of a use allowed by this Article may need to be altered from the original approval. Any change in the use from the original approval shall be considered an

amendment and be reviewed in accordance with procedure outlined in paragraph (1) above.

(Ord. No. 793, 10-26-2010; Ord. 832)