

## Zoning Code Table of Contents

CHAPTER 520. GENERAL PROVISIONS.....	4
CHAPTER 525. ADMINISTRATION AND PROCEDURES .....	10
ARTICLE I. GENERAL PROVISIONS .....	10
ARTICLE II. DUTIES OF DECISION-MAKING BODIES AND OFFICIALS .....	11
ARTICLE III. GENERAL APPLICATION PROCEDURES AND FEES .....	15
ARTICLE IV. APPLICATIONS AND DECISIONS WITH PUBLIC HEARINGS .....	21
ARTICLE V. ADMINISTRATIVE DECISIONS AND APPLICATIONS .....	32
ARTICLE VI. ENFORCEMENT .....	35
ARTICLE VII. INTERIM ORDINANCES.....	36
CHAPTER 530. ZONING DISTRICTS .....	39
article I. zoning districts generally .....	39
article II. urban neighborhood districts .....	40
article III. residential mixed-use districts.....	40
article IV. commercial MIXED-USE districts .....	41
article V. downtown districts .....	44
article VI. production districts.....	46
article VII. transportation districts.....	47
article VIII. [Reserved].....	48
article IX. zoning maps .....	48
CHAPTER 535. OVERLAY DISTRICTS .....	49
ARTICLE I. GENERAL PROVISIONS .....	49
ARTICLE II. HA HARMON AREA OVERLAY DISTRICT .....	49
ARTICLE III. [Reserved] .....	50
ARTICLE IV. UA UNIVERSITY AREA OVERLAY DISTRICT .....	50
ARTICLE V. DH DOWNTOWN HOUSING OVERLAY DISTRICT .....	51
ARTICLE VI. DP DOWNTOWN PARKING OVERLAY DISTRICT .....	51
ARTICLE VII. DS DOWNTOWN SHELTER OVERLAY DISTRICT .....	52
ARTICLE VIII. SZ SPLIT ZONING OVERLAY DISTRICT.....	53
ARTICLE IX. TP TRANSITIONAL PARKING OVERLAY DISTRICT.....	54
ARTICLE X. AP AIRPORT OVERLAY DISTRICT.....	56
ARTICLE XI. SH SHORELAND OVERLAY DISTRICT.....	62
ARTICLE XII. FP FLOODPLAIN OVERLAY DISTRICT.....	68

ARTICLE XIII. MR MISSISSIPPI RIVER CORRIDOR CRITICAL AREA OVERLAY DISTRICT ..... 86

CHAPTER 540. BUILT FORM OVERLAY DISTRICTS ..... 126

    ARTICLE I. GENERAL PROVISIONS ..... 126

    ARTICLE II. FLOOR AREA RATIO ..... 127

    ARTICLE III. INCREASING MAXIMUM FLOOR AREA ..... 130

    ARTICLE IV. TRANSFER OF DEVELOPMENT RIGHTS ..... 131

    ARTICLE V. HEIGHT OF PRINCIPAL BUILDINGS ..... 132

    ARTICLE VI. INCREASING MAXIMUM HEIGHT ..... 135

    ARTICLE VII. PREMIUMS ..... 138

    ARTICLE VIII. LOT DIMENSIONS ..... 147

    ARTICLE IX. YARDS ..... 153

    ARTICLE X. LOT AND IMPERVIOUS SURFACE COVERAGE ..... 169

CHAPTER 545. USE REGULATIONS ..... 171

    article I. PRINCIPAL USES ..... 171

    article II. SPECIFIC USE STANDARDS ..... 191

    ARTICLE III. Accessory uses AND STRUCTURES ..... 214

    ARTICLE IV. TEMPORARY USES ..... 227

    ARTICLE V. HOME OCCUPATIONS ..... 229

    ARTICLE VI. NONCONFORMING USES AND STRUCTURES ..... 231

CHAPTER 550. DEVELOPMENT STANDARDS ..... 237

    Article I. General Provisions ..... 237

    Article II. Lot Controls ..... 239

    Article III. General Standards for Residential Uses ..... 241

    Article IV. General Standards for Nonresidential Uses ..... 242

    Article V. Site Plan Review Standards ..... 246

    Article VI. Inclusionary Housing ..... 259

    Article VII. Planned Unit Development Standards ..... 260

    Article VIII. Cluster Development Standards ..... 273

    Article IX. Accessory Dwelling Unit Standards ..... 277

    Article X. Fences ..... 280

    Article XI. Communication Towers, Antennas, and Base Units ..... 283

    Article XII. Solar Energy Systems ..... 290

    Article XIII. Wind Energy Conversion Systems ..... 292

    Article XIV. Plazas ..... 296

Article XV. Skyways .....	301
Article XVI. Protection of Natural Features.....	304
Article XVII. General Performance Standards .....	304
CHAPTER 555. OFF-STREET PARKING, LOADING, AND MOBILITY.....	308
ARTICLE I. GENERAL PROVISIONS .....	308
ARTICLE II. COMPUTATION OF PARKING AND LOADING REQUIREMENTS.....	309
ARTICLE III. SPECIFIC OFF-STREET PARKING REQUIREMENTS.....	309
ARTICLE IV. ELECTRIC VEHICLE CHARGING .....	321
ARTICLE V. ACCESS TO PARKING AND LOADING.....	322
ARTICLE VI. PARKING LOCATION REQUIREMENTS.....	323
ARTICLE VII. PARKING AREA DESIGN AND MAINTENANCE.....	325
ARTICLE VIII. SPECIAL PARKING PROVISIONS FOR SPECIFIC ZONING DISTRICTS AND USES.....	330
ARTICLE IX. TRUCK AND COMMERCIAL VEHICLE PARKING.....	331
ARTICLE X. SPECIFIC OFF-STREET LOADING REQUIREMENTS .....	333
ARTICLE XI. LOADING LOCATION REQUIREMENTS .....	336
ARTICLE XII. LOADING AREA DESIGN AND MAINTENANCE.....	337
ARTICLE XIII. TRAVEL DEMAND MANAGEMENT .....	338
CHAPTER 560. SIGNS.....	343
ARTICLE I. GENERAL PROVISIONS .....	343
ARTICLE II. ON-PREMISES SIGNS .....	348
560.100. Specific on-premises sign requirements.....	348
ARTICLE III. OFF-PREMISES ADVERTISING SIGNS AND BILLBOARDS.....	367
Chapter 598. Land Subdivision Regulations.....	403

## Title 20. Zoning Code

### CHAPTER 520. GENERAL PROVISIONS

**520.10. Designated zoning ordinance.** Chapter 520 through Chapter 570 of the Minneapolis Code of Ordinances, as originally adopted and as subsequently amended, shall be known and referred to collectively as the "zoning code" or "zoning ordinance."

**520.20. Authority.** This zoning ordinance is enacted pursuant to the authority granted to the municipality by Minnesota Statutes, Sections 462.351 through 462.365 and the Minneapolis City Charter, Chapter 13.

**520.30. Purpose.** This zoning ordinance is adopted for the following purposes:

- (1) To implement the policies of the comprehensive plan.
- (2) To promote and protect public health, safety, aesthetics, economic viability, equity, and general welfare.
- (3) To encourage the most appropriate use of land and prevent inappropriate use of land throughout the city.
- (4) To promote unique and high-quality urban development appropriate to the planned form, scale, and density of each district.
- (5) To promote and protect the desirable characteristics and patterns of the city's residential, mixed-use, commercial, industrial areas, and parks and open space areas, and to promote the orderly and beneficial development of those areas.
- (6) To provide adequate light, air, privacy, and convenience of access to property, and to secure property from fire, flood, and other dangers.
- (7) To protect and conserve the value of land, buildings, and other improvements throughout the city.
- (8) To promote resilience as well as environmentally sustainable practices, including reduction of greenhouse gas emissions.
- (9) To provide for the safe and efficient circulation of all modes of transportation with a higher priority given to environmentally sustainable modes.
- (10) To preserve and increase the amenities of the city.
- (11) To provide for the fair and consistent administration of this title, including providing clarity regarding the powers and duties of officials and bodies charged with such administration, the standards for land use approvals, and the procedures for its enforcement.

**520.40. Scope of regulations.** (a) *In general.* All uses of land or structures, all alterations, expansions or relocations of existing structures, and all expansions, relocations or intensifications of existing uses shall be subject to all applicable regulations of this zoning ordinance.

(b) *Exceptions.* Buildings and uses that require a land use application under the 1999 zoning code will be regulated in accordance with the 1999 zoning code when a complete land use application is submitted prior to July 1, 2023. In all other instances, where a building permit (or grading or earth retention permit for construction of a building) has been issued and all required environmental approvals have been received for the establishment, construction, alteration, expansion, relocation, or intensification of any structure or use prior to the effective date of this zoning ordinance, such action may be completed in accordance with the regulations of the 1999 zoning code, provided the use is established, or construction or excavation is begun within ninety (90) days of such date and proceeds on a continuous basis toward completion, and subject thereafter to the regulations of Chapter 545, Article VI, Nonconforming Uses and Structures.

**520.50. Requirements declared minimum.** In their interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, aesthetics, economic viability, and welfare. The City may impose additional requirements where deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and the policies of the comprehensive plan.

**520.60. Other city, local, regional, state, and federal regulations.** (a) *Compliance required.* In addition to the requirements of this zoning ordinance, all uses and development shall comply with all other applicable city, local, regional, state and federal regulations. If a provision of this zoning ordinance conflicts with any other provision of this zoning ordinance, the Minneapolis Code of Ordinances, or with any other provision of law, the more restrictive provision shall apply, except as otherwise provided.

(b) *References to other regulations.* All references in this zoning ordinance to other city, local, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of other local, regional, state, or federal regulations.

(c) *Current versions and citations.* All references to other city, local, regional, state, or federal regulations in this zoning ordinance are intended to refer to the most current version and citation for those regulations. If such references are no longer valid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern, unless otherwise specified.

**520.70. Essential infrastructure.** The following uses, being essential for the operation of any zoning district, are permitted in any district:

- (1) Wires;
- (2) Cables;
- (3) Conduits;

(4) Vaults;

(5) Pipelines; or

(6) Any other similar distribution equipment of a public utility, except as otherwise provided in this zoning ordinance or other federal, state, or local regulation.

**520.80. Reasonable accommodation.** This zoning ordinance shall not be applied so as to prevent the City from making reasonable accommodation as required by the Federal Fair Housing Amendments Act of 1988 pursuant to the procedure set forth in sections 525.650 to 525.690.

**520.90. Private easements or covenants.** This zoning ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this zoning ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the regulations of the zoning ordinance shall govern. The existence of a private agreement shall not excuse any failure to comply with this zoning ordinance. The City shall not be responsible for monitoring or enforcing private agreements.

**520.100. District boundaries.** The following shall apply with respect to the boundaries of the various districts, as shown on the zoning district maps:

(1) *District boundaries.* District boundary lines are the centerlines of highways, streets, alleys, easements, right-of-way lines of limited access roadways, lot lines, or such lines extended unless otherwise indicated. In the event of closure of a street or alley, the district boundary shall be construed as the centerline of such vacated street or alley unless a specific amendment is made otherwise.

(2) *Unsubdivided districts.* In areas not subdivided into lots and blocks, where a district is indicated as a strip adjacent and parallel to a street or highway, the depth of such strip shall be in accordance with dimensions shown on the map, measured at right angles from the centerline of the street or highway, and the length of such frontage shall be in accordance with dimensions shown on the map from the centerline of the street or highway, unless otherwise indicated.

(3) *Interpretation.* Where interpretation is needed as to the exact location of the boundaries of a district, as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped floodway or flood fringe district boundary and actual field conditions, the zoning administrator shall make the necessary interpretation.

(4) *Changes in jurisdictional area.* If territory is removed from the limits of the city, affected district boundaries shall be construed as moving with city limits. If territory is annexed to the city, it shall be construed as being in the UN1 District until formally amended.

(5) *Unclassified areas.* Unless areas are classified on the zoning map, or unless classification can be established by rules for construing the map as stated above, such areas shall be considered to be classified as being in the UN1 District for purposes of this zoning ordinance.

**520.110. Zoning ordinance not to be deemed a consent or license.** Nothing contained in this zoning ordinance shall be deemed to be a consent, license, or permit to use any property, or to locate, construct or maintain any building, structure, or facility, or to carry on any trade, industry, occupation, or activity.

**520.120. District use provisions.** The districts in this zoning ordinance set forth the uses allowed in a district. Uses allowed in a zoning district shall not be carried over into succeeding districts unless specifically so stated in the district regulations.

**520.130. Severability.** (a) *Severability of text.* If any portion of this zoning ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the zoning ordinance, and such determination shall not affect the validity of the remainder of the zoning ordinance.

(b) *Severability of application.* If the application of any provision of this zoning ordinance to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

**520.140. Existing uses.** (a) *Uses made nonconforming.* A permitted or conditional use, lawfully existing on the effective date of this zoning ordinance or on the effective date of an amendment to this zoning ordinance, which does not comply with one (1) or more of the regulations applicable in the zoning district in which it is located shall be deemed a legal nonconforming use. Said use shall be subject to the applicable provisions of Chapter 545, Article VI, Nonconforming Uses and Structures.

(b) *Uses made conditional.* A permitted use, lawfully existing on the effective date of this zoning ordinance or on the effective date of an amendment to this zoning ordinance, which is reclassified as a conditional use in the zoning district in which it is located shall be deemed a legal conditional use. Said use shall be subject to the applicable provisions of Chapter 525, Administration and Procedures.

**520.150. Illustrations.** Illustrations in this zoning ordinance are provided for purposes of describing, clarifying, or providing examples. Such illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

**520.160. Rules of construction.** In the construction of this zoning ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- (1) The present tense shall include the future.
- (2) The singular number shall include the plural, and the plural the singular.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is permissive.
- (5) The word "lot" shall mean "zoning lot," unless otherwise specified in this ordinance.

(6) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" may be used interchangeably.

(7) The word "person" includes, but is not limited to, individuals, partnerships, corporations, clubs, associations, and other business, social, religious, or charitable entities.

(8) The words "lot," "parcel," "premises," or "property" may be used interchangeably.

(9) The words "parking area" and "parking facility" may be used interchangeably.

(10) In computing the period of time within which an act is to be done, the first calendar day from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period shall run until the end of the next day that is not a Saturday, Sunday, or City holiday.

(11) Distance shall be measured in a straight line, from lot line to lot line, except as otherwise provided in this zoning ordinance.

**CHAPTER 521. – RESERVED**

**CHAPTER 525. – ADMINISTRATION AND PROCEDURES**

**CHAPTER 527. – RESERVED**

**CHAPTER 529. – RESERVED.**

**CHAPTER 530. – ZONING DISTRICTS**

**CHAPTER 531. – RESERVED**

**CHAPTER 535. – OVERLAY DISTRICTS**

**CHAPTER 536. – RESERVED**

**CHAPTER 537. – RESERVED**

**CHAPTER 540. – BUILT FORM OVERLAY DISTRICTS**

**CHAPTER 541. – RESERVED**

**CHAPTER 543. – RESERVED**

**CHAPTER 544. – RESERVED**

**CHAPTER 545. – USE REGULATIONS**



**CHAPTER 546. – RESERVED**

**CHAPTER 547. – RESERVED**

**CHAPTER 548. – RESERVED**

**CHAPTER 549. – RESERVED**

**CHAPTER 550. – DEVELOPMENT STANDARDS**

**CHAPTER 551. – RESERVED**

**CHAPTER 552. – RESERVED**

**CHAPTER 555. – OFF-STREET PARKING, LOADING, AND MOBILITY**

**CHAPTER 560. – SIGNS**

**CHAPTER 565. – DEFINITIONS**

## CHAPTER 525. ADMINISTRATION AND PROCEDURES

### ARTICLE I. GENERAL PROVISIONS

**525.10. Purpose.** This chapter is established to set forth the procedures required for the administration of this zoning ordinance, to outline the powers and duties of the officials and bodies charged with such administration, to establish standards for required zoning reviews, and to provide for its enforcement in a manner that adds to the quality of land use and development and protects the public health, safety, and welfare.

**525.20. Concurrent review.** In order to provide for the efficient administration of this zoning ordinance, whenever a project or proposal requires more than one (1) land use review, including but not limited to conditional use permit, site plan review, rezoning, expansion or change of nonconforming use, certificate of nonconforming use, variance, land subdivision, or vacation of public right-of-way, all applications shall be processed concurrently. If the required land use reviews are assigned to both the city planning commission and the board of adjustment, the city planning commission shall review all applications in accordance with the standards herein described. Applications considered by the heritage preservation commission and comprehensive plan map amendments shall not be regulated by this section.

**525.30. Phased development.** If a proposed application includes phased development or components of development which, if taken together as proposed or completed would be regulated as a multiple-family development, cluster development, supportive housing or similar development, conformance with such applicable zoning regulations shall be a condition of any zoning approval.

**525.40. Period of decision.** No decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, except zoning amendments, shall be valid for a period longer than two (2) years from the date of such decision unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a one (1) year extension to this time limit, or two (2) years for a planned unit development.

**525.50. Plan consistency.** The city shall withhold any building permit, demolition permit, grading permit, utility connection, license, or other approval required for a use if the proposed plan is inconsistent with the final plan approved by the zoning administrator, planning director, board of adjustment, city planning commission or city council. Chapter 550, Article V, Site Plan Review Standards, includes more specific guidance regarding changes to approved plans for buildings and uses subject to site plan review.

**525.60. Conditions and guarantees.** (a) *Generally.* Decision-making bodies and officials may impose conditions on the approval of applications and may require such guarantees as they deem reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) *Exceptions.* The following applications shall not be subject to conditions of approval:

- (1) Certificate of nonconforming use;
- (2) Comprehensive plan map amendment; or

(3) Zoning map amendment.

**525.70. Compliance with conditions of approval.** All land use approvals made pursuant to this zoning ordinance shall remain in effect as long as all of the conditions and guarantees of such approval are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this zoning ordinance and may result in termination of the land use approval.

**525.80. Pending applications.** (a) *In general.* No new application for zoning approval shall be accepted or deemed complete for purposes of Minnesota Statutes, Section 15.99, until all previous applications for such project or proposal have been finally acted upon or withdrawn.

(b) *Noncomplying properties.* No new application for zoning approval shall be accepted or deemed complete for purposes of Minnesota Statutes, Section 15.99, if at the time of application such property is not in compliance with the requirements of a previous land use approval by the zoning administrator, planning director, board of adjustment, city planning commission, or city council. Upon receipt of such an application, the zoning administrator shall inspect the property and provide written notice to the applicant indicating the nature of the zoning violation and the action necessary to correct it.

**525.90. Resubmittal of application following denial.** When a land use application is denied by the city planning commission, board of adjustment, or city council, the zoning administrator will not accept the same application for the same proposal on the property within one (1) year of the final action. An application will be accepted within one (1) year if the zoning administrator determines that the proposal is substantively different from the previous proposal that was denied.

## ARTICLE II. DUTIES OF DECISION-MAKING BODIES AND OFFICIALS

**525.100. Zoning administrator.** (a) *Establishment.* There is hereby established the office of the zoning administrator. The zoning administrator shall be the individual designated by the director of the department of community planning and economic development to serve as the city's zoning administrator or their authorized representative.

(b) *Jurisdiction and authority.* The zoning administrator shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To interpret and administer the provisions of this zoning ordinance and maintain records of such interpretations.

(2) To issue zoning permits and maintain records thereof.

(3) To maintain permanent and current records of this zoning ordinance, including but not limited to all maps, amendments, conditional use permits, variances, appeals, site plan reviews and expansions or changes of nonconforming use, and applications therefore.

(4) To provide information relative to all matters arising out of the zoning ordinance.

(5) To receive, review, file, and forward all complete land use applications to their respective review bodies, as provided in this zoning ordinance.

(6) To review and make recommendations on proposed amendments to this zoning ordinance.

(7) To issue temporary use permits regulating temporary uses, pursuant to Chapter 535, Regulations of General Applicability.

- (8) To issue certificates of nonconforming use for structures, pursuant to Chapter 545, Article VI, Nonconforming Uses and Structures.
- (9) To maintain all zoning records which are a part of the administration of the zoning codes adopted in 1924, 1963, and 1999.
- (10) To serve as the secretary for the board of adjustment.
- (11) To establish and administer rules and regulations relating to the administration of this zoning ordinance, including application forms.
- (12) To consult with the city engineer to determine compliance with standards for uses within the FP Floodplain Overlay District, as specified in Chapter 535, Overlay Districts, and maintain records thereof, and notify the Minnesota Commissioner of Natural Resources when the giving of any notice is required by this zoning ordinance.
- (13) To perform the review of all administrative zoning applications.
- (14) To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.
- (15) To take such other actions as reasonable and necessary for the administration and enforcement of this zoning ordinance.

**525.110. Department of community planning and economic development.** (a) *Establishment.* The department of community planning and economic development is established in Article VII of the Minneapolis City Charter and Chapter 415 of this Code. The department of community planning and economic development shall perform its duties and exercise its powers as provided by law in such a way as the objectives of this zoning ordinance shall be observed.

(b) *Jurisdiction and authority.* The director of the department of community planning and economic development or their authorized representative shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To review and make recommendations regarding land use applications and perform the administrative review of applications, as authorized by this zoning ordinance.
- (2) To conduct studies for the purpose of recommending amendments to this zoning ordinance.
- (3) To make comprehensive studies of conditions and trends for the purpose of recommending a comprehensive plan and amendments thereto.

**525.120. Enforcement officials.** The zoning administrator, planning director, building official, and director of regulatory services, shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.
- (2) To take such other actions as reasonable and necessary for the enforcement of this zoning ordinance.

**525.130. City planning commission.** (a) *Establishment.* The city planning commission is established by Article VII of the Minneapolis City Charter and shall perform its duties and exercise its powers as provided therein.

(b) *Jurisdiction and authority, advisory.* The city planning commission shall make advisory recommendations on the following matters in the administration of this zoning ordinance:

- (1) Amendments to this zoning ordinance, including rezoning applications.
- (2) Adoption of the comprehensive plan and proposed amendments to the comprehensive plan.
- (3) Vacations of public right-of-way.
- (4) Appointments to the board of adjustment.

(c) *Jurisdiction and authority, final action.* The city planning commission shall make final decisions on the following matters in the administration of this zoning ordinance, subject to applicable appeals of the commission's decisions:

- (1) Land use applications, including conditional use permit, site plan review, expansion of a nonconforming use, and change of nonconforming use.
- (2) Land use applications pursuant to section 525.20, including but not limited to variances and certificates of nonconforming use, as part of concurrent review.
- (3) Appeals from any order, requirement, decision, determination, or interpretation made by the zoning administrator, planning director, or other official in the administration or the enforcement of this zoning ordinance with respect to administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights, floor area ratio premiums, plazas, and site plan review except those involving single-, two-, and three-family dwellings.

(d) *Jurisdiction and authority, initiate.* The city planning commission may initiate the following matters in the administration of this zoning ordinance, subject to final action by the city council:

- (1) Amendments to the text of this zoning ordinance and to the zoning map.
- (2) Amendments to the comprehensive plan.

(e) *Rules and procedures.* The city planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, for any other purposes considered necessary for its proper functioning, and select or appoint officers including a president, vice president, secretary, and other such officers as it deems necessary. Such policies and procedures shall be consistent with the city charter and this zoning ordinance.

(f) *Compensation of city planning commission members.* The members or the representative of a member of the city planning commission, except those who are paid by the city or any other public body or agency for attending or serving on the commission, shall be paid at the rate of fifty dollars (\$50.00) for each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.

(g) *Membership.* The city planning commission shall consist of ten (10) members as follows:

- (1) Members shall serve for a term of two (2) years.
- (2) Four (4) members shall be appointed by the mayor. Each year the mayor shall appoint two (2) members, who are city residents and not members of any body or board otherwise represented on the

commission, to serve for terms of two (2) years each commencing on the first day of January of the year of their appointment.

(3) The city council shall appoint one (1) member, who is a city resident, in January of each even-numbered year.

(4) The city council, park and recreation board, and school board shall each elect one (1) of their own members to serve on the city planning commission in January of each even-numbered year.

(5) One (1) member shall be the mayor or their representative.

(6) One (1) member shall be a representative selected by the board of county commissioners every two (2) years.

(7) Vacancies shall be filled for any unexpired term in the same manner as the appointment or selection is made.

**525.140. Board of adjustment.** (a) *Establishment.* There is hereby established a board of adjustment, which shall perform its duties and exercise its powers as provided by law in such a way as the objectives of this zoning ordinance shall be observed.

(b) *Jurisdiction and authority, final action.* The board of adjustment shall make final decisions on the following matters in the administration of this zoning ordinance, subject to applicable appeals of the board's decisions:

(1) Applications for variances from the provisions of this zoning ordinance and applications for certificates of nonconforming use.

(2) Appeals from any order, requirement, decision, determination, or interpretation made by the zoning administrator, director of regulatory services, planning director or other official in the administration or the enforcement of this zoning ordinance. Certain appeals are considered and acted on by the city planning commission instead of the board of adjustment as specified in section 525.130(c)(3).

(c) *Rules and procedures.* The board of adjustment shall adopt policies and procedures for the conduct of its meetings, the processing of applications, for any other purposes considered necessary for its proper functioning, and select or appoint officers including a chair, vice chair, and other such officers as it deems necessary.

(d) *Compensation of board of adjustment members.* The members of the board of adjustment shall be paid at the rate of fifty dollars (\$50.00) for each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.

(e) *Membership.* The board shall consist of nine (9) members who shall be appointed by the city council from an advisory list submitted to it by the city planning commission. All appointments shall be made in conformance with the city's open appointments ordinance as outlined in Chapter 14 of the Minneapolis Code of Ordinances. Members shall serve for a term of three (3) years and shall be appointed as the terms of the present members of the existing board of adjustment expire. All members shall continue in office until their successors are appointed. Any member of the board may be removed there from for cause by the city council.

**525.150. City council.** The city council shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To initiate amendments to this zoning ordinance.
- (2) To adopt amendments to this zoning ordinance.
- (3) To adopt and amend a comprehensive plan for the city or portions thereof.
- (4) To hear and decide appeals from decisions of the city planning commission and board of adjustment, as authorized by this zoning ordinance. The city council shall have the authority to accept new evidence regarding the matter on appeal. The city council shall have the same authority as the city planning commission or board of adjustment to approve, deny, modify, grant exceptions, or impose conditions on the application or other matter that is the subject of the appeal.
- (5) To adopt and amend interim ordinances, and to hear and decide applications for waivers from such ordinances.
- (6) To approve interim uses.
- (7) To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this zoning ordinance.

### **ARTICLE III. GENERAL APPLICATION PROCEDURES AND FEES**

**525.200. Initiation of applications.** Any person having a legal or equitable interest in a property may file a land use application affecting the use or development of a property. A legal or equitable interest in a property is not required in order to appeal a decision of the zoning administrator, city planning commission, or board of adjustment.

**525.210. Application procedures.** (a) *In general.* All applications shall be filed on a form approved by the zoning administrator and shall be submitted and processed by the zoning administrator, who shall make a preliminary investigation, in accordance with the procedures set forth in this chapter.

(b) *Determination of completeness of application.* The zoning administrator shall review all applications and determine whether such applications are complete. Applications shall not be accepted as complete until the applicant has complied with all of the following:

- (1) A pre-application meeting with city staff during which the appropriate application procedures, requirements and applicable zoning ordinance provisions are reviewed and explained. The zoning administrator may waive this requirement for applications involving less complexity.
- (2) Submittal of all required application forms relating to the application.
- (3) Submittal of all supporting information required by city ordinance, the zoning administrator, the planning director, the application forms, or by law.
- (4) Submittal of all fees.
- (5) Submittal of all required environmental reviews.
- (6) Submittal of all required state and federal permits for uses located in the FP Floodplain Overlay District.
- (7) *City council and neighborhood notification by the applicant.*

a. For all land use applications requiring a public hearing as set forth in this zoning ordinance, except appeals of decisions of the city planning commission or board of adjustment, submittal of evidence that notification of the application has been mailed or delivered to the ward council office and the neighborhood group(s) for the area in which the property is located.

b. For all applications for administrative site plan review as set forth in Chapter 550, submittal of evidence that notification of the application has been mailed or delivered to the neighborhood group(s) for the area in which the property is located. The neighborhood group(s) to be notified are those organizations that appear on the list maintained by the city for this purpose.

c. The notification shall include the following information:

1. A description of the project; the zoning approvals that the applicant is aware are needed for the project;
2. The address of the property for which zoning approval is sought; and
3. The applicant's name, address, telephone number, and e-mail address, if available.

d. Where the property for which zoning approval is sought is located on a public street that acts as a boundary between two (2) or more neighborhoods, the above information shall also be provided to the neighborhood group(s) representing the adjacent area(s).

(c) *Incomplete applications.* If after the application has been accepted, the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing within fifteen (15) business days of receipt, specifying any deficiencies of the application, including any additional information which must be supplied, and that no further action shall be taken by the city on the application until the deficiencies are corrected.

(d) *Remedy of deficiencies.* If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application may be deemed withdrawn and will be returned to the applicant.

(e) *Extensions of time.* Upon written request by the applicant, the zoning administrator may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant by these application procedures.

**525.220. Public hearings.** (a) *Notice.*

(1) *Land use applications.* For all land use applications requiring a public hearing as set forth in this zoning ordinance, except appeals of decisions of the city planning commission or board of adjustment and applications for waiver of the restrictions of an interim ordinance, notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

a. *Newspaper of general circulation.* The zoning administrator shall publish notice of the time, place and purpose of the public hearing at least once, not less than fifteen (15) days before the hearing, in a newspaper of general circulation.

b. *Registered neighborhood groups.* The zoning administrator shall mail notice of time, place, and purpose of the public hearing to the registered neighborhood group(s) for the area in which the subject property is located not less than twenty-one (21) days before the hearing.

c. *Affected property owners.* The zoning administrator shall mail notice to all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property, not less than fifteen (15) days before the hearing.

d. *Posted card.* Notice of time, place, and purpose of such public hearing shall also be posted, with a card sign furnished by the zoning administrator's office, on not less than two (2) locations on the property that



allow the signs to be read from a public sidewalk or street. Said sign shall be posted not later than ten (10) days prior to the date of the hearing.

(2) *Zoning amendments initiated by the city council or city planning commission.* For all zoning amendments initiated by the city council or city planning commission as set forth in this chapter, except interim ordinances, notice of the public hearing shall be given in the following manner. The failure to give mailed notice, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

a. *Newspaper of general circulation.* The zoning administrator shall publish notice of the time, place and purpose of the public hearing in a newspaper of general circulation in the manner provided by Minnesota Statutes, Section 462.357.

b. *Registered neighborhood groups.* The planning director shall mail notice of time, place and purpose of the public hearing to the affected registered neighborhood group(s) not less than twenty-one (21) days before the hearing.

c. *Property owners.* For amendments to change the zoning map, notice to affected property owners shall be provided in the manner provided by Minnesota Statutes, Section 462.357.

(b) *Notification regarding natural resources, FP Floodplain and SH Shoreland Overlay Districts.* When any conditional use permit, variance, or zoning amendment, relates to the FP Floodplain or SH Shoreland Overlay Districts, as established in Chapter 535, Overlay Districts, the zoning administrator shall mail to the Minnesota Commissioner of Natural Resources, Minneapolis Park and Recreation Board, and the affected watershed district or flood-control commission, the notice of the hearing at least twenty-one (21) days in advance of the hearing. In addition, a copy of all decisions shall be forwarded to such agencies within ten (10) days of any decision.

(c) *Notification regarding natural resources, Mississippi River Corridor Critical Area Overlay District.* When any conditional use permit, interim use permit, variance, or zoning amendment, relates to the MR Mississippi River Corridor Critical Area Overlay District, as established in Chapter 535, Overlay Districts, the zoning administrator shall mail to the Minnesota Commissioner of Natural Resources, National Park Service, Minneapolis Park and Recreation Board and the affected watershed district or flood-control commission the notice of the hearing at least twenty-one (21) days in advance of the hearing. Where any proposed building heights exceed the height limit specified in section 535.1650 (a) as part of a conditional use or variance process, the zoning administrator shall also mail to adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river, the notice of the hearing at least twenty-one (21) days in advance of the hearing. In addition, a copy of all decisions shall be forwarded to such agencies within ten (10) days of any decision.

(d) *Procedure.* All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by duly appointed agent or attorney. The chair or the acting chair may administer oaths. Upon the conclusion of the testimony in each hearing, the review body shall announce its decision or recommendation or shall lay the matter over to a subsequent meeting. The review body shall keep minutes of its public hearings, and shall also keep records of its official actions. Decisions of the review body shall be filed in the office of the zoning administrator or in the office of the city clerk.

**525.230. Fees.** (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the zoning ordinance shall pay fees in the amount listed in Table 525-1, Fees.

**Table 525-1 Fees**

<i>Application Type</i>	<i>Fee (dollars)</i>
<b>APPLICATIONS WITH PUBLIC HEARINGS</b>	
Appeals of the ruling of the board of adjustment or city planning commission	450
Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance	450
Certificates of nonconforming use	620
Comprehensive plan map amendments	1,100
Conditional use permits	
0—9,999 sq. ft. of lot area	650
10,000—43,559 sq. ft. of lot area	875
43,560 sq. ft. of lot area or more	1,085
Conditional use permits for the following uses	
Signs	670
Planned unit developments	2,570
Wind energy conversion systems	670
Expansion or change of nonconforming use	720
Interim uses	780
Site plan review	
0—9,999 sq. ft. of lot area	950
10,000—43,559 sq. ft. of lot area	1,400
43,560, sq. ft. of lot area or more	1,850

Amendment to approved plan filed within two (2) years of original approval	450
Variances	
0—9,999 sq. ft. of lot area	525
10,000—43,559 sq. ft. of lot area	780
43,560 sq. ft. of lot area or more	1,000
Waiver of restrictions of interim ordinances	450
Zoning amendments	
0—9,999 sq. ft. of lot area	840
10,000—43,559 sq. ft. of lot area	1,110
43,560 sq. ft. of lot area or more	1,400
<b>ADMINISTRATIVE APPLICATIONS</b>	
Accessory dwelling units	325
Accessory structures, height or floor area increase	200
Common lot developments	325
Communication towers, antennas, and base units	280
Environmental reviews	615 or the actual costs of environmental review processes as determined by the planning director, whichever is greater
Height increase as authorized by Chapter 540, Built Form Overlay Districts	
0—9,999 sq. ft. of lot area	525
10,000—43,559 sq. ft. of lot area	780
43,560 sq. ft. of lot area or more	1,000

Inclusionary housing	
Rental — Annual recertification	125 per inclusionary zoning unit
Rental — Initial eligibility certification	125 per inclusionary zoning unit
Rental — Monitoring review	125 per hour
Ownership — Initial sale fee	5,500 charged to developer
Plazas	450
Single-, two-, and three-family dwellings, height or floor area increase	170
Site plan review, Administrative	
0—9,999 sq. ft. of lot area	675
10,000—43,559 sq. ft. of lot area	930
43,560 sq. ft. of lot area or more	1,150
Amendment to approved plan filed within two (2) years of original approval	300
Site plan review, Administrative, for single-, two-, and three-family dwellings	475
Skyways	450
Temporary uses	140
Transfer of development rights	450
Travel demand management plans	
Major	620
Minor	325
Zoning and floodplain letter requests	100

**Table 525-2 Sign Permit Fees**

<i>Type of Sign and Scope of Work</i>	<i>Fee (dollars)*</i>
Non-projecting signs	
1 to 100 sq. ft. or fraction thereof	156
For each additional 50 sq. ft. or fraction thereof	51.90
Temporary sign less than 100 sq. ft. Minimum fee does not apply	33.80
Temporary sign greater than 100 sq. ft.	49.20
Off-premises advertising sign	1,040.70
Projecting signs	
1 to 100 sq. ft. or fraction thereof	207.90
For each additional 50 sq. ft. or fraction thereof	51.90

\*Includes 1.00 dollar Minnesota State Surcharge

(b) *Forms and payment of fees.* The zoning administrator shall provide applicants with forms, designating therein the amount of fees to be paid. All fees shall be payable to the city finance department.

(c) *Refund of fees.*

(1) *Incomplete applications.* If an applicant fails to provide a complete application and the application is withdrawn by the applicant or is deemed withdrawn and returned pursuant to section 525.210(d), the city shall retain the first one hundred dollars (\$100.00) of the total fees paid for the project. Any sum paid over the amount to be retained shall be refunded.

(2) *Complete applications.* If an applicant withdraws a complete application before the scheduled public hearing, or in the case of an application for administrative review, before the application is decided by the planning director or zoning administrator, the city shall retain the first one hundred dollars (\$100.00) of the total application fees paid for the project, or such proportion of the fee paid as determined by the costs to the city to process the application up to the time it was withdrawn compared to the costs to completely process the application, whichever is greater. Any sum paid over the amount to be retained shall be refunded. If the scheduled public hearing is held, or if the application is decided by the planning director or the zoning administrator, no fees shall be refunded, whether or not the application is withdrawn, approved or denied.

(3) *Exception.* The city shall refund the total amount of fees paid for any application that was accepted by the zoning administrator in error.

**ARTICLE IV. APPLICATIONS AND DECISIONS WITH PUBLIC HEARINGS**

**525.300. Purpose.** This article provides information about applications that require a public hearing as part of the decision-making process. The article describes the purpose of each type of application, which review body is responsible for making a decision to approve or deny the application, and the legal findings or criteria that are used to inform the decision. Public hearing procedures are described in Article III, General Application Procedures and Fees.

**525.310. Applications and procedures summary.** A summary of decision-making authority for land use applications that require a public hearing is provided in Table 525-3, Summary of Decision-Making for Applications with Public Hearings.

**Table 525-3 Summary of Decision-Making for Applications with Public Hearings**

	HD = public hearing and decision. HR = public hearing and advisory recommendation D = decision in public meeting, but public hearing is held by city planning commission or board of adjustment prior to this decision  When the city council holds a public hearing on a land use application, such hearing is held at the appropriate city council committee, which makes a recommendation to the city council, where the final decision is made.		
	<b><i>Decision-making body and authority</i></b>		
<b><i>Application Type</i></b>	<b><i>City Planning Commission</i></b>	<b><i>Board of Adjustment</i></b>	<b><i>City Council</i></b>
Appeals of decisions of the city planning commission or board of adjustment			HD
Appeals of decisions of the zoning administrator	HD for certain reviews as specified in section 525.130(c)(3)	HD	
Certificates of nonconforming use	HD only as part of concurrent review specified in section 525.20	HD	
Comprehensive plan map amendments	HR		D
Conditional use permits	HD		
Expansions or changes of nonconforming use	HD		
Interim use permits			HD
Site plan review	HD		
Variances	HD only as part of concurrent review specified in section 525.20	HD	

Waivers			HD
Zoning map amendments	HR		D

**525.320. Appeals of decisions of the city planning commission or board of adjustment.** (a) *Purpose.* All decisions of the city planning commission and board of adjustment shall be final subject to appeal to the city council, except where the commission or board decision is an advisory recommendation to the city council.

(b) *Procedure and decision-making body.* Appeals may be initiated by any affected person by filing the appeal. All appeals shall be filed within ten (10) calendar days of the date of decision by the city planning commission or board of adjustment. No action shall be taken by any person to develop, grade or otherwise alter the property until expiration of the ten-day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council. Not less than ten (10) days before the public hearing to be held by the appropriate committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the city planning commission or the board of adjustment. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made. The appropriate committee of the city council shall hold a public hearing as provided in section 525.220 and make decisions on appeals of city planning commission or board of adjustment decisions. The city council’s decision shall be final, subject to the right of subsequent judicial review.

(c) *Required findings or criteria.* The city council’s decision shall be based on the same decision-making criteria utilized by the city planning commission or board of adjustment, as specified in this ordinance.

**525.330. Appeals of decisions of the zoning administrator.** (a) *Purpose.* All findings, requirements, and decisions of the zoning administrator, director of regulatory services, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal, except as otherwise provided by this zoning ordinance.

(b) *Procedure and decision-making body.* All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing as provided in section 525.220 and make decisions on appeals, subject to appeal to the city council as specified in section 525.320.

(c) *Required findings or criteria.* Whether an error has been made in interpreting or applying the provisions of the zoning ordinance.

**525.340. Certificates of nonconforming use.** (a) *Purpose.* Certificates of nonconforming use are intended to provide evidence that a use or structure is a legally nonconforming use.

(b) *Procedure and decision-making body.* The board of adjustment shall hold a public hearing as provided in section 525.220 and make decisions on certificates of nonconforming use, subject to appeal to the city council as specified in section 525.320. As specified in this chapter, the city planning

commission shall hold the public hearing and make the decision on certificates of nonconforming use when the application is being reviewed concurrently with other applications considered by the city planning commission.

(c) *Required findings or criteria.* A certificate of nonconforming use may be granted when the applicable board, commission, or council establishes that the use or structure was legally established and has retained legal nonconforming rights. The certificate shall state the specific type and intensity of the use that is found to be legal. If the applicant does not establish the required facts, no certificate shall be issued. Where a loss of nonconforming rights is apparent due to vacancy, a property owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use or structure for the specified period was due to circumstances beyond the property owner's control. The property owner shall bear the burden of proof.

**525.350. Changes of nonconforming use.** (a) *Purpose.* Change of nonconforming use applications determine whether an existing legally nonconforming use can be replaced by and changed to another nonconforming use by evaluating the intensity and compatibility of the existing use compared to the proposed use.

(b) *Procedure and decision-making body.* The city planning commission shall hold a public hearing as provided in section 525.220 and make decisions on changes of nonconforming use, subject to appeal to the city council as specified in section 525.320.

(c) *Required findings or criteria.* A change of nonconforming use may be granted only when the city planning commission establishes that the proposed nonconforming use is compatible with adjacent properties and is of equal or less intensity than the existing nonconforming use. The evaluation shall include but not be limited to the following factors:

- (1) Hours of operation.
- (2) Signs.
- (3) Motor vehicle traffic generation.
- (4) Nature of business operations.
- (5) Number of employees.
- (6) Building bulk.
- (7) Aesthetic impacts.
- (8) Lighting, noise, odor, heat, glare, and vibration.

**525.360. Comprehensive plan map amendments.** (a) *Purpose.* Amendments to the comprehensive plan's maps are made for the purpose of promoting the public health, safety, and general welfare, and in consideration of changing conditions, applicable policies, market conditions, and the current and anticipated uses of property.

(b) *Procedure and decision-making body.* The city planning commission shall hold a public hearing as provided in section 525.220, make advisory recommendations to the city council, and the city council shall make decisions on comprehensive plan map amendments.



(1) Property owners or those with a legal or equitable interest in property, the city council, or the city planning commission may initiate amendments to the comprehensive plan's maps.

(2) The applicant shall conduct public outreach with stakeholders to raise awareness about the comprehensive plan amendment proposal and collect feedback on any potential issues or impacts from the proposal prior to the submission of an application. The engagement requirements are specified in a form provided by the planning director.

(3) A large sign shall serve as notice to the public about the proposed comprehensive plan amendment for the site and provide information about how to participate and comment throughout the comprehensive plan amendment process. The sign posting requirements are specified in a form provided by the planning director.

(4) In addition to city review, comprehensive plan map amendments approved by the city shall be submitted to the Metropolitan Council for their required review and decision. This process is specified in a form provided by the planning director.

(c) *Required findings or criteria.* The city planning commission and city council shall make findings with respect to the following:

(1) The extent to which the proposed change would be consistent with the comprehensive plan goals and associated policies.

(2) Evidence demonstrating the reason(s) that the plan should be changed, including but not limited to whether new information has become available since the comprehensive plan was adopted that supports reexamination of the plan, or that existing or proposed development offer new opportunities or constraints that were not previously considered.

(3) The relationship of the proposed amendment to the supply and demand for particular land uses within the city and the immediate vicinity of the site.

(4) A demonstration that the proposed amendment has merit beyond the interests of the applicant.

(5) The possible impacts of the amendment on all specific elements and topics of the comprehensive plan as may be applicable.

**525.370. Comprehensive plan text amendments.** (a) *Purpose.* Amendments to the comprehensive plan's text are made for the purpose of promoting the public health, safety, and general welfare, and in consideration of changing conditions, applicable policies, market conditions, and the current and anticipated uses of property.

(b) *Procedure and decision-making body.* The city does not accept applications from the public for the purpose of amending the text of the comprehensive plan. The city council, city planning commission, or the department of community planning and economic development may initiate amendments to the text of the comprehensive plan. The city planning commission shall hold a public hearing as provided in section 525.220, make advisory recommendations to the city council, and the city council shall make decisions on comprehensive plan text amendments. In addition to city review, comprehensive plan text amendments approved by the city shall be submitted to the Metropolitan Council for their required review and decision. This process is specified in a form provided by the planning director.

(c) *Required findings or criteria.* The city planning commission and city council will make findings that analyze proposed changes to the text of the comprehensive plan. The criteria that guide this analysis shall be developed by the planning director.

**525.380. Conditional use permits.** (a) *Purpose.* A conditional use permit allows the city to review uses that, because of their unique characteristics, are not permitted as of right in a particular zoning district, but that may be allowed upon showing that such use in a specified location will comply with all of the conditions and standards of this zoning ordinance and the findings required for the granting of a conditional use permit.

(b) *Procedure and decision-making body.* The city planning commission shall hold a public hearing as provided in section 525.220 and make decisions on conditional use permits, subject to appeal to the city council as specified in section 525.320.

(c) *Required findings or criteria.* Each of the following findings shall be made before granting a conditional use permit:

(1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

(2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(3) Adequate utilities, access, drainage, necessary facilities, or other measures, have been or will be provided.

(4) Adequate measures have been or will be taken to ensure a safe and effective interface with the public right-of-way and the nearby transportation system.

(5) The conditional use is consistent with the applicable policies of the comprehensive plan.

(6) The conditional use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.

**525.390. Changes in approved conditional use permit.** (a) *Minor changes.* The zoning administrator may authorize minor changes in the placement and size of improvements for an approved conditional use permit if the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission in connection with the approval of the conditional use permit.

(b) *Other changes.* Changes to the development plan, other than minor changes in the placement and size of improvements, shall require amendment to the conditional use permit by the city planning commission. The requirements for application and approval of a conditional use permit amendment shall be the same as the requirements for original application and approval.

**525.400. Discontinuance of conditional use permits.** Where a conditional use has been established and is discontinued for any reason for a period of one (1) year or longer, or where a conditional use has been changed to a permitted use or to any other conditional use, the conditional use permit shall become null and void.

**525.410. Existing conditional use permits for extended hours of operation.** Uses with conditional use permits for extended hours of operation prior to February 11, 2011, shall be allowed to be open to the public during the hours approved by the conditional use permit, provided the use complies with all

conditions of the original approval and the hours of operation are not discontinued for a continuous period of more than one (1) year.

**525.420. Expansion or alteration of nonconforming use.** (a) *Purpose.* Expansion or alteration of nonconforming use applications evaluate whether an existing legally nonconforming use can be expanded, altered, or intensified.

(b) *Procedure and decision-making body.* The city planning commission shall hold a public hearing as provided in section 525.220 and make decisions on expansions or alterations of nonconforming uses or structures, subject to appeal to the city council as specified in section 525.320.

(c) *Required findings or criteria.* Each of the following findings shall be made before granting an expansion or alteration of nonconforming use:

(1) A rezoning to legalize the use would be inappropriate.

(2) The enlargement, expansion, relocation, or intensification will be compatible with adjacent property and the neighborhood. Further, because of improvements to the property, the proposal will improve the appearance or compatibility with the neighborhood.

(3) The enlargement, expansion, relocation, or intensification will not result in significant increases of adverse off-site impacts such as motor vehicle traffic, noise, dust, and odors. When the nonconforming use is a high-impact production and processing use, a principal electricity generation use, or a post-consumer waste processing use, the enlargement, expansion, relocation, or intensification will result in an appreciable decrease of adverse off-site impacts such as motor vehicle traffic, noise, dust, and odors.

(4) In districts in which residential uses are allowed, the enlargement, expansion, relocation, or intensification will not result in the creation or presence of more dwelling units or rooming units on the subject property than is allowed by the regulations of the district in which the property is located.

(5) The enlargement, expansion, relocation, or intensification will not be located in the floodway district.

**525.430. Historic variances.** In order to promote the use and conservation of historic properties, the heritage preservation commission may grant variances from the provisions of this zoning ordinance to locally designated historic properties, as provided in Chapter 599 of the Minneapolis Code of Ordinances, Heritage Preservation Regulations.

**525.440. Interim use permits.** (a) *Purpose.* An interim use permit allows the city to consider temporary uses of land for a period of up to five (5) years. The proposed use must be allowed as a conditional use in the district where the property is located. An interim use may be allowed as a temporary use of property until a particular date, until the occurrence of a particular event, or until the zoning regulations no longer allow it. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

(b) *Procedure and decision-making body.* The applicable city council committee shall hold a public hearing as provided in section 525.220 and the city council shall make decisions on interim use permits. The city council may approve an interim use of property as defined and authorized by Minnesota Statutes, Section 462.3597.

(c) *Required findings or criteria.* In addition to the findings and criteria required for a conditional use permit, each of the following findings shall be made before granting an interim use permit:

- (1) The interim use is authorized as a conditional use in the zoning district in which it is to be located.
- (2) Except as otherwise authorized by this section, an interim use will conform to this zoning ordinance as if it were established as a conditional use.
- (3) The date or event that will terminate the interim use is identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.

(d) *Exceptions.* The city council may waive conditions that would apply to an interim use upon a finding that the temporary nature of the interim use will eliminate the adverse effects the condition was intended to prevent.

**525.450. Site plan review.** (a) *Purpose.* Site plan review applications are established to evaluate compliance with the standards of Chapter 550, Article V, Site Plan Review Standards, including but not limited to building placement and design, access and circulation, landscaping, and screening.

(b) *Procedure and decision-making body.* The city planning commission shall hold a public hearing as provided in section 525.220 and make decisions on site plan review, subject to appeal to the city council as specified in section 525.320. However, Chapter 550, Article V, Site Plan Review Standards, specifies the circumstances under which site plan review applications are reviewed and decided administratively by the zoning administrator, rather than through a public hearing.

(c) *Required findings or criteria.* Each of the following findings shall be made before approving an application for site plan review:

- (1) The proposed plan conforms to all applicable site plan review standards.
- (2) The proposed plan conforms to all applicable regulations of this zoning ordinance and is consistent with the applicable policies of the comprehensive plan.

**525.460. Variances.** (a) *Purpose.* Variances are intended to provide a means of departure from the literal provisions of the zoning ordinance where practical difficulties exist because of conditions or circumstances unique to an individual property. Nothing in this ordinance shall provide an applicant with any property right or other legal right to compel the city to vary the requirements of this zoning ordinance. In all applications for variance, the applicant shall bear the burden of proof.

(b) *Procedure and decision-making body.* The board of adjustment shall hold a public hearing as provided in section 525.220 and make decisions on variances, subject to appeal to the city council as specified in section 525.320. As specified in this chapter, the city planning commission shall hold the public hearing and make the decision on variances when the application is being reviewed concurrently with other applications considered by the city planning commission.

(c) *Required findings or criteria.* A variance may be granted from the regulations of the zoning code only when the applicable board, commission, or council establishes that complying with the ordinance poses practical difficulties, making each of the following findings based upon the evidence presented to it in each specific case:

(1) Challenges exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

(2) The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

(3) The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

**525.470. Authorized variances.** Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment, city planning commission, or city council only in accordance with the requirements of section 525.460, and may be granted only in the following instances, and in no others:

(1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.

(2) To vary the lot area or lot width requirements up to thirty (30) percent, except that lot area or lot width variances for K-12 schools shall be governed by 525.470(3) below.

(3) To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12.

(4) To vary the gross floor area or floor area ratio requirements of a structure or use.

(5) To vary the maximum lot coverage and impervious surface coverage requirements.

(6) Unless otherwise controlled by conditional use permit or an administrative height increase, to vary the height requirements for any structure, except signs.

(7) To permit an increase in the maximum height of a fence.

(8) To vary the screening and landscaping requirements of this zoning ordinance.

(9) To vary the enclosed building requirements of this zoning ordinance.

(10) To vary any standards governing off-street parking, loading, driveways, drive aisles, and curb cuts, except that the following shall not be varied:

a. The location of off-site parking not otherwise allowed in an urban neighborhood or residential mixed-use district.

b. Travel demand management regulations.

(11) To reduce the minimum distance between an accessory structure or open parking space and a dwelling, as specified in section 545.380.

(12) To vary the width and location restrictions on attached garages facing the front lot line for residential uses.

(13) To vary the specific use standards of Chapter 545, Article II, Specific Use Standards, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance.

(14) To vary the development and use standards of Chapter 545, Article III, Accessory Uses and Structures.

(15) To vary the standards of Chapter Article IX, Accessory Dwelling Unit Standards, except that the owner occupancy requirement for internal accessory dwelling units and the limit of one (1) accessory dwelling unit per zoning lot shall not be varied.

(16) To vary the standards of Chapter 550, Article XIV, Plazas.

(17) To vary the standards of Chapter 550, Article XV, Skyways.

(18) To permit development on a zoning lot existing on the effective date of this ordinance that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage.

(19) To vary the minimum width of single-, two-, and three-family dwellings provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.

(20) To vary the requirement for enclosed storage for new single-, two-, and three-family dwellings.

(21) To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.

(22) To permit development in the SH Shoreland Overlay District within fifty (50) feet of a protected water.

(23) To permit alternative forms of flood protection for uses and structures located in the FP Floodplain Overlay District, provided no variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law. In areas designated as AO zones on the flood insurance rate map, a variance may be granted to the requirement that buildings be elevated to one (1) foot above the elevation of the ground surface prior to construction next to the proposed walls of the building, provided the application includes a detailed hydraulic analysis that supports such variance as sound floodplain management and a letter of map revision from the Federal Emergency Management Agency.

(24) To vary the standards of any overlay district, other than the SH Shoreland Overlay District, FP Floodplain Overlay District, and built form overlay districts. The standards of the SH Shoreland Overlay District, FP Floodplain Overlay District, and any built form overlay district may be varied only as allowed by another authorized variance in this section of the zoning code.

(25) To vary the number, type, height, area, or location of allowed on-premises signs on property located in a residential mixed-use, commercial mixed-use, downtown, production, or transportation district, pursuant to Chapter 560, Signs.

**525.480. Waivers.** (a) *Purpose.* Waivers are established to consider relief from the restrictions of an interim ordinance.

(b) *Procedure and decision-making body.* The applicable city council committee shall hold a public hearing as provided in section 525.220 and the city council shall make decisions on waivers.

(c) *Required findings or criteria.* Each of the following findings shall be made before approving an application for a waiver:

(1) The restrictions of the waiver cause substantial hardship when applied to the property.

(2) Granting the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

**525.490. Zoning map amendments.** (a) *Purpose.* Amendments to the zoning ordinance’s maps, also known as rezoning applications, are made for the purpose of promoting the public health, safety, and general welfare, and in consideration of changing conditions, applicable policies, and the current and anticipated uses of property.

(b) *Procedure and decision-making body.* The city planning commission shall hold a public hearing as provided in section 525.220, make advisory recommendations to the city council, and the city council shall make decisions on zoning map amendments.

(1) *Amendments initiated by petition.* In addition to the requirements of this ordinance, an application must comply with the zoning amendment requirements provided in Minnesota Statutes, Section 462.357.

(2) *Amendments initiated by the city council or the city planning commission.* The city council, the city planning commission, or the planning director may initiate amendments to the zoning classification of specific properties in the manner provided in Minnesota Statutes, Section 462.357. Amendments to the zoning classification of specific properties shall not be initiated without obtaining the required written consent of property owners, unless a survey has been made of the whole area of the city or portions thereof not less than forty (40) acres, and consideration has been given to whether the number of descriptions of real estate renders the obtaining of written consent impractical.

(c) *Required findings or criteria.* The city planning commission and city council shall make findings using the criteria noted below. A zoning map amendment shall not be approved without finding that such amendment is consistent with the applicable policies of the comprehensive plan. All other criteria represent factors to consider and are intended to guide a rational basis for the decision.

(1) Whether the amendment is consistent with the applicable policies of the comprehensive plan.

(2) Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

(3) Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

(4) Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

(5) Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

**525.500. Zoning text amendments.** (a) *Purpose.* Amendments to the zoning ordinance text are made for the purpose of implementing adopted policies and improving the zoning code in ways that advance its purpose.

(b) *Procedure and decision-making body.* The city does not accept applications from the public for the purpose of amending the text of the zoning ordinance. The city council or city planning commission may initiate amendments to the text of the zoning code. The city planning commission shall hold a public hearing as provided in section 525.220, make advisory recommendations to the city council, and the city council shall make decisions on zoning text amendments.

(c) *Required findings or criteria.* The city planning commission and city council will make findings that analyze proposed changes to the zoning code text. The criteria that guide this analysis shall be developed by the planning director. A zoning text amendment shall not be approved if it is found to be inconsistent with the applicable policies of the comprehensive plan.

## ARTICLE V. ADMINISTRATIVE DECISIONS AND APPLICATIONS

**525.600. Description.** This article provides information about applications that include administrative decisions. A public hearing is not part of the decision-making process unless for these applications unless an applicable appeal is filed. This article includes the purpose of each type of application, which official is responsible for making a decision to approve or deny the application, and the legal findings or criteria that are used to inform those decisions. Appeal procedures are described in section 525.330.

**525.610. Administrative applications, generally.** (a) *Purpose.* Certain zoning decisions may be made, and zoning permits issued, following a review that does not involve a formal application form or process. However, based on the degree of complexity or city staff time involved in the review of certain uses, structures, or buildings, the zoning administrator may develop administrative review processes and applications that lead to decisions about compliance with the zoning ordinance and comprehensive plan. The zoning ordinance does not list every such administrative process and application. Forms for such applications are provided by the zoning administrator. Where a fee is charged, such fee is listed in Table 525-1, Fees.

(b) *Procedures and decision-makers.* Following submittal of information required by this ordinance and any applicable application forms, the zoning administrator or planning director shall make decisions on administrative applications, subject to applicable appeals. Additional information about zoning permits and reasonable accommodation applications is provided in section 525.650.

(c) *Required findings or criteria.* Unless specific findings or criteria are listed elsewhere in the zoning ordinance or in the application form provided by the zoning administrator, administrative reviews include a review for compliance with the applicable provisions of the zoning ordinance.

**525.620. Zoning permit.** (a) *Purpose.* A zoning permit shall be obtained from the zoning administrator prior to any of the following:

(1) The construction, reconstruction, erection, enlargement, relocation, or structural alteration of any building or structure or part thereof, including any principal use, accessory use, or any other use or improvement which requires a building or grading permit.

(2) Any change or expansion of use of any building or land.

(b) *Procedure and decision-making body.* Application for a zoning permit shall include a plan dimensioned or annotated as to accurately show the proposed building or structure, including building bulk, height and use, and existing buildings and uses, if any, in exact relation to lot lines, a description of adjoining land uses, as well as other information required by the zoning administrator to determine zoning compliance. The zoning administrator shall make decisions on zoning permits and shall affix their stamp on approved plans. Such stamp shall serve as the zoning permit. In such instances where only a change of use and no alterations requiring a building permit are involved, the zoning administrator may affix their stamp to a letter certifying that the change of use is allowed. Where a building permit has



been reviewed and approved by the zoning administrator for the purpose of compliance with this zoning ordinance, such approval shall serve as the zoning permit.

(c) *Required findings or criteria.* This permit includes a review for consistency with the regulations of this zoning ordinance. In such instances where the application requires additional land use review by the planning director, board of adjustment, city planning commission, heritage preservation commission, or city council, the zoning administrator shall not grant the zoning permit until the applicable review body grants approval, the appeal period has expired, and such plans are consistent with the approval granted by the applicable decision-making body.

(d) *Revocability of zoning permit.* Any permit, document, or approval issued by the zoning administrator may be revoked upon a violation of this zoning ordinance or any conditions under which it is issued, subject to the provisions of Article VI, Enforcement.

**525.630. Temporary use permit.** (a) *Purpose.* Temporary use provisions are established to allow for certain uses and structures which have only a seasonal or temporary duration such as community festivals, fresh produce stands, and temporary promotions by permanent businesses. Specific provisions are described in Chapter 545, Article IV, Temporary Uses.

(b) *Procedure and decision-making body.* An application for a temporary use permit shall include a plan dimensioned or annotated as to accurately show the proposed temporary use, along with a description of the hours and duration of the use. The zoning administrator shall make decisions on temporary use permits.

(c) *Required findings or criteria.* Each of the following findings shall be made before approving an application for a temporary use permit:

(1) The temporary use shall not be detrimental to the public health, safety or welfare, and is compatible with the purpose and intent of this zoning ordinance and the specific zoning district in which it is located.

(2) The temporary use shall be compatible in intensity, characteristics, and appearance with surrounding land uses. Factors such as location, access, traffic generation, noise, light, dust control, and hours of operation shall be considered.

(3) The temporary use shall comply with the general standards for the zoning district in which it is located, including but not limited to hours of operation, yard requirements, commercial vehicle parking and signs. The temporary use shall also comply with Chapter 545, Article IV, Specific Use Standards.

**525.640. Compliance with performance standards.** Whenever an application is made for issuance or change of a zoning permit, which may include the production, processing, cleaning, servicing, testing, or repair of materials, goods or products, the zoning administrator shall review the application to determine compliance with the applicable regulations of the zoning district and the applicable general performance standards of Chapter 550, Article XVII, General Performance Standards. The zoning administrator may initiate an investigation or study to ensure compliance with the standards when it is believed that proposed processes may violate applicable general performance standards. When unusual technical complexity or expense would be incurred in securing the sufficient information to conclude the study or investigation, the zoning administrator may require the applicant to provide the evidentiary submission at the applicant's expense, including but not limited to the following:

(1) Plans of the existing or proposed construction and development.

(2) Detailed descriptions of existing or proposed machinery, processes, activities and materials used and the products made.

(3) Plans and specifications for the mechanisms and techniques used or proposed to be used in demonstrating compliance with the applicable regulations of the zoning district and the applicable performance standards.

(4) Measurements or estimates of the amount and rate of emission of any substance or force demonstrating compliance with the performance standards.

**525.650. Reasonable accommodation.** (a) *Purpose.* It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing in the application of its zoning regulations. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. The purpose of this section is to establish a process for making and acting upon requests for reasonable accommodation.

(b) *Procedure and decision-making body.* Any person who requests reasonable accommodation in the form of modification in the application of a zoning regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the zoning administrator. "Person" includes any individual with a disability, their representative or a developer or provider of housing for an individual with a disability. The application shall include a detailed explanation of why the modification is reasonably necessary to make the specific housing available to the person(s), including information establishing that the applicant is disabled under applicable laws, as well as other information required by the zoning administrator to make the determination. If the project for which the request is being made also requires an additional land use review or approval, then the applicant shall file the request concurrently with the land use review. The zoning administrator, in consultation with the city attorney, shall make decisions on requests for reasonable accommodation. The zoning administrator shall issue a written decision in which the request is approved, approved subject to conditions, or denied.

(c) *Required findings or criteria.* In making a decision about reasonable accommodation, the following factors shall be considered:

(1) Special need created by the disability.

(2) Potential benefit that can be accomplished by the requested modification.

(3) Need for the requested modification, including alternatives that may provide an equivalent level of benefit.

(4) Physical attributes of and any proposed changes to the subject property and structures.

(5) Potential impact on surrounding uses.

(6) Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies, and/or procedures of the city.

(7) Whether the requested modification would impose an undue financial or administrative burden on the city.

(8) Any other factor that may have a bearing on the request.

**525.660. Notice of decision.** The written decision of the zoning administrator shall be mailed to the applicant and to the owners of record of all properties which are immediately adjacent to the property which is the subject of the reasonable accommodation request. All written decisions shall give notice of the right to appeal a decision of the zoning administrator pursuant to section 525.330. The decision of the zoning administrator shall constitute the final decision of the city, unless appealed. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written reasonable accommodation determination have a right to appeal the decision.

**525.670. Applicability.** If the city grants the request, the request shall be granted to an individual and shall not run with the land unless the zoning administrator determines that the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code of Ordinances or the accommodation is to be used by another individual with a disability.

**525.680. Conditions and guarantees.** Prior to the issuance of any permits relative to an approved reasonable accommodation request, the zoning administrator may require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions established in the determination.

**525.690. Fee.** There shall be no fee imposed in connection with a request for reasonable accommodation made pursuant to the provisions of this section.

#### **ARTICLE VI. ENFORCEMENT**

**525.700. Complaints regarding violations.** The enforcement officials described in section 525.120 of this Code shall have the authority to investigate any complaint alleging a violation of the zoning ordinance or the conditions of any zoning approval and to take such action as is warranted in accordance with the procedures set forth in this chapter.

**525.710. Procedures upon discovery of violations.** (a) *Notice of violation.* The city shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. The written notice shall advise that the decision or order may be appealed to the board of adjustment in accordance with the provisions of section 525.330. Additional written notices may be provided at the discretion of the enforcement official. Where the violation involves work being done contrary to the provisions of this zoning ordinance, the city may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

(b) *Enforcement without notice.* Whenever the city finds that an emergency exists in relation to the enforcement of the provision of the zoning ordinance which requires immediate action to protect the health, safety or welfare of occupants of any structure, or the public, they may seek immediate enforcement without prior written notice, notwithstanding any other provision of this chapter.

**525.720. Conditional use permit and site plan review revocation.** (a) *In general.* The zoning administrator shall have the authority to recommend revocation of a conditional use permit or site plan review approval to the city council when the zoning administrator has determined that the terms of such approval have been violated, subject to section 525.710 above.

(b) *Revocation hearing.* The zoning and planning committee of the city council shall hold a public hearing to determine whether there has been a violation of the conditional use permit or site plan review approval and whether the conditional use permit or site plan review approval shall be revoked. Not less than ten (10) days before such public hearing, the zoning administrator shall mail notice of the hearing to any person responsible for such violation, the owner(s) of record of the subject property, all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property and the registered neighborhood group(s) for the neighborhood in which the subject property is located. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

**525.730. Fees for reinspection of property to determine abatement.** (a) *Initial inspection and first reinspection.* There shall be no fee charged for an initial inspection to determine the existence of a zoning ordinance violation, nor any fee for the first reinspection to determine compliance with an order to correct a zoning ordinance violation.

(b) *Subsequent reinspections.* A two-hundred-dollar (\$200.00) fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order.

**525.740. Penalties and remedies for violations.** Violations of the provisions of this zoning ordinance or the conditions of any zoning approval granted thereunder may be enforced by any one (1), all, or any combination of the following penalties and remedies:

(1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.

(2) Violations may be enforced as administrative offenses pursuant to Chapter 2 of the Minneapolis Code of Ordinances.

(3) This zoning ordinance may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

(4) Each day that any violation continues after notification by the city that such violation exists shall be considered a separate offense for purpose of the penalties and remedies specified in this section.

(5) Violations of the outdoor display and sales of merchandise on the public sidewalk, and within the thirty (30) inch wide portion extending from the business's primary building wall along the lineal storefront area, shall be enforced as provided for in Title 17, Streets and Sidewalks, of the Minneapolis Code of Ordinances.

## ARTICLE VII. INTERIM ORDINANCES

**525.800. Purpose.** Interim ordinances are established to protect the planning process and the health, safety, and welfare by regulating, restricting or prohibiting any use or development in all or a part of the city while the city is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official controls, including but not limited to zoning ordinances, subdivision regulations, site plan regulations, sanitary codes, building codes, and official maps.

**525.810. Initiation of interim ordinance.** A city council member or the city planning commission may initiate an interim ordinance applicable to all or a part of the city.

**525.820. Hearing on interim ordinance.** The applicable committee of the city council shall hold a public hearing on a proposed interim ordinance or extension of an interim ordinance. The city clerk shall publish notice of the time, place, and purpose of the hearing at least once, not less than ten (10) days before the hearing, in a newspaper of general circulation. An interim ordinance not initiated by the city planning commission may be referred to the city planning commission for review and recommendation. Following the public hearing, the applicable city council committee shall forward its recommendation to the full city council for final action. If the purpose of the hearing is the extension of the term of an interim ordinance, the hearing must be conducted at least fifteen (15) days but not more than thirty (30) days before the expiration of the interim ordinance.

**525.830. Restrictions.** (a) *Effective date.* In order to protect the planning process and the city's legitimate planning goals, the effective date of an interim ordinance shall be immediately upon introduction of an interim ordinance to the city council, or from the date the city council committee recommends the introduction of an interim ordinance to the city council. After the effective date of the interim ordinance, no use, development, project, or subdivision for which an application has not been filed prior to the effective date of the interim ordinance shall be established or expanded, nor shall any application for a building permit, administrative waiver, review or approval of any application, including an application for any zoning approval, which concerns the geographical area or subject matter of the interim ordinance filed after the effective date of the interim ordinance be granted or further processed, pending a final decision on the adoption of the interim ordinance. If the interim ordinance is adopted, no permits or other approvals of any kind which concern the geographical area or subject matter of the interim ordinance shall be processed or issued nor shall any use be established or expanded except in accordance with its terms. If the interim ordinance is not adopted, requests for permits and other necessary approvals shall be processed promptly in accordance with the procedures governing the request.

(b) *Scope of restrictions.* An interim ordinance may regulate, restrict, or prohibit the establishment or expansion of any use, development, project, or subdivision for a period not to exceed one (1) year from the date of final approval of the ordinance. Interim ordinances shall comply with Minnesota Statutes section 462.355, subdivision 4.

(c) *Prior approval or submittal.* An interim ordinance shall not apply to any subdivision which has been given preliminary approval or to any application for establishment or expansion of any use, development or project filed prior to the effective date of the interim ordinance.

**525.840. Waiver of restrictions.** In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of an interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted. The procedures and criteria for waivers are specified in section 525.480.

**525.850. Expiration of interim ordinance.** An interim ordinance shall expire on the date or time specified in the ordinance, or upon completion of the study and adoption or amendment of the

comprehensive plan or official controls affecting the geographic area or subject matter of the interim ordinance, whichever occurs first.

## CHAPTER 530. ZONING DISTRICTS

### ARTICLE I. ZONING DISTRICTS GENERALLY

**530.10. Establishment of zoning districts.** In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

*(1) Urban Neighborhood Districts.*

UN1 Urban Neighborhood District

UN2 Urban Neighborhood District

UN3 Urban Neighborhood District

*(2) Residential Mixed-Use Districts.*

RM1 Residence Goods and Services District

RM2 Residence Office and Services District

RM3 Residence and Institutional District

*(3) Commercial Mixed-Use Districts.*

CM1 Neighborhood Mixed-Use District

CM2 Corridor Mixed-Use District

CM3 Community Mixed-Use District

CM4 Destination Mixed-Use District

*(4) Downtown Districts.*

DT1 Downtown Center District

DT2 Downtown Destination District

*(5) Production Districts.*

PR1 Production Mixed-Use District

PR2 Production and Processing District

*(6) Transportation Districts.*

TR1 Transportation District

*(7) Built Form Overlay Districts.*

BF11 Interior 1 Built Form Overlay District

BF12 Interior 2 Built Form Overlay District

BF13 Interior 3 Built Form Overlay District

BFC3 Corridor 3 Built Form Overlay District

BFC4 Corridor 4 Built Form Overlay District

BFC6 Corridor 6 Built Form Overlay District

BFT10 Transit 10 Built Form Overlay District

BFT15 Transit 15 Built Form Overlay District

BFT20 Transit 20 Built Form Overlay District

BFT30 Transit 30 Built Form Overlay District

BFC50 Core 50 Built Form Overlay District

BFPA Parks Built Form Overlay District

BFPR Production Built Form Overlay District

*(8) Overlay Districts.*

- HA Harmon Area Overlay District
- UA University Area Overlay District
- DH Downtown Housing Overlay District
- DP Downtown Parking Overlay District
- DS Downtown Shelter Overlay District
- SZ Split Zoning Overlay District
- TP Transitional Parking Overlay District
- AP Airport Overlay District
- SH Shoreland Overlay District
- FP Floodplain Overlay District
- MR Mississippi River Corridor Critical Area Overlay District

**530.20. Primary and overlay districts.** All property in the city shall be located within a primary zoning district and a built form overlay district. Primary zoning districts include the districts listed in section 530.10 (1) through (6) and are further described in this chapter. Built form overlay district include the districts listed in section 530.10 (7) and are further described with applicable regulations in Chapter 540, Built Form Overlay Districts. Other overlay districts include the districts listed in section 530.10 (8) and their descriptions and applicable regulations are found in Chapter 535, Overlay Districts.

**530.30. District types referenced in the city charter or other city ordinances.** Residence and office residence districts referenced in the city charter or elsewhere shall include all urban neighborhood districts and residential mixed-use districts. Commercial and industrial districts referenced in the city charter or elsewhere shall include all commercial mixed-Use, downtown, production, and transportation districts.

## ARTICLE II. URBAN NEIGHBORHOOD DISTRICTS

**530.100. General purpose.** The urban neighborhood districts are established to allow residential uses and small scale institutional and civic uses. Select commercial uses are allowed through the adaptive reuse of existing structures. Urban neighborhood districts are primarily distinguished by the types of residential uses allowed.

**530.110. UN1 Urban Neighborhood District purpose.** The UN1 Urban Neighborhood District allows predominantly small-scale residential uses.

**530.120. UN2 Urban Neighborhood District purpose.** The UN2 Urban Neighborhood District allows predominantly small to moderate-scale residential uses.

**530.130. UN3 Urban Neighborhood District purpose.** The UN3 Urban Neighborhood District allows predominantly moderate to large-scale residential uses near transit routes and METRO stations.

## ARTICLE III. RESIDENTIAL MIXED-USE DISTRICTS

**530.200. General purpose.** The residential mixed-use districts are established to provide an environment of mixed residential, office, and institutional and civic uses, with small-scale, lower-impact commercial uses intended to serve a local market.



**530.210. RM1 Residence Goods and Services District purpose.** The RM1 Residence Goods and Services District allows predominantly small to moderate-scale residential uses adjacent to goods and services corridors. In addition to uses allowed in the urban neighborhood districts, commercial uses are allowed in mixed-use buildings that include a residential use.

**530.220. RM2 Residence Office and Services District purpose.** The RM2 Residence Office and Services District allows residential uses at a range of scales and low impact, small-scale commercial activity.

**530.230. RM3 Residence and Institutional District purpose.** The RM3 Residence and Institutional District allows large-scale dwellings, large office uses, and major institutions.

#### ARTICLE IV. COMMERCIAL MIXED-USE DISTRICTS

**530.300. General purpose.** The commercial mixed-use districts are established to provide a range of goods and services and to promote employment opportunities. In addition to commercial uses, residential, institutional, lower-impact production, and public services uses are allowed. The commercial mixed-use districts are distinguished primarily on the basis of allowed uses and commercial floor area limits.

**530.310. Maximum floor area.** Individual commercial uses shall be limited to a maximum gross floor area as outlined in Chapter 545, Use Regulations.

**530.320. Specific development standards for large commercial uses.** Individual commercial uses with greater than thirty thousand (30,000) square feet of first floor commercial gross floor area shall comply with the following standards for either façade and public realm enhancements or liner uses:

(1) *Façade and public realm enhancements.* Required façade and public realm enhancements shall include the following:

a. *Multiple entrances.* No fewer than one principal entrance per twenty thousand (20,000) square feet of gross floor area shall be provided that logically conform to the building's structural bays, facilitating future division of the commercial space.

b. *Increased window area.* Fifty (50) percent of the walls on the first floor that face a public street, public sidewalk, or public pathway shall be windows and shall otherwise conform to the window requirements in Chapter 550, Article V, Site Plan Review Standards.

(2) *Liner uses.* Additional nonresidential spaces shall be incorporated that limit the first-floor street frontage of the large commercial use to no more than three hundred (300) feet or sixty (60) percent of the first-floor façade, whichever is greater. To meet this requirement, liner use spaces shall have a minimum interior depth of not less than twenty (20) feet.

**530.330. CM1 Neighborhood Mixed-Use District purpose.** The CM1 Neighborhood Mixed-Use District allows individual commercial uses and small collections of commercial uses that are typically small in scale and serve a local market.

**530.340. CM2 Corridor Mixed-Use District purpose.** The CM2 Corridor Mixed-Use District allows small, moderate, and large-scale commercial uses. Mixed-use multistory development is encouraged.

**530.350. CM3 Community Mixed-Use District.** (a) *Purpose.* The CM3 Community Mixed-Use District allows large-scale mixed-use development with commercial uses fronting on major streets. Commercial spaces are typically smaller in order to generate pedestrian activity. Nonresidential uses that are accessible to the general public are required at the street level.

(b) *District standards.* The following conditions govern uses in the CM3 District:

(1) *Required nonresidential uses.* The first floor of all new developments in the CM3 District shall provide nonresidential uses, subject to the requirements of this section.

(2) *Size of required nonresidential use space.* The nonresidential use area within the development must comply with at least two (2) of the of the following three (3) standards except that the required nonresidential use area shall not be required to exceed ten thousand (10,000) square feet when the zoning lot has frontage on a goods and services corridor, and shall not be required to exceed two thousand (2,000) square feet when the zoning lot does not have frontage on a goods and services corridor. Nonresidential use areas that are equal to or exceed ten thousand (10,000) square feet on a goods and services corridor or two thousand (2,000) square feet in other locations, and include any amount of street frontage, are deemed to satisfy the required size and frontage requirements of this section in lieu of meeting two of the three standards below.

a. The nonresidential use area shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet.

b. The nonresidential use area shall occupy at least twenty (20) percent of the floor area of the building footprint or one thousand (1,000) square feet, whichever is greater.

c. The nonresidential use area shall occupy at least five (5) percent of the gross floor area of the building or one thousand (1,000) square feet, whichever is greater.

(3) *Use of required nonresidential space.* Required nonresidential use areas shall be occupied by uses from one or more of the following use groups, categories, or individual uses. Building amenities intended for use solely by building occupants and not open to the general public shall not qualify as a required nonresidential use.

a. Commercial uses

b. Institutional and Civic uses

c. Production uses

d. Public Safety and Welfare uses

(4) *Design of required nonresidential use area.* Required nonresidential use space shall comply with the following design criteria.

a. *Public entrance.* The nonresidential use area shall have a public entrance separate from other uses in the development that shall remain open and unlocked during its business hours.

b. *Street frontage.* The nonresidential use area shall be oriented toward a goods and services corridor when present. Where a development has more than one principal building, nonresidential use space shall be distributed among buildings fronting goods and services corridors.

c. *Additional nonresidential space.* When a development provides nonresidential square footage beyond the minimum required, the additional square footage shall not be subject to the size and design requirements of this section and may be occupied by any use allowed in the zoning district.

**530.360. CM4 Destination Mixed-Use District.** (a) *Purpose.* The CM4 Destination Mixed-Use District includes multistory mixed-use development. Commercial retail uses are required at the street level of all development in this category to encourage pedestrian activity beyond the typical daytime business hours. Street-level use standards reflect the need to serve the most active commercial areas of the city.

(b) *District standards.* The following conditions govern uses in the CM4 District:

(1) *Required commercial uses.* The first floor of all new developments in the CM4 District shall provide commercial uses, subject to the requirements of this section.

(2) *Size of required commercial use space.* The commercial use area within the development must comply with at least two (2) of the of the following three (3) standards except that the required commercial use area shall not be required to exceed ten thousand (10,000) square feet when the zoning lot has frontage on a goods and services corridor, and shall not be required to exceed five thousand (5,000) square feet when the zoning lot does not have frontage on a goods and services corridor. Commercial use areas that are equal to or exceed ten thousand (10,000) square feet on a goods and services corridor or two thousand (2,000) square feet in other locations, and include any amount of street frontage, are deemed to satisfy the required size and frontage requirements of this section in lieu of meeting two of the three standards below.

a. The commercial use area shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet.

b. The commercial use area shall occupy at least twenty (20) percent of the floor area of the building footprint or one thousand (1,000) square feet, whichever is greater.

c. The commercial use area shall occupy at least five (5) percent of the gross floor area of the building or one thousand (1,000) square feet, whichever is greater.

(3) *Use of required commercial space.* Required commercial use areas shall be occupied by uses from one or more of the following use categories or individual uses. Building amenities intended for use solely by building occupants and not open to the general public shall not qualify as a required commercial use.

a. Brewery or distillery

b. Child care center

- c. Commercial Agriculture uses
- d. Commercial Recreation and Assembly uses
- e. Food and Beverages uses
- f. General Retail Sales and Services uses
- g. Limited production and processing
- h. Lodging uses
- i. Public Safety and Welfare uses

(4) *Design of required commercial use area.* Required commercial use space shall comply with the following design criteria.

a. *Public entrance.* The commercial use area shall have a public entrance separate from other uses in the development that shall remain open and unlocked during business hours.

b. *Street frontage.* The commercial use space shall be oriented toward a goods and services corridor when present. Where a development has more than one principal building, commercial space shall be distributed among buildings fronting goods and services corridors.

(5) *Operation of required commercial use area.* Required active use space shall comply with the following operational criteria:

a. *Staffing.* Uses shall be staffed with an employee or employees when open to the public.

b. *Hours of operation.* Uses shall typically be open to the public most days of the week.

(6) *Additional commercial space.* When a development provides commercial square footage beyond the minimum required, the additional square footage shall not be subject to the size and design requirements of this section and may be occupied by any use allowed in the zoning district.

## ARTICLE V. DOWNTOWN DISTRICTS

**530.400. General purpose.** The downtown districts are established to provide a range of retail, entertainment, office, employment, residential, institutional, and governmental activities of citywide and regional significance. The regulations recognize the unique qualities of downtown as the business and cultural center of the region, as a community of high-density residential choices, and as a place where the combined environment attracts businesses, workers, shoppers, visitors, tourists, and residents.

**530.410. DT1 Downtown Center District.** (a) *Purpose.* The DT1 Downtown Center District is established to provide an environment for retail and office activities of citywide and regional significance at the center of downtown. The district also allows entertainment, residential, and public uses, which complete the mixed-use core of the city.

(b) *District standards.* The ground floor of principal and accessory parking garages shall be separated from any public sidewalk by a use or uses from the commercial, institutional and civic, production, and residential use groups. Approved vehicular and pedestrian access to the garage may be provided along a public sidewalk frontage.

**530.420. DT2 Downtown Destination District.** (a) *Purpose.* The DT2 Downtown Destination District is established provide a downtown district where commercial uses are required at the street level of all development in this category to encourage pedestrian activity beyond the typical daytime business hours. Permitted uses reflect the need to serve the most active commercial areas of the city.

(b) *District standards.* The following shall govern uses in the DT2 District:

(1) *Required commercial uses.* The first floor of all new developments in the DT2 District shall provide commercial uses, subject to the requirements of this section.

(2) *Size of required commercial use space.* The commercial use area within the development must comply with at least two (2) of the of the following three (3) standards except that the required commercial use area shall not be required to exceed ten thousand (10,000) square feet when the zoning lot has frontage on a goods and services corridor, and shall not be required to exceed five thousand (5,000) square feet when the zoning lot does not have frontage on a goods and services corridor. Commercial use areas that are equal to or exceed ten thousand (10,000) square feet on a goods and services corridor or two thousand (2,000) square feet in other locations, and include any amount of street frontage, are deemed to satisfy the required size and frontage requirements of this section in lieu of meeting two of the three standards below.

a. The commercial use area shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet.

b. The commercial use area shall occupy at least twenty (20) percent of the floor area of the building footprint or one thousand (1,000) square feet, whichever is greater.

c. The commercial use area shall occupy at least five (5) percent of the gross floor area of the building or one thousand (1,000) square feet, whichever is greater.

(3) *Use of required commercial space.* Required commercial use areas shall be occupied by uses from one or more of the following use categories or individual uses. Building amenities intended for use solely by building occupants and not open to the general public shall not qualify as a required commercial use.

a. Brewery or distillery

b. Child care center

c. Commercial Agriculture uses

d. Commercial Recreation and Assembly uses

e. Food and Beverages uses

f. General Retail Sales and Services uses

g. Limited production and processing

h. Lodging uses

i. Public Safety and Welfare uses

(4) *Design of required commercial use area.* Required commercial use space shall comply with the following design criteria.

a. *Public entrance.* The commercial use area shall have a public entrance separate from other uses in the development that shall remain open and unlocked during business hours.

b. *Street frontage.* The commercial use space shall be oriented toward a goods and services corridor when present. Where a development has more than one principal building, commercial space shall be distributed among buildings fronting goods and services corridors.

(5) *Operation of required commercial use area.* Required active use space shall comply with the following operational criteria.

a. *Staffing.* Uses shall be staffed with an employee or employees when open to the public.

b. *Hours of operation.* Uses shall typically be open to the public most days of the week.

(6) *Additional commercial space.* When a development provides commercial square footage beyond the minimum required, the additional square footage shall not be subject to the size and design requirements of this section and may be occupied by any use allowed in the zoning district.

(7) *Parking garages.* In addition to compliance with the required commercial use standard above, the ground floor of principal and accessory parking garages shall be separated from any public sidewalk by a use or uses from the commercial, institutional and civic, production, and residential use groups. Approved vehicular and pedestrian access to the garage may be provided along a public sidewalk frontage.

## ARTICLE VI. PRODUCTION DISTRICTS

**530.500. General purpose.** The production districts are established to provide locations for production and non-production uses with the primary purpose of creating opportunities for employment-focused development. In addition to production uses, commercial uses, institutional and public uses and public services and utilities are allowed. The production districts are distinguished primarily on the basis of allowed uses, which accommodate more uses of an industrial nature than other zoning districts.

**530.510. PR1 Production Mixed-Use District.** (a) *Purpose.* The PR1 Production Mixed-Use includes production, commercial, and warehousing and storage uses. Residential uses are allowed as part of mixed-use buildings that provide production space.

(b) *District standards.* The following conditions govern uses in the PR1 District:

(1) *Required production area.* When establishing twenty (20) or more residential units in the Production Mixed-Use District, an area shall be provided that supports employment or creative production. Required production space shall be subject to the standards of this section.

(2) *Size of required production use area.* The required production area shall occupy or be equal in floor area to at least fifteen (15) percent of the first-floor area of all buildings that include residential uses located on the zoning lot. However, the required production area shall not be less than one thousand (1,000) square feet and shall not be required to exceed ten thousand (10,000) square feet. Required production space may be located within the same building as the residential use or in a separate building on the same site. Where a development has more than one (1) principal building with a residential use, the required production area for all buildings may be provided in one (1) building, provided that the building with the production area is constructed first in a phased development.

(3) *Use of required production area.* Required production space shall be occupied by uses from one or more of the following use categories or individual uses:

- a. Catering
- b. Educational arts center
- c. Lower-impact production and processing uses

(4) *Alternative permitted use of production space.* By conditional use permit, use of the production space may be limited to residents of the building. In addition to the required findings for a conditional use permit, the city planning commission shall consider whether the features included in the space will facilitate creative production. Production spaces that are limited to use by residents of the building are also required to comply with the design standards in this article.

(5) *Design of required production space.* Mitigation measures are encouraged to ensure that impacts of the production space do not create a nuisance for residents. Required production space is also subject to the following standard:

- a. *Public entrance.* The production space shall have a public entrance separate from other uses in the development.
- b. *Customer area.* Up to fifty (50) percent of the floor area of the required production space may be dedicated to retail sales and services, dining, art galleries, or other areas for customers.

(6) *Additional production space.* When a development provides production space beyond the minimum required, the additional square footage shall not be subject to the size and design requirements of this section and may be occupied by any use allowed in the zoning district.

**530.520. PR2 Production and Processing District purpose.** The PR2 Production and Processing District includes production uses and are designated with the intent of protecting them from encroaching non-production uses. Residential uses are not allowed.

## ARTICLE VII. TRANSPORTATION DISTRICTS

**530.600. TR1 Transportation District purpose.** The TR1 Transportation District is an industrial district that includes a limited number of uses that primarily support the movement of industrial and commercial goods and people.

**ARTICLE VIII. [RESERVED]**

**ARTICLE IX. ZONING MAPS**

**530.800. Official zoning map.** The locations and boundaries of the zoning districts established by this ordinance shall be set forth on the official zoning map, as maintained by the zoning administrator. The official zoning map is incorporated herein by reference. For convenience, copies of the zoning map, plates 1 through 40, are included in this chapter. In the event of a discrepancy between the plates and the official zoning map, the official zoning map shall control.

(1) *Zoning Plates Index Map.*

(2) *Primary Zoning Plates.*

(3) *Built Form Overlay Zoning Plates.*

(4) *Overlay Zoning Plates.*

(5) *Floodplain Overlay Zoning Plate.*

(6) *Mississippi River Corridor Critical Area Zoning Plates.*



## CHAPTER 535. OVERLAY DISTRICTS

### ARTICLE I. GENERAL PROVISIONS

**535.10. Purpose.** Overlay districts are established to preserve and protect the natural environment, to encourage high quality design, to address the development of uses with unique impacts, and to protect the public health, safety, and welfare by preserving areas for future use and development.

**535.20. Establishment of overlay districts.** The overlay district names are:

- (1) HA Harmon Area Overlay District
- (2) UA University Area Overlay District
- (3) DH Downtown Housing Overlay District
- (4) DP Downtown Parking Overlay District
- (5) DS Downtown Shelter Overlay District
- (6) SZ Split Zoning Overlay District
- (7) TP Transitional Parking Overlay District
- (8) AP Airport Overlay District
- (9) SH Shoreland Overlay District
- (10) FP Floodplain Overlay District
- (11) MR Mississippi River Corridor Critical Area Overlay District

**535.30. Relationship to other applicable regulations.** Property located within an overlay district shall be subject to the provisions of both the primary zoning district and the overlay district. Because overlay district regulations may be more or less restrictive than the primary zoning district, where the provisions of the overlay and primary zoning districts are in conflict, the provisions of the overlay district shall govern.

**535.40. Established boundaries.** Overlay district boundaries shall be as specified in the individual overlay district regulations. The overlay district designation shall be shown on the zoning map in addition to the primary zoning district designation.

**535.50. Eligible areas outside of established boundaries.** The city council may designate areas outside of the established boundaries in the manner provided for zoning amendments in Chapter 525, Administration and Procedures. In addition, any person having a legal or equitable interest in property located within eligible areas, as specified in the individual overlay district regulations, but outside of the established boundaries, may file a petition to request the addition of an overlay district classification to their property in the manner provided for zoning amendments in Chapter 525, Administration and Procedures.

### ARTICLE II. HA HARMON AREA OVERLAY DISTRICT

**535.100. Purpose.** The HA Harmon Area Overlay District is established to preserve and protect the unique character of the Harmon area by encouraging the adaptive reuse of existing buildings and by limiting the height and scale of new development.

**535.110. Established boundaries.** The boundaries of the HA Overlay District shall be the areas shown on the official zoning map.

**535.120. Height.** The maximum height of all principal structures, except cluster developments, shall be eight (8) stories or one hundred twelve (112) feet, whichever is less, for properties located between Twelfth Street South, Tenth Street South, Harmon Place and LaSalle Avenue. The maximum height for all other properties shall be four (4) stories or fifty-six (56) feet, whichever is less. Parapets not exceeding three (3) feet in height shall be exempt from such limitations, except where located on cluster developments.

**535.130. Increasing maximum height.** The height limitations of principal structures may be increased as authorized by Chapter 540, Built Form Overlay Districts.

**535.140. Floor area ratio.** The maximum floor area ratio of structures shall be as specified in Chapter 540, Built Form Overlay Districts.

### ARTICLE III. [RESERVED]

### ARTICLE IV. UA UNIVERSITY AREA OVERLAY DISTRICT

**535.300. Purpose.** The UA University Area Overlay District is established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment.

**535.310. Established boundaries.** The boundaries of the UA University Area Overlay District shall be the areas shown on the official zoning map.

**535.320. Definitions.** As used in this article, the following definitions shall mean:

*Bedroom.* For the purpose of the UA University Area Overlay District, a bedroom shall be defined as any space that can operate as a sleeping area within a dwelling unit that is separated from open areas of the dwelling unit by interior walls, is greater than seventy (70) square feet, and is located along an exterior wall. Areas dedicated to other functions may be classified as bedrooms as determined by the zoning administrator. Studio and efficiency units, which have no internal walls separating living and sleeping spaces, will be considered to have one (1) bedroom. In single-, two-, and three-family dwellings, cluster developments, and common lot developments located in the BFI1 and BFI2 Built Form Overlay Districts, a bedroom greater than one hundred fifty (150) square feet shall be counted as two (2) bedrooms and every additional one hundred (100) square feet or fraction thereof shall count as an additional bedroom.

**535.330. Maximum bedroom count for single-, two-, and three-family dwellings, cluster developments, and common lot developments.** In the BFI1 and BFI2 Built Form Overlay Districts, single-, two-, and three-family dwellings, cluster developments, and common lot developments shall be limited to no more than nine (9) total bedrooms in any principal structure.

**535.340. Off-street parking location.** Off-street parking for residential uses with up to three (3) units, when located in a surface lot, shall be landscaped and screened as required by the zoning ordinance and shall be located entirely within the rear twenty-five (25) feet of the lot when an alley is present. When no alley is present, surface parking shall be limited to the rear forty (40) feet of the lot.

**535.350. Bicycle and motorized scooter parking.** Residential uses shall provide at least one (1) bicycle or motorized scooter parking space per one (1) bedroom. At least ninety (90) percent of the required parking shall comply with the standards for long-term bicycle parking in Chapter 555, Off-Street Parking, Loading, and Mobility. Such bicycle or motorized scooter parking space shall not be located in any required yard or between the principal building and a public street, except as allowed in Table 540-22, Permitted Obstructions in Required Yards.

#### **ARTICLE V. DH DOWNTOWN HOUSING OVERLAY DISTRICT**

**535.400. Purpose.** The DH Downtown Housing Overlay District is established to provide areas that offer affordable housing that may not meet the regulations of the primary zoning district, including minimum spacing requirements for congregate living residential uses.

**535.410. Established boundaries.** The boundaries of the DH Overlay District shall be the areas shown on the official zoning map.

**535.420. Eligible areas outside of established boundaries.** The DH Overlay District shall be limited to locations within the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River. Any person having a legal or equitable interest in property located within the eligible area outside of the established boundaries may file a petition to request the addition of the DH Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Procedures.

**535.430. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, supportive housing and inebriate housing may be allowed as a conditional use in the DH Overlay District, subject to the provisions of Chapter 525, Administration and Procedures, and the following:

(1) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

(2) Congregate living uses, including supportive housing and inebriate housing, shall not be subject to the spacing requirements in Chapter 545, Use Regulations.

#### **ARTICLE VI. DP DOWNTOWN PARKING OVERLAY DISTRICT**

**535.500. Purpose.** The DP Downtown Parking Overlay District is established to preserve significant and useful buildings and to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots.

**535.510. Established boundaries.** The boundaries of the DP Overlay District shall be the areas shown on the official zoning map.

**535.520. Prohibited uses.** The following uses shall be prohibited in the DP Overlay District:

- (1) Commercial parking lots, including the expansion of any existing commercial parking lot.
- (2) The conversion of any accessory parking lot to a commercial parking lot.

**535.530. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, an accessory parking lot may be allowed as a conditional use in the DP Overlay District, subject to the provisions of Chapter 525, Administration and Procedures, and the following:

- (1) The parking lot shall be located on the same zoning lot as the principal use served.
- (2) The number of parking spaces shall not exceed twenty (20) spaces.

#### **ARTICLE VII. DS DOWNTOWN SHELTER OVERLAY DISTRICT**

**535.600. Purpose.** The DS Downtown Shelter Overlay District is established to provide areas that offer overnight shelter facilities that may not meet the accessory use requirements for an overnight shelter contained in the regulations of the primary zoning district.

**535.610. Established boundaries.** The boundaries of the DS Overlay District shall be the areas shown on the official zoning map.

**535.620. Eligible areas outside of established boundaries.** The DS Overlay District shall be limited to locations within the downtown area bounded by East Lyndale Avenue North, Glenwood Avenue, 10th Street North, Hawthorne Avenue, and Linden Avenue. Any person having a legal or equitable interest in property located within the eligible area outside of the established boundaries may file a petition to request the addition of the DS Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Procedures.

**535.630. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, an overnight shelter may be allowed as a conditional use in the DS Overlay District, subject to the provisions of Chapter 525, Administration and Procedures, and the following:

- (1) The overnight shelter shall be located on a zoning lot of at least twenty thousand (20,000) square feet.
- (2) The overnight shelter shall be located at least one thousand (1,000) feet from all existing principal overnight shelters.
- (3) The total number of shelter guests shall not exceed three hundred-fifty (350) persons.

(4) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.

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

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

(7) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.

(8) The operator shall submit a management plan for the facility, and a floor plan showing sleeping areas, emergency exits, bathing, and restrooms.

#### **ARTICLE VIII. SZ SPLIT ZONING OVERLAY DISTRICT**

**535.700. Purpose.** The SZ Split Zoning Overlay District is established to allow more than one (1) zoning classification on a zoning lot to promote mixed-use development without requiring the expansion of commercial zoning.

**535.710. Established boundaries.** The boundaries of the SZ Overlay District shall be the areas shown on the official zoning map.

**535.720. Eligible areas outside of established boundaries.** Outside of the established boundaries, a petition may be filed to request the addition of the SZ Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Procedures, in any of the following situations:

(1) Where any person has a legal or equitable interest in property located in the commercial districts and adjacent UN3 or residential mixed-use districts.

(2) Where any person has a legal or equitable interest in adjacent properties located in different built form overlay districts with the same primary zoning.

(3) Where any person has a legal or equitable interest in adjacent properties located in different built form overlay districts with primary zoning districts that comply with subsection (1) above.

**535.730. Maximum number of zoning districts.** A zoning lot with the SZ Overlay District shall not include more than two (2) primary zoning districts and more than two (2) built form overlay zoning districts.

**535.740. Allowed uses.** All uses, including accessory parking, shall be located only on that portion of the lot where the use is allowed by the primary zoning district.

**535.750. Lot dimension requirements.** The more restrictive of the lot area and lot width requirements of the primary zoning and built form overlay districts, including both minimum and maximum standards, shall apply to the entire development.

**535.760. Floor area ratio.** (a) *Maximum floor area ratio.* The more restrictive of the maximum floor area ratio requirements and allowed premiums of the built form overlay districts shall apply to the entire development.

(b) *Minimum floor area ratio.* Where applicable, minimum floor area ratio requirements of the built form overlay districts shall apply to that portion of development in which the development is located.

**535.770. Height.** (a) *Maximum height.* Maximum height requirements of the built form overlay districts shall apply to that portion of development in which the development is located.

(b) *Height increases.* Height may only be increased as authorized in each built form overlay district for that portion of development in which the development is located.

(c) *Minimum height.* Where applicable, minimum height requirements of the built form overlay districts shall apply to that portion of development in which the development is located.

**535.780. Maximum lot coverage.** Maximum lot coverage requirements of each built form overlay district shall apply to that portion of development in which the development is located.

**535.790. Impervious surface coverage.** Impervious surface coverage requirements of each built form overlay district shall apply to that portion of development in which the development is located.

**535.800. Yard requirements.** (a) *In general.* Yard requirements of each built form overlay district shall apply to that portion of development in which the development is located.

(b) *Exception.* Yards shall not be required along split zoning district boundary lines.

#### **ARTICLE IX. TP TRANSITIONAL PARKING OVERLAY DISTRICT**

**535.900. Purpose.** The TP Transitional Parking Overlay District is established to allow parking lots for passenger automobiles in urban neighborhood and residential mixed-use districts when adjacent to a zoning district in need of additional parking for customers and employees that does not meet the parking location requirements of Chapter 555, Off-Street Parking, Loading, and Mobility.

**535.910. Established boundaries.** The boundaries of the TP Overlay District shall be the areas shown on the official zoning map.

**535.920. Eligible areas outside of established boundaries.** Any person having a legal or equitable interest in property located in the urban neighborhood or residential mixed-use districts outside of the established

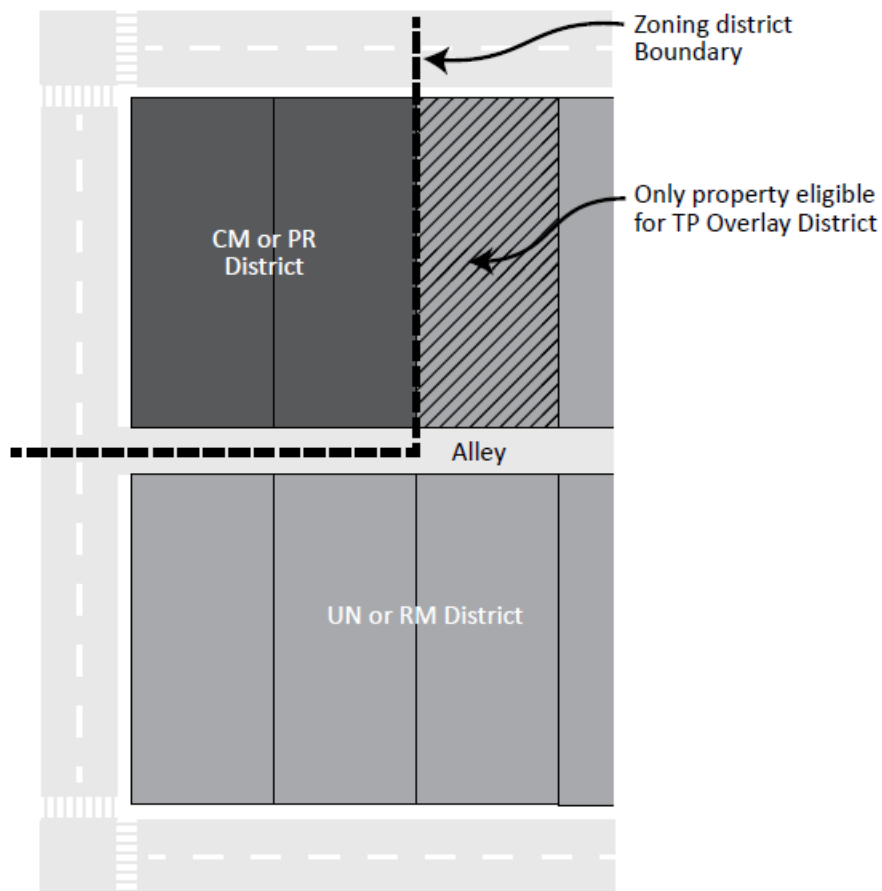
boundaries may file a petition to request the addition of the TP Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Procedures.

**535.930. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the TP Overlay District, subject to the provisions of Chapter 525, Administration and Procedures.

(1) *Parking lot, serving customers and employees only.* Parking lots for customer and employee automobiles may be located in the TP Overlay District, subject to Chapter 555, Off-Street Parking, Loading, and Mobility, and the following standards:

a. The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served (see Figure 535-1, Eligible Location of TP Overlay District).

**Figure 535-1 Eligible Location of TP Overlay District**



b. The width of the parking lot shall not exceed seventy-five (75) feet.

c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.

d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.

e. The parking lot shall at no time be used for outdoor sales, display, or storage.

f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in an urban neighborhood district or residential mixed-use district.

g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 550, Development Standards.

(2) *Access to commercial mixed-use or production districts.* Driveways, walkways, or other access to land in a commercial or industrial district may be located in the TP Overlay District, subject to Chapter 555, Off-Street Parking, Loading, and Mobility, and the following:

a. The parcel on which the access area is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.

b. No commercial vehicles shall use such access area.

c. The access area shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.

d. The access area shall at no time be used for outdoor sales, display or storage.

e. The access area shall be located at least twenty (20) feet from any adjacent property located in an urban neighborhood or residential mixed-use district.

f. The access area shall be landscaped and screened pursuant to the provisions of Chapter 550, Development Standards.

#### **ARTICLE X. AP AIRPORT OVERLAY DISTRICT**

**535.1000. Purpose.** The AP Overlay District is established to implement the 2004 Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance (hereinafter 2004 MSP Zoning Ordinance) and to provide for the acoustical integrity of Metropolitan Airports Commission (MAC) insulated homes in the MSP noise impact area. The 2004 MSP Zoning Ordinance, pursuant to the provisions and authority of Minnesota Statutes, Section 360.063, whenever more restrictive than the underlying code takes precedent within areas of the City of Minneapolis regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Minneapolis-St. Paul International Airport. The 2004 MSP Zoning Ordinance creates zones and establishes boundaries that extend into the City of Minneapolis. It is the purpose of the AP Overlay District to protect the public health, safety, and general welfare and to promote the most appropriate use



of land by preventing the creation or establishment of Airport Hazards subject to the 2004 MSP Zoning Ordinance and Minnesota Statutes.

**535.1110. Established boundaries.** The AP Overlay District shall apply to all land within the City of Minneapolis designated as Safety Zone A, Safety Zone B, and Safety Zone C in the 2004 MSP Zoning Ordinance, and those areas within airspace zones subject to height limitation restrictions identified on the 2004 MSP Airspace Zone Maps. In addition, a sub-district of noise impacted homes is established of that area of homes which has received a 5dB noise reduction treatment through sound insulation more generally described as blocks included within or intersected by the 1996 65 DNL contour and the 2007 63 and 64 DNL contours where a 5 dB treatment has been or is scheduled to be implemented; and for that area encompassed by the 2007 60, 61 and 62 DNL contours.

**535.1120. Definitions.** The following terms shall have the following definitions for the purpose of this section:

*Additions.* Any extension or expansion of an existing building footprint, including any increase of year around habitable indoor space, occupancy, or use.

*Appurtenance.* The visible, functional, or ornamental objects accessory to and part of a building not normally occupied by people including garages and accessory buildings; and other unconditioned spaces including screen porches, gazebos, decks.

*Central air conditioning.* An air conditioning system which uses ducts to distribute cooled and/or dehumidified air to more than one (1) room, or uses pipes to distribute chilled water to heat exchangers in more than one (1) room, and which is not plugged into a standard electrical outlet. With a typical split system, the compressor and condenser are located in an outdoor unit; the evaporator is mounted in the air handling unit (which is often a forced air furnace). With a package system, all components are located in a single outdoor unit that may be located on the ground or roof.

*Consent decree.* The Consent Decree signed on October 19, 2007 by Judge Stephen C. Aldrich of the Minnesota District Court, 4th Judicial District in that action entitled *City of Minneapolis et al v. Metropolitan Airports Commission et al.*

*dba.* A unit of sound pressure level weighted by use of the A metering characteristics and weighting as specified in the American national standards institute specification for sound level meters (ANSI S1.4-1983), which is hereby incorporated by reference. "dba" is also referred to as an A-weighted decibel.

*Established residential neighborhood in a built up urban area.* A low density residential structure or isolated low density residential lot which existed on or before January 1, 1978, and all other land uses which existed on or before June 30, 1979. These areas are as set forth in Exhibit B of the MSP Airport Zoning Ordinance by legal description and are shown on Exhibit C of said Ordinance.

*Infill development.* A vacant parcel or parcels of land proposed for development of uses similar to or less noise sensitive than the surrounding developed parcels including, but not limited to a new house on a vacant lot in a residential neighborhood.

*Ldn or DNL.* The day-night average level, or the twenty-four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten (10) dBA to sound levels measured from 10:00 p.m. to 7:00 a.m.

*Major development.* A parcel of land greater than two and one-half (2.5) acres with existing structures which are proposed to be extensively rehabilitated or demolished for different uses. For example, demolition of an entire block of old residential, office and hotel buildings for new housing, office, commercial uses or conversion of warehouse to office and commercial uses.

*Mechanical ventilation.* Controlled, purposeful introduction of outdoor air to the conditioned space. The primary purpose of a whole-house mechanical ventilation system in a home is to provide, throughout the habitable and conditioned space, a controlled amount of unpolluted outside air for indoor pollutant dilution and removal, for the sensory satisfaction of occupants and to control interior moisture and indoor air quality.

*New development.* A vacant parcel or parcels of land in excess of one (1) acre or requested to be rezoned for development. For example, a residential subdivision, industrial park or shopping center.

*Reconstruction of existing structures.* Replacing an existing building to accommodate the same use that existed before destruction or reconstruction, including indoor occupancy and use.

*Runway protection zone.* An area off the runway end (formerly clear zone) used to enhance the protection of people and property on the ground.

*Sound attenuation.* The reduction in sound level which occurs between the source and receiver by means of construction methods and materials.

*Sound transmission class (STC).* A single number rating for describing the degree of sound transmission loss specified for a wall, window, partition or other building element based on laboratory testing. The higher the STC, the more attenuation the building element will afford. Sound transmission loss performance shall be tested per American Society of Testing Materials (ASTM) E90 and STC rating method per ASTM E413. The same data shall be used to determine the A-weighted Noise Level Reduction (ANLR). The testing laboratory shall be certified by the National Institute of Science and Technology's, "National Voluntary Laboratory Accreditation Program" (NVLAP).

*1996 Block Completion Map with 5 dB DNL Contours.* The map depicting blocks with homes that are within or touched by the DNL 65-75 contours which were eligible for the 5 dB insulation package under the Metropolitan Airports Commission Part 150 Noise Mitigation Program and is incorporated herein by reference.

*2007 Settlement Map with 1 dB DNL contours.* The 2007 map of mitigated contours depicting city blocks with homes that are within or touched by the DNL 60-64 contours and as shown as Appendix A of the Consent Decree. This map is incorporated herein by reference.

**535.1130. Incorporation by reference.** The provisions contained in 535.1130 to 535.1170 are drawn from the Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance as amended April 29, 2004, together with Exhibits A-F which are incorporated herein by reference and are available at the City Clerk's office in Minneapolis City Hall and at the Hennepin County Recorder's Office.

**535.1140. General restrictions.** No use shall be made of any land in any of the Safety Zones A, B or C that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights or other lights, results in glare in eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft. All permitted, conditional, and interim principal and accessory uses allowed in the primary zoning district are allowed in the AP Overlay District with the exception of the following prohibited uses:

(1) Within the portion of the AP Overlay District designated as Safety Zone A as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-8, SZ-9, SZ-10, and SZ-11 there shall be no structures or trees, except structures related to airport operations or air navigation as allowed in a Runway Protection Zone by Federal laws and regulations or by FAA advisory circulars. For all runways, Safety Zone A is a trapezoidal shape beginning two hundred (200) feet off the end of the runway pavement and which is one thousand (1,000) feet wide centered on the runway centerline extended two thousand five hundred (2,500) feet outward and shall be at that point one thousand seven hundred fifty (1,750) feet wide centered on the runway centerline extended. Safety Zone A conforms to the federally described Runway Protection Zone for precision instrument runways.

(2) Within the portion of the AP Overlay District designated as Safety Zone B as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-8, SZ-9, and SZ-10, the following uses are prohibited unless a variance permitting the use is granted by the MSP Board of Adjustment established by the 2004 MSP Zoning Ordinance:

- a. Amphitheaters.
- b. Campgrounds.
- c. Churches.
- d. Fuel storage tank farms.
- e. Above-ground fuel tanks.
- f. Gasoline stations.
- g. Hospitals.
- h. Nursing homes.

i. Residential uses (including low, medium and high density residential uses) except in an Established Residential Neighborhood In A Built-up Urban Area.

j. Schools.

k. Stadiums.

l. Theaters.

m. Trailer courts.

n. Ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated settling ponds, and dredge spoil containment areas; provided, however, the prohibition on ponds or other uses that might attract waterfowl or other birds shall not apply to acres below an elevation of eight hundred (800) feet above mean sea level along the Bluff of the Minnesota River.

Safety Zone B is coincident with the outer boundary of Safety Zone A and extends uniformly outward for a distance of four thousand five hundred (4,500) feet to an ultimate width of three thousand one hundred (3,100) feet centered on the runway centerline extended.

(3) Within the portion of the AP Overlay District designated as Safety Zone C as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-2, SZ-3, SZ-4, SZ-7, SZ-8, SZ-9, and SZ-10, the general use restrictions applicable to all Safety Zones apply.

**535.1150. Exemptions.** Those portions of the AP Overlay District identified as Established Residential Neighborhood In a Built Up Urban Area and shown on MSP Zoning Maps Plates E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, and E-10 are subject to the following exemptions:

(1) A low density residential structure or isolated low density residential lot which existed in an Established Residential Neighborhood In a Built Up Urban Area on or before January 1, 1978, and all other land uses which existed in an Established Residential Neighborhood In a Built Up Urban Area on or before June 30, 1979, shall be subject to the height restrictions and general use restrictions, but shall not be subject to the use restrictions of Safety Zones A or B. In addition such structure, lot or use shall be deemed a conforming use that shall not be prohibited under the 2004 MSP Zoning Ordinance.

(2) In Safety Zone B in an Established Residential Neighborhood in a Built Up Urban Area or in an area immediately adjacent to such a Neighborhood, existing low, medium, and high density residential uses may be improved and expanded and new low medium and high density residential uses may be developed subject to height restrictions, general use restrictions and noise attenuation requirements.

**535.1160. Height.** All structures in the AP Overlay District shall be subject to the height restrictions imposed by the 2004 MSP Zoning Ordinance or the Minneapolis Code of Ordinances, whichever is more restrictive and subject to the following:

(1) *Airport Overlay District.* Except as necessary and incidental to MSP Airport operations, no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired, or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in anyway so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plates A-1, A-2, A-3, A-4, A-7, A-8, A-9, and A-10

(2) *Airport Permit.* Within the Airport Overlay District an airport zoning permit must be applied for and granted from the City of Minneapolis if the height of a proposed structure or tree exceeds the maximum construction height as shown on MSP Maximum Construction Heights Without a Permit-Plates MCH-1, MCH-2, MCH-3, MCH-4, MCH-7, MCH-8, MCH-9, and MCH-10.

(3) *Other notification and permits.* The applicant is also subject to notification requirements and approvals of Minnesota Office of Aeronautics regarding notification criteria for airspace obstruction and Federal Aviation Administration's permitting and review for Notices of Proposed Construction (FAA Form-7460-8) as set forth in Code of Federal Regulations Title 14 Part 77. Note that both MnDOT Aeronautics and FAA criteria extend beyond the boundaries of the Airport Overlay District.

**535.1170. 2004 MSP Zoning Ordinance Use Variances.** Within the AP Overlay District, variances to allow uses listed as prohibited in the AP Overlay District that are granted by the MSP Board of Adjustment pursuant to the 2004 MSP Zoning Ordinance may only be established in the City of Minneapolis to the extent that they comply with all other provisions of the Minneapolis Code of Ordinances.

**535.1180. Noise attenuation.** It is in the best interests of the city and of current and future residents that the integrity of all residential structures which have received a five (5) dB or other sound insulation package from the Metropolitan Airports Commission be maintained subject to the following:

(1) *Noise attenuation required—Expansion.* Whenever construction of a habitable addition to a dwelling unit is undertaken which expands the habitable area of a dwelling unit which had previously received a five (5) db sound insulation package from the Metropolitan Airports Commission pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission, the construction must include installation of central air conditioning or mechanical ventilation for the expanded area. Such construction shall utilize materials with a sound transmission class (STC) rating of at least forty (40) in order to achieve similar noise attenuation in the expansion of the structure as existed in the principal structure prior to expansion.

(2) *Noise attenuation required —Infill or tear down/rebuild residential construction.* Infill construction or rebuilding of residential structures after tearing down the original structure which takes place within blocks or between structures that have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall utilize building materials with a sound transmission class (STC) rating of at least forty (40) and shall include installation of central air conditioning or mechanical ventilation throughout the habitable areas of the structure.

(3) *Requirement within the 2007 60—62 Contours.* Construction of new single-family homes located in blocks or between structures that have received noise attenuation pursuant to the Consent Decree that are in the 60 to 62 DNL contours as defined in the Consent Decree shall include installation of central air conditioning or mechanical ventilation throughout the habitable portion of the structure.

(4) *Requirement for multiple-family homes within the 2007 60—64 Contour.* Construction of new multiple-family homes in blocks that have received noise attenuation pursuant to the Consent Decree or which are between structures which have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall install central air conditioning or mechanical ventilation throughout the habitable portions of the structure.

Within each aircraft noise overlay zone, all uses shall be permitted in accordance with the regulations for the underlying zoning districts, provided the appropriate building permit is first obtained and all requirements for conditional and permitted uses under this section are met.

**535.1190. Application of provisions.** The provisions of section 535.1180 shall apply to all new development, major redevelopment, in fill development, construction and reconstruction of a building, and any habitable additions or expansions of an existing building requiring a building permit after January 1, 2009. This section shall not apply to remodeling or rehabilitation of an existing residential building; construction of decks, swimming pools, breezeways, three-season porches, or the construction of an appurtenance to an existing residential building.

#### ARTICLE XI. SH SHORELAND OVERLAY DISTRICT

**535.1200. Purpose.** The SH Shoreland Overlay District is established to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city, to provide for the efficient and beneficial utilization of those waters and shoreland areas, to comply with the requirements of state law regarding the management of shoreland areas, and to protect the public health, safety, and welfare.

**535.1210. Established boundaries.** The boundaries of the SH Overlay District shall be all land located within the following distances from protected waters:

- (1) One thousand (1,000) feet from the ordinary highwater mark of a lake, pond, wetland, or flowage; or
- (2) Three hundred (300) feet from a river or stream or the landward extent of the floodplain of such river or stream, whichever is greater.

**535.1220. Definitions.** As used in this article, the following words and phrases shall mean:

*Best management practices.* Erosion and sediment control and water quality practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water.

*Bluff.* A steep outcropping, hill, cliff or embankment along a river or stream, with an average slope of eighteen (18) percent or greater measured over a horizontal distance of fifty (50) feet or more, and that rises at least twenty-five (25) feet above the ordinary high water mark of the protected water.

*Clear cutting.* The removal of an entire stand of trees, shrubs, bushes, or similar vegetation.

*Development.* The erection, construction, reconstruction, relocation or enlargement of any structure except stairways and seasonal docks not exceeding four (4) feet in width. Where accessory to a public park, the following shall also not be considered development:

- a. Unenclosed structures up to four hundred (400) square feet and not more than twenty (20) feet wide used for the storage of watercraft if located at least ten (10) feet from the ordinary high water mark of any protected water.
- b. Walkways, stairways, retaining walls, light poles, piers, docks and similar structures.

*Ordinary highwater mark.* A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary highwater mark commonly is that point where natural vegetation changes from predominantly aquatic to predominantly terrestrial.

*Protected waters.* The following lakes, ponds, wetlands, streams and rivers are protected waters: Bde Maka Ska, Brownie Lake, Cedar Lake, Lake of the Isles, Lake Harriet, Lake Nokomis, Lake Hiawatha, Mother Lake, Legion Lake, Cemetery Lake, Diamond Lake, Grass Lake, Powderhorn Lake, Ryan Lake, Spring Lake, Taft Lake, Birch Pond, Bridal Veil Pond, Loring Pond, Webber Pond, wetlands mapped by the city engineer or classified by the United States Fish and Wildlife Service, Bassett Creek, Minnehaha Creek and Shingle Creek and the Mississippi River.

*Steep slope.* Land having an average slope of eighteen (18) percent or greater measured over a horizontal distance of fifty (50) feet or more. Steep slopes that are less than ten (10) feet in height shall not be considered a steep slope.

*Surface water oriented uses.* Land uses in which access to or use of a surface water feature is an integral component, such as boathouses, docks, marinas, observation platforms and water control structures including locks and dams.

*Top of steep slope.* The contour at which the slope ceases to be eighteen (18) percent or more.

**535.1230. Location of development.** (a) *Location prohibited except as authorized by variance.* Except as allowed in section 535.1230(b) or where approved by a variance as provided in this article and Chapter 525, Administration and Procedures, development in the SH Overlay District shall be prohibited on steep slopes or within forty (40) feet of the top of a steep slope or bluff, and shall not be located within fifty (50) feet of the ordinary high water mark of any protected water. Development authorized by variance shall be subject to the following:

- (1) Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.

(2) The foundation and underlying material shall be adequate for the slope condition and soil type.

(3) The development shall present no danger of falling rock, mud, uprooted trees or other materials.

(4) The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with the surrounding physical context.

(b) *Location restricted except as authorized by conditional use permit.* Conditional uses authorized in the primary zoning district are also authorized in the SH Overlay District and are subject to section 535.1230(a). Notwithstanding section 535.1230(a), the following uses may be allowed in all areas of the SH Overlay District by conditional use permit rather than variance as provided in this article and Chapter 525, Administration and Procedures.

(1) Public parks and surface water-oriented development on steep slopes or within forty (40) feet of the top of a steep slope, other than bluffs, or within fifty (50) feet of the ordinary high water mark of any protected water, where allowed by the primary zoning district, provided the development does not cause a hazard to water navigation.

(2) Electrical transmission services of under two hundred twenty (220) kilovolts, subject to the following conditions:

a. When routing transmission services, all of the following shall be avoided where practicable:

1. Steep slopes, streams, rivers, valleys and open exposures of water, wetlands, wooded areas, ridge crests and open space recreation areas.

2. Soils susceptible to erosion, which would create sedimentation and pollution problems, and areas of unstable soils which would be subject to extensive slippage.

3. Areas with high water tables, especially if construction requires excavation.

b. The structural design of transmission services shall consider the following:

1. Underground placement shall be preferred in order to minimize visual impact. If above ground placement is proposed, the applicant shall describe the economic, technological or land characteristics which make underground placement infeasible.

2. If above ground placement is necessary, the appearance of any structures shall be made as compatible as practicable with the natural area with regard to height, width, materials used and color.

3. The cleared portion of the right-of-way shall be kept to a minimum.

4. Crossing points over protected waters shall be consolidated with other public facilities and rights-of-way so that the smallest area possible is devoted to crossing.



c. In the construction of transmission service, effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of surface waters and adjacent lands.

d. Right-of-way maintenance shall comply with the following:

1. Natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.

2. Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs and low-growing trees shall be planted and maintained on the right-of-way.

3. Chemical control of vegetation shall be avoided. Where such methods are necessary, chemicals used and the manner of their use shall be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use, and best management practices shall be followed.

**535.1240. Height of structures.** (a) *Maximum height.* Except for structures subject to a more restrictive maximum height limitation in this zoning ordinance or a less restrictive maximum height limitation in the MR Mississippi River Corridor Critical Area Overlay District between North Plymouth Avenue and Interstate 35W, the maximum height of structures within the SH Overlay District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

(b) *Increasing maximum height.* An increase to the applicable maximum height requirements for properties in the SH Overlay District may be requested, subject to the following:

(1) The height limitations for the following uses and structures may only be increased by variance, as provided in Chapter 525, Administration and Procedures.

a. Accessory structures.

b. Single-, two-, or three-family dwellings or cluster developments located in any built form overlay district.

c. Principal structures located in the BFI1, BFI2, or BFI3 Built Form Overlay Districts.

(2) The height limitations of all other structures not contained within subsection (b)(1) of this ordinance may only be increased by conditional use permit, as provided in Chapter 525, Administration and Procedures. Where an increase in height would exceed the maximum height requirements of the built form overlay district, the height increase shall comply with the applicable requirements for height increase limits and premiums of the built form overlay district in which the property is located. In addition to the conditional use standards contained in Chapter 525, Administration and Procedures, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

a. The building furthers principles of human scale design and massing, particularly facing the public realm in the lower floors of the building.

b. The portion of the building receiving the height increase responds to a change in built form on adjacent properties in less intense built form overlay districts with a gradual transition in height and scale.

c. The building form and massing is distributed and oriented in a manner appropriate to the scale and proportion of the built surroundings to reasonably address the impact of shadowing on adjacent properties, the public realm, and existing solar energy systems, and to allow access to light and air of adjacent properties.

d. Exterior materials are consistent and compatible on all sides of the building.

(c) *Height of structure when determining required yards.* For the purpose of determining a minimum required yard where such yard is based on a structure's height, the method of determining the height of a principal structure shall be identical to the method used for properties located outside of the SH Shoreland Overlay District.

**535.1250. Lot dimensions.** (a) *In general.* Zoning lots located within or partially within the SH Overlay District shall be subject to the lot dimension requirements of section 540.720, unless otherwise required by this section.

(b) *Residential uses with four (4) or more dwelling units in the BF12 Interior 2 Built Form Overlay District.*

(1) *Minimum lot dimensions.* The minimum lot width shall be eighty (80) feet. The minimum lot area shall be ten thousand (10,000) square feet.

(2) *Maximum lot dimensions.* The maximum lot size requirements of Chapter 540, Built Form Overlay Districts, shall apply.

(c) *Existing nonconforming lots.* Existing zoning lots nonconforming as to the maximum lot area shall comply with section 540.740.

**535.1260. Conditional uses and variances.** (a) *Evaluation criteria.* In addition to the conditional use and variance standards contained in Chapter 525, Administration and Procedures, the city planning commission and board of adjustment shall consider the following:

(1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

(2) Limiting the visibility of structures and other development from protected waters.

(3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

**535.1270. Development on slopes between twelve (12) and eighteen (18) percent.** Development on slopes between twelve (12) and eighteen (18) percent, other than bluffs, where allowed by the primary zoning district, provided the development is not located within fifty (50) feet of the ordinary high water mark of any protected water, may be allowed in the SH Overlay District subject to the regulations of this article, Chapter 550, Development Standards, and the following conditions:

- (1) The foundation and underlying material shall be adequate for the slope condition and soil type.
- (2) The development shall present no danger of falling rock, mud, uprooted trees or other materials.
- (3) The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.

**535.1280. Grading and filling.** Grading or filling involving more than ten (10) cubic yards where the slope of the land is toward a protected water shall be prohibited within the SH Overlay District except where authorized by an erosion control plan approved by the city engineer and the zoning administrator, subject to the following conditions:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover, such as mulch, shall be used and permanent ground cover, such as turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees shall be established.
- (3) Best management practices to prevent erosion and trap sediment shall be employed to ensure that soil loss levels do not degrade the protected water.
- (4) Fill shall be stabilized to accepted engineering standards.
- (5) Any work which will change or diminish the course, current or cross-section of a protected water shall be prohibited except where approved by the commissioner of natural resources.
- (6) The top of a riverbank or lake bank shall not be moved closer to the protected water.
- (7) Such grading or filling shall comply with the provisions of Chapter 52, Erosion and Sediment Control for Land Disturbance Activities, of the Minneapolis Code of Ordinances.

**535.1290. Removal of vegetation.** Removal of vegetation on steep slopes or bluffs or within forty (40) feet of the top of steep slopes or bluffs, or within fifty (50) feet of the ordinary high water mark of any protected water, shall be prohibited within the SH Overlay District except as authorized by the zoning administrator subject to the following conditions:

- (1) Clear cutting of vegetation shall be prohibited, except as necessary for an approved development and subject to the requirements of this article and Chapter 550, Development Standards. This provision shall not prevent the removal of noxious weeds or dead or diseased vegetation.

(2) Selective removal of vegetation shall be allowed, subject to the requirements of this article and Chapter 550, Development Standards, provided sufficient vegetative cover remains to screen parking areas, dwellings and other structures when viewed from the protected water and provided a continuous natural cover is maintained.

(3) Vegetation shall be restored to the extent feasible after any construction project is completed to retard surface runoff and soil erosion and to provide screening. Restoration shall be completed as soon as feasible, but in no case later than the beginning of the next growing season following the completion of a project.

(4) Best management practices to prevent erosion and trap sediment shall be employed to ensure that soil loss levels do not degrade the protected water.

**535.1300. Stormwater management.** All development shall comply with all applicable regulations governing stormwater management, and shall employ best management practices to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site filtration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, and encourage natural filtration function.

## ARTICLE XII. FP FLOODPLAIN OVERLAY DISTRICT

**535.1400. Statutory authorization.** The legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

**535.1410. Purpose.** (a) *Regulation of development.* This ordinance regulates development in the flood hazard areas of the City of Minneapolis. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(b) *National Flood Insurance Program compliance.* This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59—78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(c) *Preservation of natural features.* This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**535.1420. General provisions.** (a) *How to use this ordinance.* This ordinance adopts the floodplain maps applicable to the City of Minneapolis and includes two (2) floodplain districts: Floodway and Flood Fringe. Where Floodway and Flood Fringe Districts are delineated on the floodplain maps, the standards in section 535.1470 or 535.1480 will apply, depending on the location of a property.

(b) *Lands to which ordinance applies.* This ordinance applies to all lands within the jurisdiction of the City of Minneapolis shown on the official zoning map and/or the attachments to the map as being located within the boundaries of the Floodway or Flood Fringe District.

The Floodway and Flood Fringe Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

(c) *Incorporation of maps by reference.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the flood insurance rate map panels enumerated here within, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the zoning administrator. The effective flood insurance rate map panels are: 27053C0212F, 27053C0214F, 27053C0216F, 27053C0217F, 27053C0218F, 27053C0219F, 27053C0352F, 27053C0354F, 27053C0356F, 27053C0357F, 27053C0362F, 27053C0364F, 27053C0366F, 27053C0367F, 27053C0368F, 27053C0369F, 27053C0376F, 27053C0378F, 27053C0379F, 27053C0386F, 27053C0387F, 27053C0388F, 27053C0389F.

(d) *Interpretation.* The boundaries of the zoning districts are determined by scaling distances on the flood insurance rate map. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The zoning administrator shall interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(e) *Abrogation and greater restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail.

(f) *Warning and disclaimer of liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Minneapolis or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(g) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

**535.1430. Definitions.** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

*Base flood elevation.* The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

*Basement.* Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.

*Critical facilities.* Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

*Development.* Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

*Equal degree of encroachment.* A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

*Flood.* A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

*Flood frequency.* The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

*Flood fringe.* The portion of the special flood hazard area (one (1) percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for Hennepin County, Minnesota.

*Flood insurance rate map (FIRM).* An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

*Flood prone area.* Any land susceptible to being inundated by water from any source (see "flood").

*Floodplain.* The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

*Floodproofing.* A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

*Floodway.* The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

*Manufactured home.* A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

*New construction.* Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

*Obstruction.* Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

*One hundred (100) year floodplain.* Lands inundated by the "regional flood" (see definition).

*Reach.* A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

*Recreational vehicle.* A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

*Regional flood.* A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one (1) percent chance or one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

*Regulatory flood protection elevation (RFPE).* An elevation not less than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. In Zone AO, the RFPE is established by adding one (1) foot to the highest adjacent grade to a structure's proposed location on the ground.

*Repetitive loss.* Flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

*Special flood hazard area.* A term used for flood insurance purposes synonymous with "one hundred (100) year floodplain."

*Start of construction.* Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure.* Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, fences, manufactured homes, recreational vehicles not meeting the exemption criteria specified in section 535.1510(b) of this ordinance and other similar items.

*Substantial damage.* Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial improvement.* Within any consecutive three hundred sixty-five-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

**535.1440. Administration.** (a) *Zoning administrator.* The zoning administrator shall administer and enforce this ordinance.

(b) *Permit requirements; permit required.* A permit must be obtained from the zoning administrator prior to conducting the following activities:



(1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

(2) The use or change of use of a building, structure, or land.

(3) The construction of a dam, fence, or on-site septic system.

(4) The change or extension of a nonconforming use.

(5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(7) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(8) Any other type of "development" as defined in this ordinance.

(c) *Application for permit.* Permit applications must be submitted to the zoning administrator on forms provided by the zoning administrator. The permit application must include the following as applicable:

(1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(2) Location of fill or storage of materials in relation to the stream channel.

(3) Copies of any required municipal, county, state or federal permits or approvals.

(4) Other relevant information requested by the zoning administrator as necessary to properly evaluate the permit application.

(d) *Certificate of zoning compliance for a new, altered, or nonconforming use.* No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this ordinance.

(e) *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(f) *Record of first floor elevation.* The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The zoning administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

(g) *Notifications for watercourse alterations.* Before authorizing any alteration or relocation of a river or stream, the zoning administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(h) *Notification to FEMA when physical changes increase or decrease base flood elevations.* As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the zoning administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

**535.1450. Variances and conditional use permits.** (a) *Additional requirements.* An application for a variance to the provisions of this ordinance or for a conditional use permit will be processed and reviewed in accordance with applicable state statutes and Chapter 525, Administration and Procedures, and shall be subject to the additional provisions of this section.

(b) *Variances.*

(1) Adherence to state floodplain management standards. A variance shall not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(2) Additional variance criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances may only be issued by a community upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) The zoning administrator shall notify the applicant for a variance that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and

b. Such construction below the base or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The City of Minneapolis shall submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.

(5) A copy of all decisions granting variances shall be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.

(6) The zoning administrator shall maintain a record of all variance actions, including justification for their issuance, and shall report such variances in an annual or biennial report to the administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(c) *Conditional uses.*

(1) In passing upon conditional use applications, the city must consider all relevant factors specified in other sections of this ordinance, and those factors identified in section 535.1450(d).

(2) The city may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

a. Modification of waste treatment and water supply facilities.

b. Limitations on period of use, occupancy, and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

e. Floodproofing measures, in accordance with the state building code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(3) The city shall submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or United States Mail to the respective DNR area hydrologist.

(4) A copy of all decisions granting conditional uses shall be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or United States mail to the respective DNR area hydrologist.

(d) *General considerations.* The following factors may be considered in granting variances and imposing conditions on variances and conditional uses in floodplains:

(1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) The danger that materials may be swept onto other lands or downstream to the injury of others;

(3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(5) The importance of the services to be provided by the proposed use to the community;

(6) The requirements of the facility for a waterfront location;

(7) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the comprehensive land use plan and floodplain management program for the area;

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles; and

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

**535.1460. Establishment of districts.** (a) *Floodway District.* The Floodway District includes those areas within Zones AE that have a floodway delineated or AO as shown on the flood insurance rate map adopted in section 535.1420(c). For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(b) *Flood Fringe District.* The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the flood insurance rate map adopted in section 535.1420(c), but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the one (1) percent annual chance one hundred (100) year flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(c) *Applicability.* Within the floodplain districts established in this ordinance, the use, size, type, and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in section 535.1470 or 535.1480 are prohibited. In addition, critical facilities, as defined in section 535.1430 are prohibited in all floodplain districts.

**535.1470. Floodway District.** (a) *Permitted uses in the Floodway District.* The following uses, subject to the standards set forth in section 535.1470(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(1) Outdoor plant nurseries.

(2) Parking and loading areas.

(3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

(4) Residential lawns, gardens, parking areas, and play areas.

(5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten (10) days prior to issuance of any permit.

(b) *Standards for permitted uses in the Floodway District.*

(1) The use must have low flood damage potential.

(2) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

(3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four (4) upon occurrence of the regional one (1) percent chance flood.

(c) *Conditional uses in the Floodway District.* The following uses may be allowed as conditional uses following the standards and procedures set forth in section 535.1450 of this ordinance and further subject to the standards set forth in section 535.1470(d) if otherwise allowed in the underlying zoning district or any applicable overlay district.

- (1) Structures accessory to a permitted or conditional use.
- (2) Storage of sand, gravel, and other materials.
- (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- (4) Storage yards for equipment, machinery, or materials.
- (5) Placement of fill or construction of fences that obstruct flood flows.
- (6) Travel-ready recreational vehicles meeting the exception standards in section 535.1510(b).

(d) *Standards for floodway conditional uses.*

(1) A conditional use shall not cause any increase in the stage of the one (1) percent chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(2) *Fill; storage of materials and equipment.*

a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the one (1) percent chance or regional flood may only be allowed if the planning commission has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(3) Accessory structures, as identified in section 535.1470(c)(1), may be permitted, provided that:

a. Structures are not intended for human habitation;

b. Structures will have a low flood damage potential;

c. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

d. Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and

e. Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the state building code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

f. As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the state building code, provided the accessory structure constitutes a minimal investment and does not exceed five hundred seventy-six (576) square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure, with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and

2. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one (1) foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(4) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

(5) A levee, dike or floodwall constructed in the floodway must not cause an increase to the one (1) percent chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(6) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(7) Within an AO Zone, there must be adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures or structure additions.

**535.1480. Flood Fringe District.** (a) *Permitted uses.* Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in section 535.1480(b).

(b) *Standards for flood fringe permitted uses.*

(1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one (1) foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least fifteen (15) feet beyond the outside limits of the structure.

(2) Accessory structures. As an alternative to the fill requirements of section 535.1480(b)(1), structures accessory to the uses identified in section 535.1480(a) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the state building code, provided that:

a. The accessory structure constitutes a minimal investment, does not exceed five hundred seventy-six (576) square feet in size, and is only used for parking and storage.

b. All portions of floodproofed accessory structures below the regulatory flood protection elevation shall be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, be constructed with materials resistant to flood damage, and have all service utilities be watertight or elevated to above the regulatory flood protection elevation.

c. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure, with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and

2. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one (1) foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(3) The cumulative placement of fill or similar material on a parcel must not exceed one thousand (1,000) cubic yards, unless the fill is specifically intended to elevate a structure in accordance with section 535.1480(b)(1), or if allowed as a conditional use under section 535.1480(c).

(4) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(5) All service utilities, including ductwork, must be elevated or watertight to prevent infiltration of floodwaters.

(6) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(7) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(8) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation, or must have a flood warning/emergency evacuation plan approved by the zoning administrator.

(9) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public



must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four (4) upon occurrence of the regional one (1) percent chance flood.

(10) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

(11) Manufactured homes and recreational vehicles must meet the standards of section 535.1510.

(c) *Conditional uses.* The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in section 535.1450 of this ordinance and subject to the standards in section 535.1480(d):

(1) Any structure that is not elevated on fill or floodproofed in accordance with sections 535.1480(b)(1) and 535.1480(b)(2).

(2) Storage of any material or equipment below the regulatory flood protection elevation.

(3) The cumulative placement of more than one thousand (1,000) cubic yards of fill when the fill is not being used to elevate a structure in accordance with section 535.1480(b)(1).

(4) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in section 535.1480(d)(5).

(d) *Standards for conditional uses in the Flood Fringe District.*

(1) Basements, as defined by section 535.1430, are subject to the following:

a. Residential basement construction is not allowed below the regulatory flood protection elevation.

b. Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with section 535.1480(d)(2) of this ordinance.

(2) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the state building code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the state building code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(3) The placement of more than one thousand (1,000) cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional one (1) percent chance flood event.

b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the zoning administrator.

c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(4) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

(5) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

a. The enclosed area is above-grade on at least one (1) side of the structure;

b. It is designed to internally flood and is constructed with flood resistant materials; and

c. It is used solely for parking of vehicles, building access or storage.

(6) The above-noted alternative elevation methods are subject to the following additional standards:

a. *Design and certification.* The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

b. *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

1. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

2. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.

**535.1490. Land development standards.** (a) *In general.* Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Minneapolis.

(b) *Subdivisions.* No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional one (1) percent chance flood has been approved by the zoning administrator. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

(3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

(4) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

a. All such proposals are consistent with the need to minimize flood damage within the flood prone area;

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure of flood hazard.

(c) *Building sites.* If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(1) Designed or modified and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Constructed with materials and utility equipment resistant to flood damage;

(3) Constructed by methods and practices that minimize flood damage; and

(4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**535.1500. Public utilities, railroads, roads and bridges.** (a) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the state building code or elevated to the regulatory flood protection elevation.

(b) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the floodplain must comply with sections 535.1470 and 535.180. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

**535.1510. Manufactured homes, manufactured home parks, and recreational vehicles.** (a) *Manufactured homes.* New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply: Placement or replacement of manufactured home units is prohibited in the Floodway District.

(b) *Recreational vehicles.* New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

(1) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in section 535.1510(b)(2):

- a. Individual lots or parcels of record.
- b. Existing commercial recreational vehicle parks or campgrounds.
- c. Existing condominium-type associations.

(2) *Criteria for exempt recreational vehicles.*

- a. The vehicle must have a current license required for highway use.
- b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- c. No permanent structural type additions may be attached to the vehicle.

d. The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

(3) Recreational vehicles that are exempt in section 535.1510(b) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of section 535.1480(b) of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

**535.1520. Nonconformities.** (a) *Continuance of nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in section 535.1430, are subject to the provisions of sections 535.1520(a)(1), (2), (3), (4), (5), and (6) of this ordinance.

(1) A nonconforming use, structure, or occupancy shall not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in section 535.1520(a)(2). Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the state building code, except as further restricted in section 535.1520(a)(3) and 535.1520(a)(7).

(3) If the cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of section 535.1470 or 535.1480 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

(4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one (1) year, any future use of the premises must conform to this ordinance. The assessor must notify the zoning administrator in writing of instances of nonconformities that have been discontinued for a period of more than one (1) year.

(5) If any nonconformity is substantially damaged, as defined in section 535.1430, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in section 535.1470 or 535.1480 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

(6) If any nonconforming use or structure experiences a repetitive loss, as defined in section 535.1430, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(7) Any substantial improvement, as defined in section 535.1430, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of section 535.1470 or 535.1480 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

**535.1530. Penalties and enforcement.** (a) *Violation constitutes a misdemeanor.* Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

(b) *Other lawful action.* Nothing in this ordinance restricts the City of Minneapolis from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

(c) *Enforcement.* Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Chapter 525, Article VI of the zoning ordinance. In responding to a suspected ordinance violation, the City of Minneapolis may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Minneapolis shall act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

**535.1540. Amendments.** (a) *Floodplain designation—Restrictions on removal.* The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the commissioner of the department of natural resources (DNR) if the commissioner determines that, through other measures, lands are adequately protected for the intended use.

(b) *Amendments require DNR approval.* All amendments to this ordinance shall be submitted to and approved by the commissioner of the department of natural resources (DNR) prior to adoption. The commissioner must approve the amendment prior to community approval.

(c) *Map revisions require ordinance amendments.* The floodplain district regulations shall be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in section 535.1420 of this ordinance.

### **ARTICLE XIII. MR MISSISSIPPI RIVER CORRIDOR CRITICAL AREA OVERLAY DISTRICT**

**535.1600. Authority, intent, and purpose.** (a) *Statutory Authorization.* These Mississippi River Corridor Critical Area (MRCCA) regulations are adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010—6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 and 473.

(b) *Policy.* The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

(c) *Purpose.* The Mississippi River Corridor Critical Area regulations are intended to:

(1) Establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.

(2) Identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.

(3) Establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

(4) Establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA Plan.

(5) Establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA Plan while recognizing that they serve the public interest by providing access to the Mississippi River corridor or require locations within the river corridor and therefore require some flexibility.

(6) Establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and critical area steep slopes and ensure stability of other erosion-prone areas.

(7) Establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

(8) To create standards for subdivisions and development or redevelopment of large sites that protect and enhance the natural and scenic value of the MRCCA, protect and restore biological and ecological functions of primary conservation areas, and encourage restoration of natural vegetation where restoration opportunities have been identified in the MRCCA Plan.

**535.1610. General provisions and definitions.** (a) *Jurisdiction.* The provisions of this article apply to land within the river corridor boundary as described in the State Register, volume 43, number 19, pages 508 to 519 and shown on the zoning map in section 530.800.

(b) *Effective date.* The effective date of this article shall be January 1, 2021. Any application for development deemed complete prior to this date shall be subject to the ordinance regulating development in the Mississippi River Corridor Critical Area in effect at that time.

(c) *Enforcement.* The zoning administrator is responsible for the administration and enforcement of this ordinance. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in section 535.1620(a).

(d) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(e) *Abrogation and greater restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this article shall prevail.

(f) *Underlying zoning.* Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

(g) *Definitions.* Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

*Access path.* An area designated to provide ingress and egress to public waters.

*Adjacent.* Having a boundary that physically touches or adjoins.

*Agricultural use.* A use having the meaning given under Minnesota Statutes, Section 40A.02.

*Alternative design.* Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

*Barge fleeting.* Temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

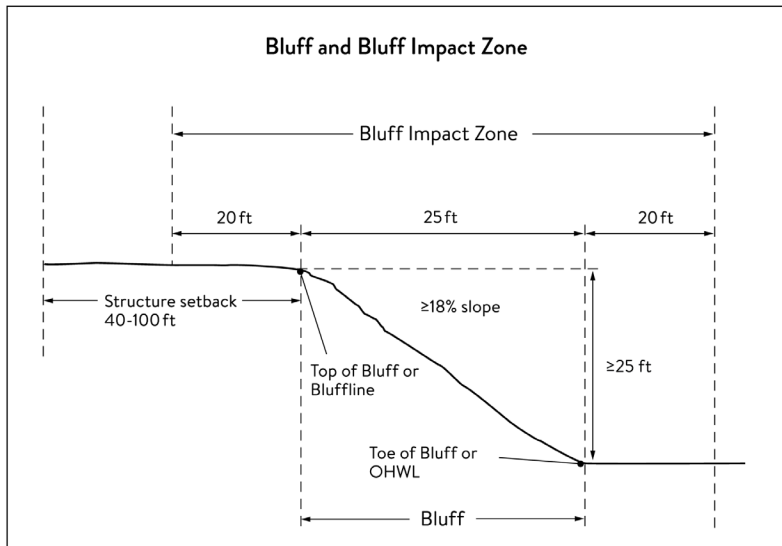
*Biological and ecological functions.* The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.



*Bluff.* A natural topographic feature having:

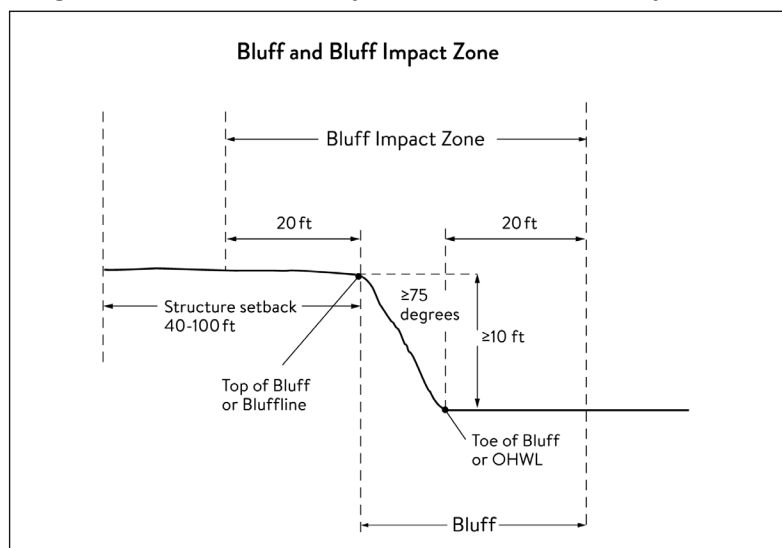
- a. A slope that rises at least twenty-five (25) feet and where the grade of the slope averages eighteen (18) percent or greater, measured over any horizontal distance of twenty-five (25) feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 535-2, Bluff and Bluff Impact Zone.

**Figure 535-2 Bluff and Bluff Impact Zone**



- b. A natural escarpment or cliff with a slope that rises at least ten (10) feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of seventy-five (75) degrees or greater. See Figure 535-3, Natural Escarpment Bluff and Bluff Impact Zone.

**Figure 535-3 Natural Escarpment Bluff and Bluff Impact Zone**



*Bluff impact zone (BIZ).* A bluff and land located within twenty (20) feet of the bluff. See Figures 535-2 and 535-3.

*Bluffline.* A line delineating the top of the bluff. More than one (1) bluffline may be encountered proceeding landward from the river. See Figures 535-2 and 535-3.

*Bluff, Toe of.* A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds eighteen (18) percent and the slope below the line is eighteen (18) percent or less, measured over a horizontal distance of twenty-five (25) feet. See Figures 535-2 and 535-3.

*Bluff, Top of.* A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds eighteen (18) percent and the slope above the line is eighteen (18) percent or less, measured over a horizontal distance of twenty-five (25) feet. See Figures 535-2 and 535-3.

*Buildable area.* The area of a lot or parcel upon which structures may be placed which excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high-water level of public waters, and other unbuildable areas.

*Building.* A structure with two (2) or more outside rigid walls and a fully secured roof that is affixed to a permanent site.

*Certificate of compliance.* A document written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

*Commissioner.* The commissioner of the Minnesota Department of Natural Resources.

*Conditional use.* A use having the meaning given under Minnesota Statutes, Chapter 462.

*Conservation design.* A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

*Conventional subdivision.* A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

*Deck.* A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

*Developer.* Having the meaning given under Minnesota Statutes, Section 116G.03.

*Development.* Having the meaning given under Minnesota Statutes, Section 116G.03.

*Discretionary action.* An action under this chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

*Dock.* Having the meaning given under Minnesota Rules, Chapter 6115.

*Electric power facilities.* Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, Chapter 216E.

*Essential services.* Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, Section 115.01, electric power facilities or transmission services.

*Floodplain.* Having the meaning given under Minnesota Rules Chapter 6120.

*Full cutoff luminaire.* The luminous intensity (in candelas) at or above an angle of ninety (90) degrees above nadir is zero (0), and the luminous intensity (in candelas) at or above a vertical angle of eighty (80) degrees above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

*Fully reconstruct.* The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

*Fully shielded luminaire.* A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

*Hard-surface trail.* A trail surfaced in asphalt or other hard surface, for multipurpose use, as determined by local, regional, or state agency plans.

*Historic property.* An archaeological site, standing structure, site, district, or other property that is:

- (1) Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, Chapter 471;
- (2) Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the director of the Minnesota Historical Society; or
- (3) An unplatted cemetery that falls under the provisions of Minnesota Statutes, Chapter 307, in consultation with the Office of the State Archaeologist.

*Impervious surface.* A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

*Intensive vegetation clearing.* The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

*Interim use.* A use having the meaning given under Minnesota Statutes, Chapter 462.

*Land alteration.* An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

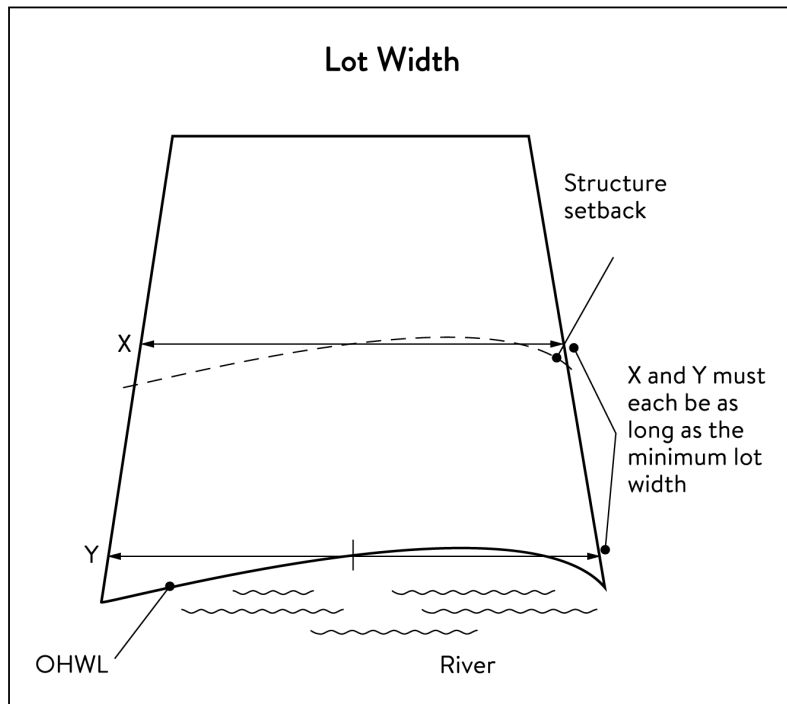
*Local government.* Counties, cities, and townships.

*Local park agencies.* The Minneapolis Park and Recreation Board and the Three Rivers Park District.

*Lot.* Having the meaning given under Minnesota Rules Chapter 6120.

*Lot width.* The shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level. See Figure 535-4, Lot Width.

**Figure 535-4 Lot Width**



*Luminaire.* The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

*Marina.* Having the meaning given under Minnesota Rules Chapter 6115.

*Mississippi Flyway.* The Mississippi Flyway is a major North American bird migration corridor for more than three hundred twenty-five (325) bird species that make the round trip each year from their breeding grounds in Canada and the northern United States to their wintering grounds along the Gulf of Mexico and in Central and South America. The Mississippi Flyway encompasses the entire MRCCA.

*Mississippi River Corridor Critical Area (MRCCA).* The area within the River Corridor Boundary.

*Mississippi River Corridor Critical Area (MRCCA) Plan.* A chapter or other element in the City of Minneapolis comprehensive plan.

*Mooring facility.* Having the meaning given under Minnesota Rules Section 6115.0170.

*Native plant community.* A plant community that has been identified as part of the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

*Natural-surface trail.* A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

*Natural vegetation.* Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

*Nonconformity.* Having the meaning given under Minnesota Statutes, Section 462.357.

*Nonmetallic mining.* Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

*Off-premises advertising signs.* Those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

*Ordinary high water level (OHWL).* Having the meaning given under Minnesota Statutes, Section 103G.005.

*Parcel.* Having the meaning given under Minnesota Statutes, Section 116G.03.

*Patio.* A constructed hard surface located at ground level with no railings and open to the sky.

*Picnic shelter.* A roofed structure open on all sides, accessory to a recreational use.

*Planned unit development.* A method of land development that provides for flexibility in the use of land and the placement and size of buildings in order to better utilize the special features of sites and to obtain a higher quality of development that incorporates high levels of amenities than might otherwise occur under the strict application of zoning regulations for the users of the site, the neighborhood, or the city as a whole, and which meets public objectives for protection and preservation of natural and historic features as detailed in Chapter 550, Article VII, Planned Unit Development Standards.

*Plat.* Having the meaning given under Minnesota Statutes, Chapters 505 and 515B.

*Port.* A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, Chapter 458.

*Primary conservation areas.* Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

*Private facilities.* Private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.

*Professional engineer.* An engineer licensed to practice in Minnesota.

*Public facilities.* Public utilities, public transportation facilities, and public recreational facilities.

*Public recreation facilities.* Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

*Public river corridor views.* Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA Plan/chapter of the comprehensive plan.

*Public transportation facilities.* All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

*Public utilities.* Electric power facilities, essential services, and transmission services.

*Public waters.* Having the meaning given under Minnesota Statutes, Section 103G.005.

*Readily visible.* Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

*Resource agency.* A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

*Retaining wall.* A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

*River corridor boundary.* The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, Section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, Section 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.

*River-dependent use.* The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

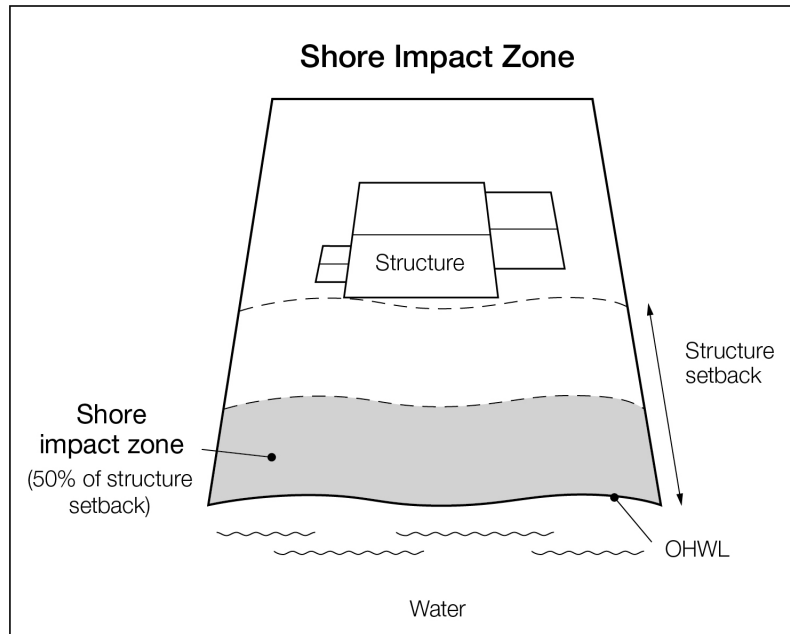
*Rock riprap.* Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

*Selective vegetation removal.* The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

*Setback.* A separation distance measured horizontally.

*Shore impact zone (SIZ).* Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the required structure setback or, for agricultural use, fifty (50) feet landward of the ordinary high water level. See Figure 535-5, Shore Impact Zone.

**Figure 535-5 Shore Impact Zone**



**Shoreline facilities.** Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

**Special purpose units of government.** The University of Minnesota, the St. Paul Port Authority, watershed management organizations established under Minnesota Statutes, Chapter 103B, watershed districts established under Minnesota Statutes, Chapter 103D, and any other unit of government other than local government or a state or regional agency.

**State or regional agency.** The Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan Council and other state agencies.

**Steep slope, critical area.** A natural topographic feature with an average slope of twelve (12) to eighteen (18) percent, measured over a horizontal distance equal to or greater than fifty (50) feet, and any slopes greater than eighteen (18) percent that are not bluffs.

**Storm water management facilities.** Facilities for the collection, conveyance, treatment, or disposal of storm water.

**Structure.** A building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.

**Subdivision.** Having the meaning given under Minnesota Statutes, Section 462.352.



*Subsurface sewage treatment system.* Having the meaning given under Minnesota Rules, part 7080.1100.

*Transmission services.*

a. (1) Electric power lines, cables, pipelines, or conduits that are:

1. Used to transport power between two (2) points, as identified and defined under Minnesota Statutes, Section 216E.01, subdivision 4; or

2. For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two (2) points; and

b. Telecommunication lines, cables, pipelines, or conduits.

*Treeline.* The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

*Variance.* Having the meaning given under Minnesota Statutes, Section 462.357, subdivision 6.

*Water access ramp.* A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

*Water-oriented accessory structure.* A small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

*Water quality impact zone.* Land within the shore impact zone or within fifty (50) feet of the OWHL of the river, whichever is greater, and land within fifty (50) feet of a public water, wetland, or natural drainage route.

*Wetland.* Having the meaning given under Minnesota Statutes, Section 103G.005.

*Wharf.* Having the meaning given under Minnesota Rules, part 6115.0170.

**535.1620. Administration.** (a) *Permits.* A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with section 535.1690 and land alterations consistent with section 535.1700.

(b) *Variances.* Variances to the requirements of this article may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA Plan. In reviewing the variance application, the planning commission or zoning board of adjustment shall make

the required findings for a variance pursuant to Chapter 525, Administration and Procedures, and further shall:

(1) Evaluate the impacts to these resources and, if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with section 535.1620(d); and

(2) Make written findings that the variance is consistent with the purpose of this ordinance, as follows:

a. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;

b. The variance is consistent with the character and management purpose of the MRCCA sub-district in which it is located;

c. The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions;

d. The variance will not negatively impact other MRCCA Plan-identified resources; and

e. The variance will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss in identified PCAs and significant vegetation stands, collision threats, or light pollution in excess of the required lighting standards of this zoning ordinance.

(c) *Conditional and interim use permits.* All conditional and interim uses required under this ordinance must comply with Minnesota Statutes, Section 462.3595 or 462.3575, as applicable, and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA Plan. In reviewing the application, the planning commission shall:

(1) Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with section 535.1620(d); and

(2) Make written findings that the conditional use is consistent with the purpose of this ordinance as follows:

a. The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA Plan;

b. The conditional use is consistent with the character and management purpose of the MRCCA sub-district in which it is located;

c. The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions;

d. The conditional use will not negatively impact other MRCCA Plan-identified resources; and

e. The conditional use permit will not negatively impact birds and other wildlife using the Mississippi Flyway through habitat loss in identified PCAs and significant vegetation stands, collision threats, or light pollution in excess of the required lighting standards of this zoning ordinance.

(d) *Conditions of Approval.* The planning commission or zoning board of adjustment shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include, but is not limited to:

(1) Restoration of vegetation identified as "vegetation restoration priorities" identified in the MRCCA Plan;

(2) Preservation of existing vegetation;

(3) Stormwater runoff management;

(4) Reducing impervious surface;

(5) Increasing structure setbacks;

(6) Wetland and drainage route restoration and/or preservation;

(7) Increasing, enhancing, and/or connecting habitat for pollinators, birds, and other wildlife;

(8) Increasing the minimum open space dedications in section 535.1710(c);

(9) Techniques to minimize building bulk listed in section 535.1650(d);

(10) Limiting the height of structures;

(11) Modifying structure design to limit visual impacts on PRCVs; and

(12) Other conservation measures.

(e) *Application materials.* Applications for permits and discretionary actions required under this article must submit the following information unless the zoning administrator determines that the information is not needed:

(1) A detailed project description;

(2) Scaled maps and plans, dimensional renderings, and other materials that identify and describe:

a. Primary conservation areas;

- b. Public river corridor views;
- c. Buildable area;
- d. Existing and proposed topography and drainage patterns;
- e. Proposed storm water and erosion and sediment control practices;
- f. Existing and proposed vegetation to be removed and established;
- g. Ordinary high water level, blufflines, and all required setbacks;
- h. Existing and proposed structures;
- i. Existing and proposed impervious surfaces; and
- j. Existing and proposed subsurface sewage treatment systems.

(f) *Nonconformities*. All legally established nonconformities as of the date of this ordinance may continue, consistent with Minnesota Statutes, Section 462.357 subdivision 1e and Chapter 545, Article VI, Nonconforming Uses and Structures.

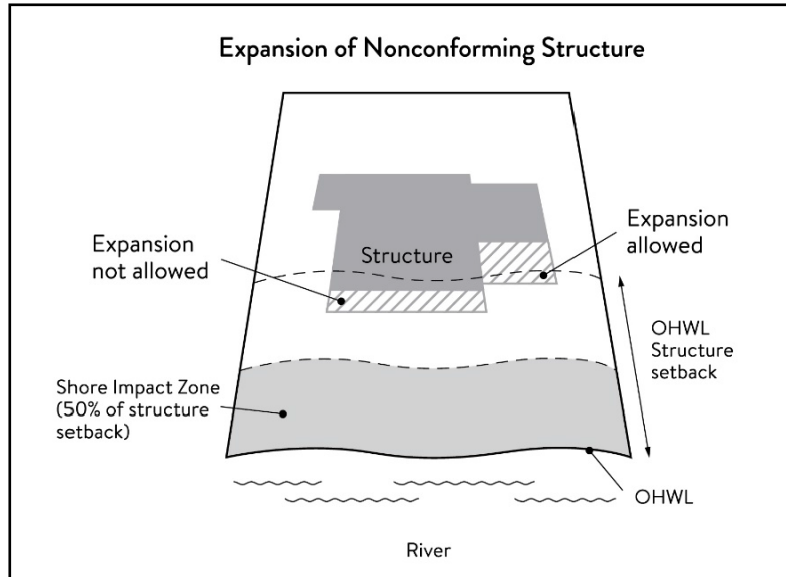
(1) New structures erected in conformance with the setback averaging provisions of section 535.1650(e)(4) are conforming structures.

(2) Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.

(3) Legal nonconforming principal structures that do not meet the setback requirements of section 535.1650 may be expanded laterally provided that:

- a. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (see Figure 535-6, Expansion of Nonconforming Structure); and
- b. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

**Figure 535-6 Expansion of Nonconforming Structure**



(g) *Notifications.* Amendments to this article and to the MRCCA Plan shall be submitted to the commissioner as provided in Minnesota Rules, part 6106.0070, subpart 3, Items B-I.

(1) Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, and PUDs, shall be sent to the following entities at least twenty-one (21) days prior to the hearing:

a. The commissioner in a format prescribed by the DNR;

b. National Park Service; and

c. Where proposed building heights exceed the height limit specified in section 535.1650(a) as part of a conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

(2) Notice of final decisions for actions, including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

(3) Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100, subpart 9, Item C.

(h) *Accommodating disabilities.* Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules, Chapter 1341, must:

(1) Comply with sections 535.1650 to 535.1720; or

(2) If sections 535.1650 to 535.1720 cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:

a. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and

b. Upon expiration of the permit, the ramp or other facilities must be removed.

**535.1630. MRCCA Sub-Districts.** (a) *District description and management purpose.* The MR Overlay District within the City of Minneapolis is divided into the following sub-districts:

(1) *Rural and Open Space (ROS).*

a. *Description.* The ROS District is characterized by rural and low-density development patterns and land uses. It includes land that is riparian or visible from the river as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the ROS District.

b. *Management purpose.* The ROS District shall be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

(2) *River Neighborhood (RN).*

a. *Description.* The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

b. *Management purpose.* The RN District shall be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

(3) *River Towns and Crossings (RTC).*

a. *Description.* The RTC District is characterized by historic downtown areas and limited nodes of intense development at specific river crossings, as well as institutional campuses that predate designation of the MRCCA, and that include taller buildings.

b. *Management purpose.* The RTC District shall be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river.

Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

*(4) Separated from River (SR).*

a. *Description.* The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

b. *Management purpose.* The SR District provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district.

*(5) Urban Mixed (UM).*

a. *Description.* The UM District includes large areas of highly urbanized mixed-use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space.

b. *Management purpose.* The UM District shall be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.

*(6) Urban Core (UC).*

a. *Description.* The UC District includes downtown.

b. *Management purpose.* The UC District shall be managed with the greatest flexibility to protect commercial, industrial, and other high-intensity urban uses, while minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the river. Providing public access to and public views of the river are priorities in the district.

(b) *MR Overlay District map.* The locations and boundaries of the MR Overlay District and sub-districts established by this ordinance are shown on *the Mississippi River Corridor Critical Area Overlay District map* which is incorporated herein by reference. The district boundary lines are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

**535.1640. Special land use provisions.** (a) *Underlying zoning.* Uses within the MR Overlay District are generally determined by underlying zoning, with additional provisions for the following land uses:

(1) *Agricultural use.* Perennial ground cover is required within fifty (50) feet of the ordinary high water level and within the bluff impact zone.

(2) *River-dependent uses.* River-dependent uses must comply with the following design standards:

a. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in section 535.1720, must meet the dimensional and performance standards in [this] article, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;

b. Shoreline facilities must comply with Minnesota Rules, Chapter 6115 and must:

1. Be designed in a compact fashion so as to minimize the shoreline area affected; and

2. Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served.

c. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

(3) *Wireless communication towers.* Wireless communication towers require a conditional use permit and are subject to the following design standards:

a. The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MR Overlay District;

b. The tower shall not be located in a bluff or shore impact zone;

c. Placement of the tower shall minimize impacts on public river corridor views; and

d. The tower design shall comply with the general design standards in section 535.1670(a) and the requirements of Chapter 550, Article XI, Communication Towers, Antennas, and Base Units.

**535.1650. Structure height and placement and lot size.** (a) *Structure height.* Structures and facilities must comply with the following maximum height standards unless identified as exempt in section 535.1720.

(1) ROS District: Thirty-five (35) feet.

(2) RN District: Thirty-five (35) feet.

(3) RTC District: Forty-eight (48) feet provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and bluff lines, and that structure design and placement minimizes interference with public river corridor views.



(4) SR District: Height is determined by underlying built form overlay zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

(5) UM1 District: Thirty-five (35) feet, provided tiering of structures away from the Mississippi River and from bluff lines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views.

(6) UM2 District: Fifty-six (56) feet, provided tiering of structures away from the Mississippi River and from bluff lines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views.

(7) UM3 District: Sixty-five (65) feet, provided tiering of structures away from the Mississippi River and from bluff lines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views.

(8) UC District: Height is determined by underlying built form overlay zoning, provided tiering of structures away from the Mississippi River and bluff lines is given priority, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with public river corridor views.

(b) Height is measured as defined by the Minneapolis Zoning Ordinance for compliance with built form overlay district requirements and also on the side of the structure facing the Mississippi River for compliance with the MRCCA sub-districts. The more restrictive requirement shall apply. For the purpose of determining a minimum required yard where such yard is based on a structure's height, the method of determining the height of a principal structure shall be identical to the method used for properties located outside of the MR Overlay District.

(c) *Increasing maximum height.* Height increases may be requested, subject to the following provisions:

(1) The maximum height requirement of accessory structures may be increased only by variance, as specified in Chapter 525, Administration and Procedures, and subject to the provisions of this chapter.

(2) Except for accessory structures, where an increase in height exceeds the maximum height requirement of the built form overlay district, but not the MR Overlay District, the height may be increased as allowed in the built form overlay district, as specified in Chapter 540, Built Form Overlay Districts, up to the maximum height requirement of the MR Overlay District.

(3) Except for accessory structures, where an increase in height exceeds the maximum height requirements of both the built form overlay district and MR Overlay District, the height increase is subject to both the standards for increasing maximum height in the built form overlay district, as specified in Chapter 540, Built Form Overlay Districts, and a variance of the MR Overlay District maximum height requirements in the CA-ROS and CA-RN Districts or a conditional use permit in the CA-RTC and CA-UM Districts.

(4) Except for accessory structures, where an increase in maximum height exceeds the maximum height requirements of the MR Overlay District, but not the maximum height requirements of the built form overlay district, the height increase is subject to a variance of the MR Overlay District requirements in the CA-ROS and CA-RN Districts or a conditional use permit in the CA-RTC and CA-UM Districts.

(5) Except for accessory structures, height increases in the CA-SR and CA-UC Districts are determined by the standards for increasing height in the underlying built form overlay districts, as specified in Chapter 540, Built Form Overlay Districts. The SH Shoreland Overlay District maximum height limits do not apply to the CA-SR and CA-UC Districts.

(d) In addition to the applicable height increase requirements and findings of Chapter 540, Built Form Overlay Districts, and of section 535.1620(c), criteria for considering whether to grant a conditional use permit for structures exceeding the height limits shall include:

(1) Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities.

(2) Determination that the proposed structure meets the required bluff and OHWL setbacks; where a variance of the bluff or OHWL setback is requested provision of a mitigation plan that mitigates any negative impacts.

(3) Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:

a. Placing the long axis of the building perpendicular to the river;

b. Stepping back of portions of the facade;

c. Lowering the roof pitch or use of a flat roof;

d. Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green building materials;

e. Narrowing the profile of upper floors of the building; or

f. Increasing the setbacks of the building from the Mississippi River or blufflines;

g. Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and

h. Opportunities for creation or enhancement of public river corridor views; and

i. Compliance with Minnesota B3 Guidelines, version 3.2, Site and Water Guidelines: S.5 Animal Habitat Support.

*(e) Structure and impervious surface placement.*

(1) Structures and impervious surfaces must not be placed in the shore or bluff impact zones, unless exempted in section 535.1720.

(2) Structures and facilities must comply with the following minimum OHWL setback provisions unless exempted in section 535.1720.

a. ROS District: Two hundred (200) feet.

b. RN District: One hundred (100) feet.

c. RTC District: Seventy-five (75) feet.

d. UM District: Fifty (50) feet.

e. UC District: As per underlying zoning.

(3) Structures and facilities must comply with the following minimum bluffline setback provisions unless exempted in section 535.1720:

a. ROS District: One hundred (100) feet.

b. RN District: Forty (40) feet.

c. RTC District: Forty (40) feet.

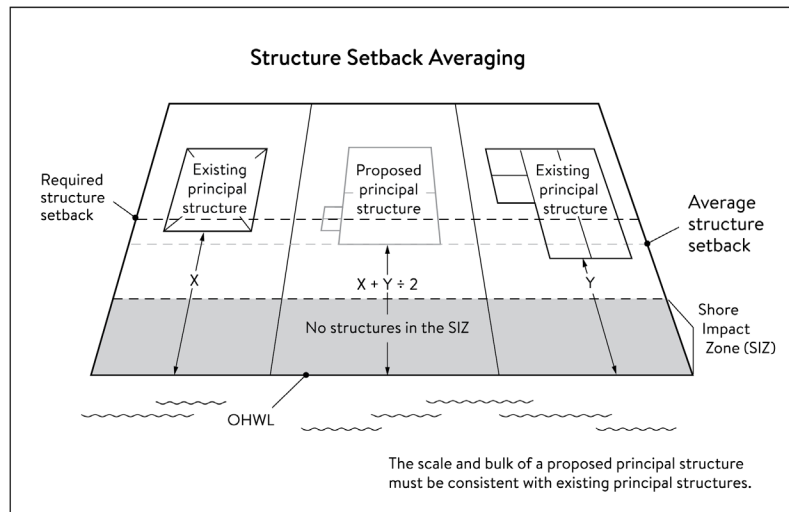
d. SR District: Forty (40) feet.

e. UM District: Forty (40) feet.

f. UC District: Forty (40) feet.

(4) Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under sections 535.1650(d)(2) and (3) are consistent with adjoining development. See Figure 535-7, Structure Setback Averaging.

**Figure 535-7 Structure Setback Averaging**



(f) *Lot size and buildable area.*

(1) The width of lots abutting the Mississippi River in the ROS District must be at least two hundred (200) feet, unless alternative design methods are used that provide greater protection of the riparian area.

(2) All new lots must have adequate buildable area to comply with the setback requirements of sections 535.1650(d)(2) and (3) without requiring variances to use the lots for their intended purpose.

**535.1660. Performance standards for private facilities.** (a) *General design standards.* All private facilities must be developed in accordance with the vegetation management and land alteration requirements in sections 535.1690 and 535.1700.

(b) *Private roads, driveways, and parking areas.* Except as provided in section 535.1720, private roads, driveways and parking areas must:

(1) Be designed to take advantage of natural vegetation and topography so that they are not readily visible;

(2) Comply with structure setback requirements according to section 535.1650(d); and

(3) Not be placed within the bluff impact zone or shore impact zone, unless exempt under section 535.1720 and designed consistent with section 535.1670(a).

(c) *Private water access and viewing facilities.*

(1) Private access paths must be no more than:

a. Eight (8) feet wide, if placed within the shore impact zone; and

b. Four (4) feet wide, if placed within the bluff impact zone.

(2) Private water access ramps must:

- a. Comply with Minnesota Rules, Chapters 6115.0210 and 6280.0250; and
- b. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.

(3) Design and construction of private stairways, lifts, and landings are subject to the following standards:

- a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Stairways shall not exceed six (6) feet in width for commercial properties and residential facilities held in common;
- b. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings for commercial properties and residential facilities held in common shall not exceed forty-eight (48) square feet in area;
- c. Canopies or roofs are prohibited on stairways, lifts, or landings;
- d. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and
- e. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to clauses a.—d. above, and as provided under section 535.1620(h).

(4) One (1) water-oriented accessory structure is allowed for each riparian lot or parcel less than three hundred (300) feet in width at the ordinary high water level, with one (1) additional water-oriented accessory structure allowed for each additional three hundred (300) feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and shall:

- a. Not exceed twelve (12) feet in height;
- b. Not exceed one hundred twenty (120) square feet in area; and
- c. Be placed a minimum of ten (10) feet from the ordinary high water level.

(d) *Decks and patios in setback areas.* Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and bluff lines without a variance, when consistent with sections 535.1690 and 535.1700, provided that:

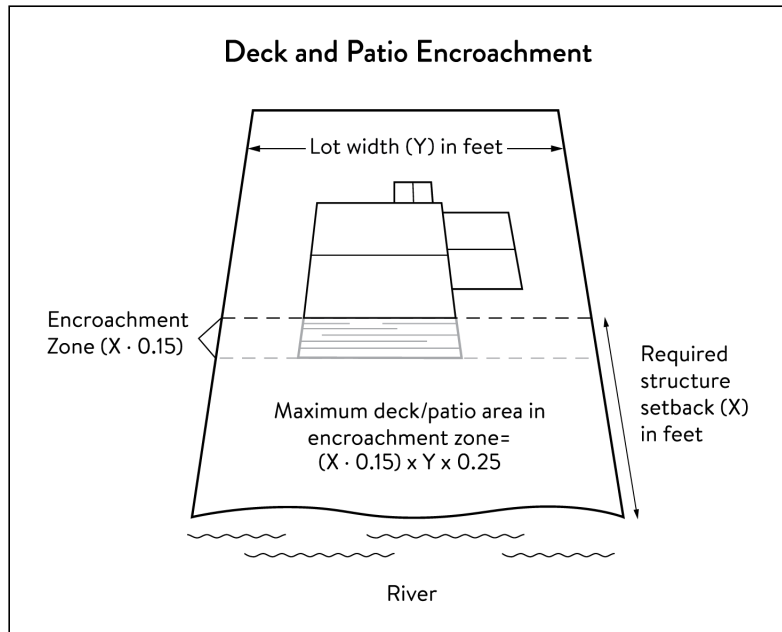
- (1) The encroachment of the deck or patio into the required setback area does not exceed fifteen (15) percent of the required structure setback;

(2) The area of the deck or patio that extends into the required setback area occupies no more than twenty-five (25) percent of the total area between the required setback and the fifteen (15) percent using the formula:

[required setback depth (feet) × 0.15 × lot width at setback (feet) × 0.25 = maximum total area]

(3) The deck or patio does not extend into the bluff impact zone. See Figure 535-8, Deck and Patio Encroachment.

**Figure 535-8 Deck and Patio Encroachment**



(e) *Off-premises and directional signs.* Off-premises advertising signs and billboards, including the sign face and structure, which may be viewed from the Mississippi River shall be prohibited, except a sign or billboard designated by the Heritage Preservation Commission or determined by the Heritage Preservation Commission to be a contributing feature in a historic district.

Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

(1) They must be consistent with Minnesota Statutes, Section 86B.115.

(2) Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.

(3) Meet the height and size requirements of Chapter 560, Signs, or be no greater than eight (8) feet in height and thirty-two (32) square feet in surface area, whichever is less.

(f) *Fences.* Fences between principal structures and the river are permitted, provided the following standards are met:

(1) Fences are subject to height and location requirements of Chapter 550, Article X, Fences, shall not exceed six (6) feet in height.

(2) Fences shall not be located within the shore impact zone or bluff impact zone.

(3) Fences shall not be located in the regulatory floodplain.

**535.1670. Performance standards for public facilities.** (a) *General design standards.* All public facilities must be designed and constructed to:

(1) Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;

(2) Comply with the structure placement and height standards in section 535.1650, except as provided in section 535.1720;

(3) Be consistent with the vegetation management standards in section 535.1690 and the land alteration and storm water management standards in section 535.1700, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable;

(4) Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts;

(5) Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish, birds, and wildlife are not spawning or nesting; and

(6) During bird migration times, schedule construction, or implement mitigation measures, to minimize disturbance in primary conservation areas.

(b) *Right-of-way maintenance standards.* Right-of-way maintenance must comply with the following standards:

(1) Vegetation currently in a natural state must be maintained to the extent feasible;

(2) Where vegetation in a natural state has been removed, native plants should be considered for replanting and maintained on the right-of-way; and

(3) Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.

(c) *Crossings of public water or public land.* Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, Sections 84.415 and 103G.245.

(d) *Public utilities.* Public utilities must comply with the following standards:

(1) High-voltage transmission lines, wind energy conversion systems greater than five (5) megawatts, and pipelines are regulated according to Minnesota Statutes, Chapters 216E, 216F, and 216G respectively; and

(2) If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river and follow other existing rights-of-way as much as practicable.

(3) The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

(4) Wireless communication facilities, according to section 535.1640(a)(3).

(e) *Public transportation facilities.* Public transportation facilities shall comply with structure placement and height standards in section 535.1650. Where such facilities intersect or abut two (2) or more MRCCA sub-districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

(1) Providing scenic overlooks for motorists, bicyclists, and pedestrians;

(2) Providing safe pedestrian crossings and facilities along the river corridor;

(3) Providing access to the riverfront in public ownership; and

(4) Allowing for use of the land between the river and the transportation facility.

(f) *Public recreational facilities.* Public recreational facilities must comply with the following standards:

(1) Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in section 535.1650, except as provided in section 535.1720.

(2) Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.

(3) Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines.

a. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding thirty (30) percent. Natural surface trails are allowed, provided they do not exceed eight (8) feet in width.



b. Trails, paths, and viewing areas must be designed and constructed to minimize:

1. Visibility from the river;
2. Visual impacts on public river corridor views; and
3. Disturbance to and fragmentation of primary conservation areas.

(4) Public water access facilities must comply with the following requirements:

- a. Watercraft access ramps must comply with Minnesota Rules Chapters 6115.0210 and 6280.0250; and
- b. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.

(5) Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views. Sign size, height, and type shall be as regulated in the base zoning district.

(6) Public stairways, lifts, and landings must be designed as provided in section 535.1660(c)(3).

**535.1680. Performance standards for exterior lighting.** (a) *Exterior lighting standards.* In addition to the lighting standards in section 550.2230 of this zoning ordinance, all exterior lighting within the MR Overlay District must comply with the following standards:

- (1) Luminaires must be full-cutoff or fully shielded. See Figure 535-9, Examples of Fully Shielded and Cutoff Luminaires.
- (2) Uplighting is not permitted.
- (3) For structures other than single- and two-family dwellings, and three-family dwellings architectural accent, ornamental, or decorative lighting is not permitted, unless otherwise allowed by conditional use permit.

**Figure 535-9 Examples of Fully Shielded and Cutoff Luminaires**



(b) *Conditional use permits and exemptions.*

(1) Architectural lighting, other than uplighting, of buildings and architectural accent, ornamental, or decorative lighting may be allowed by conditional use permit, provided the lighting is turned off from dusk to dawn between March 15 and May 31 and between August 15 and October 31 each year.

(2) Lighting that is noncompliant with the standards of the section may be allowed by conditional use permit for public parks, athletic fields and outdoor recreation facilities serving or operated by an institutional or public use, and outdoor commercial recreation, entertainment and lodging uses, provided the lighting is related to and reasonably necessary for the operation of the use and that is turned off when the use is not in operation.

(3) Lighting that is noncompliant with the standards of this section, may be allowed by the Heritage Preservation Commission for historic landmarks and districts when determined to be a contributing

feature of a landmark or district. In addition, lighting of public facilities that is noncompliant with the standards of this section, may be allowed by the zoning administrator where required by federal and state historic regulations, guidelines, or environmental reviews. Where possible, lighting should be turned off from dusk to dawn between March 15 and May 31 and between August 15 and October 31 each year.

(4) The following lighting is exempt from the provisions of this section:

- a. Publicly controlled or maintained emergency or traffic signals;
- b. Lighting for public monuments, statues, and bridges;
- c. Lighting required by federal or state laws or regulations;
- d. Emergency lighting;
- e. Flagpoles; and
- f. Motion-activated security lighting.

**535.1690. Vegetation management.** (a) *Applicability.* This section applies to:

- (1) Shore impact zones;
- (2) Areas within fifty (50) feet of a wetland or natural drainage route;
- (3) Bluff impact zones;
- (4) Areas of native plant communities; and
- (5) Significant existing vegetative stands identified in the MRCCA Plan.

(b) *Activities allowed without a vegetation permit.*

- (1) Maintenance of existing lawns, landscaping and gardens;
- (2) Removal of vegetation in emergency situations as determined by the city;
- (3) Right-of-way maintenance for public facilities meeting the standards section 535.1670(b);
- (4) Agricultural activities meeting the standards of section 535.1640(a)(2);
- (5) Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MR Overlay District, including removal of:
  - a. Vegetation that is dead, diseased and or infested, dying, or hazardous;

b. To prevent the spread of diseases or insect pests;

c. Individual trees and shrubs; and

d. Invasive non-native species.

*(c) Activities allowed with a vegetation permit.*

(1) Only the following intensive vegetation clearing activities are allowed with a vegetation permit:

a. Clearing of vegetation that is dead, diseased and or infested, dying, or hazardous.

b. Clearing to prevent the spread of diseases or insect pests.

c. Clearing to remove invasive non-native species.

d. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by the City or Minneapolis Park and Recreation Board.

e. The minimum necessary for development that is allowed with a building permit or as an exemption under section 535.1720.

*(2) General performance standards.* The following standards must be met, in addition to a restoration plan under section 535.1690(e), in order to approve a vegetation permit:

a. Development is sited to minimize removal of or disturbance to natural vegetation;

b. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer;

c. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;

d. Any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;

e. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time and to minimize disturbance during bird migration and nesting seasons; and

f. Any other condition determined necessary to achieve the purpose of this section.

*(d) Prohibited activities.* All other intensive vegetation clearing is prohibited.

*(e) Vegetation restoration plan.*

(1) Development of a vegetation restoration plan and reestablishment of natural vegetation is required:

- a. For any vegetation removal requiring a permit as identified in section 535.1690(c);
- b. Upon failure to comply with any provisions in this section; or
- c. As part of the planning process for subdivisions as provided in section 535.1710.

(2) *Restoration plan performance standards.* The vegetation restoration plan must satisfy the application submittal requirements in section 535.1620(e), and the following:

- a. Vegetation must be restored in one (1) or more of the following restoration priority areas:
  - 1. Areas with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;
  - 2. Shoreline areas within twenty-five (25) feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;
  - 3. Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or
  - 4. Other approved priority opportunity area, including priorities identified in the MRCCA Plan, if none of the above exist.
- b. Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines.
- c. Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density.
- d. Vegetation removed must be restored with native vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation, and number of trees, should be similar to that removed to the greatest extent practicable.
- e. For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities. The area (square feet) of the restored vegetation should be equivalent to that removed.
- f. Be prepared by a qualified individual including a professional ecologist, arborist, landscape architect, or person with demonstrable experience and knowledge related to vegetation management.

g. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three (3) years.

(3) A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.

**535.1700. Land alteration standards and stormwater treatment.** (a) *Land alteration.*

(1) Within the bluff impact zone, land alteration is prohibited, except for the following which are allowed by permit:

a. Erosion control consistent with a plan approved by the local government or resource agency and consistent with section 535.1700(e);

b. The minimum necessary for development that is allowed as an exception under section 535.1720; and

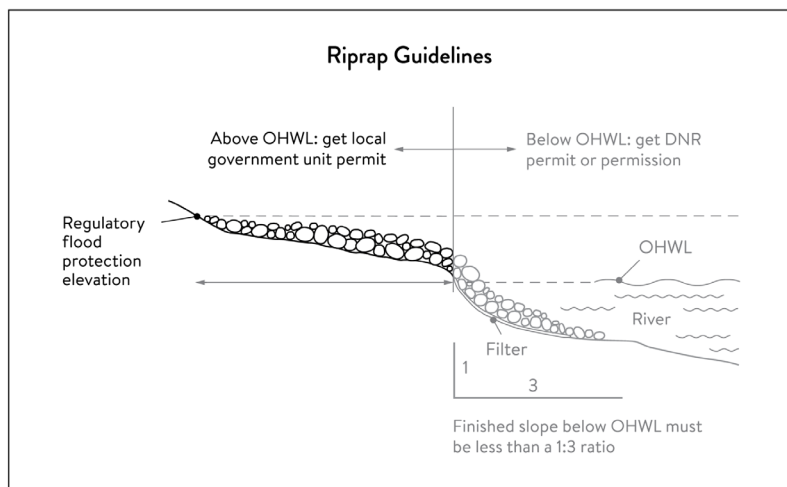
c. Repair and maintenance of existing buildings and facilities.

(2) Within the water quality impact zone, land alteration that involves more than ten (10) cubic yards of material or affects an area greater than one thousand (1,000) square feet requires a permit.

(b) *Rock riprap, retaining walls, and other erosion control structures.*

(1) Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, Chapters 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not proceed until approved by the commissioner, permitted by the US Army Corps of Engineers, and any other permits are obtained. See Figure 535-10, Riprap Guidelines.

**Figure 535-10 Riprap Guidelines**



(2) Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of section 535.1700(e) provided that:

a. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.

b. The structures are used only to correct an established erosion problem as determined by the watershed management organization.

c. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:

1. Retaining walls must not exceed five (5) feet in height and must be placed a minimum horizontal distance of ten (10) feet apart; and

2. Riprap must not exceed the height of the regulatory flood protection elevation.

(3) Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration.

(c) *Stormwater management.*

(1) In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

a. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

b. The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;

c. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and

d. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

(2) In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in section 535.1720, or fully reconstructs existing impervious surface of more than ten thousand (10,000) square feet requires a storm water permit. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five (5) feet wide.

(3) In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

(d) *Development on critical area steep slopes.* Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on critical area steep slopes, if:

- (1) The development can be accomplished without increasing erosion or storm water runoff;
- (2) The soil types and geology are suitable for the proposed development; and
- (3) Vegetation is managed according to the requirements of section 535.1690.

(e) *Conditions of land alteration permit approval.*

- (1) Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;
- (2) Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;
- (3) Construction activity is phased when possible;
- (4) All erosion and sediment controls are installed before starting any land disturbance activity;
- (5) Erosion and sediment controls are maintained to ensure effective operation;
- (6) The proposed work is consistent with the vegetation standards in section 535.1690; and
- (7) Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001.

(f) *Compliance with other plans and programs.* All development must:

- (1) Be consistent with Minnesota Statutes, Chapter 103B, and local water management plans completed under Chapter 8410;
- (2) Meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420; and
- (3) Meet or exceed the floodplain management standards under Minnesota Rules, Chapters 6120.5000—6120.6200.

**535.1710. Subdivision and land development standards.** (a) *Applicability.*

- (1) The design standards in this section apply to subdivisions, planned unit developments and master-planned development and redevelopment of land involving five (5) or more acres for contiguous parcels that abut the Mississippi River and five (5) or more acres for all other parcels, including smaller individual



sites within the following developments that are part of a common plan of development that may be constructed at different times:

- a. Subdivisions;
- b. Planned unit developments; and
- c. Master-planned development and redevelopment of land.

(2) The following activities are exempt from the requirements of this section:

- a. Minor subdivisions consisting of three (3) or fewer lots;
- b. Minor boundary line corrections;
- c. Resolutions of encroachments;
- d. Additions to existing lots of record; and
- e. Placement of essential services.

(b) *Application materials.* Project information listed in section 535.1620(e) must be submitted for all proposed developments.

(c) *Design standards.*

(1) Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:

- a. CA-ROS District: Fifty (50) percent;
- b. CA-RN District: Twenty (20) percent;
- c. CA-RTC, CA-UM, and CA-UC Districts: Ten (10) percent; and
- d. CA-SR District: Ten (10) percent if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

(2) If the primary conservation areas exceed the amounts specified in section 535.1710(c)(1) then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.

(3) If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to section 535.1690(e).

(4) If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA Plan as a restoration area, vegetation must be restored in the identified areas according to section 535.1690(e) and the area must be set aside and designated as protected open space.

(5) Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.

(6) Land dedicated under Title 22 Article V for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

(7) Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

*(d) Permanent protection of designated open space.*

(1) Designated open space areas must be protected through one (1) or more of the following methods:

a. Public acquisition by a government entity for conservation purposes;

b. A permanent conservation easement, as provided in Minnesota Statutes, Chapter 84C;

c. A deed restriction; and

d. Other arrangements that achieve an equivalent degree of protection.

(2) Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

*(e) Alternative design standards.* Alternative design standards may be considered through a planned unit development or cluster development. Individual lots in a planned unit development or cluster development are not required to meet the design standards of this section if it can be demonstrated that the overall development is in compliance with the standards and purpose of this section.

**535.1720. Exemptions.** *(a) Applicability.*

(1) Uses and activities not specifically exempted must comply with this article. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in sections 535.1690 and 535.1700.

(2) Uses and activities in Table 535-1 are categorized as:

a. *Exempt — E.* This means that the use or activity is allowed;

b. *Exempt if no alternative — (E)*. This means that the use or activity is allowed only if the zoning administrator determines that no alternatives exist; and

c. *Not exempt — N*. This means that a use or activity is not exempt and must meet the standards of this ordinance.

**Table 535-1 Uses or Activities in the MR Overlay District**

<i>Use or Activity</i>	<i>Setbacks</i>	<i>Height Limits</i>	<i>Shore Impact Zone</i>	<i>Bluff Impact Zone</i>	<i>Applicable standards with which the use or activity must comply</i>
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Bridges and bridge approach roadways	E	E	E	(E)	Section 535.1670
Wireless communication towers	E	E	N	N	Section 535.1640(a)(3)
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations.
<b>Public utilities</b>					
Electrical power facilities	E	E	E	(E)	Section 535.1670
Essential services (other than storm water facilities)	E	E	E	(E)	Section 535.1670
Storm water facilities	E	N	E	(E)	Section 535.1700
Wastewater treatment	E	N	E	N	Section 535.1670
Public transportation facilities	E	N	(E)	(E)	Section 535.1670
<b>Public recreational facilities</b>					
Monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 535.1670; within BIZ, only on slopes averaging less than thirty (30) percent. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 535.1670

Parking lots	(E)	N	(E)	(E)	Section 535.1670; within BIZ, only within twenty (20) feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Section 535.1670
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 535.1670
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 535.1670; within BIZ, only on slopes averaging less than thirty (30) percent.
Water access ramps	E	N	E	(E)	Section 535.1670
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 535.1670
River-dependent uses					
Shoreline facilities	E	N <sup>1</sup>	E	(E)	Section 535.1640(a)(2). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility.
Private roads and conveyance structures serving river-dependent uses	E	N <sup>1</sup>	E	(E)	Section 535.1640(a)(2)
Private residential and commercial water access and use facilities					
Private roads serving three (3) or more lots	(E)	N	N	(E)	Section 535.1660; in BIZ, only on slopes averaging less than thirty (30) percent. Exemption does not apply to private roads serving fewer than three (3) lots or to private driveways and parking areas.
Access paths	E	N	E	E	Section 535.1660
Water access ramps	E	N	E	N	Section 535.1660
Stairways, lifts, and landings	E	N	E	E	Section 535.1660

Water-oriented accessory structures	E	N	E	N	Section 535.1660
Patios and decks	E	N	N	N	Section 535.1660(d)
Directional signs for watercraft (private)	E	N	E	N	Section 535.1660(e); exemption does not apply to off-premises advertising signs.
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Sections 535.1700(b), (d) and (e)
Flood control structures	E	N	E	(E)	Section 535.1700

<sup>1</sup> River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

**CHAPTER 540. BUILT FORM OVERLAY DISTRICTS**

**ARTICLE I. GENERAL PROVISIONS**

**540.10. Purpose.** The BF Built Form Overlay Districts are established to guide the scale of development in a manner that aligns with the planned development patterns of each district by regulating features such as building height, floor area, yards, lot coverage, impervious surfaces, and lot sizes.

**540.20. District names and descriptions.** The built form overlay district names and descriptions are set forth in Table 540-1, Built Form Overlay District Names and Descriptions.

**Table 540-1 Built Form Overlay District Names and Descriptions**

<i>District Name</i>	<i>Description</i>
BFI1 Interior 1 Built Form Overlay District	The Interior 1 district is typically applied in parts of the city farthest from downtown, in the areas between transit routes.
BFI2 Interior 2 Built Form Overlay District	The Interior 2 district is typically applied in parts of the city that developed during the era when streetcars were a primary mode of transportation, in the areas in between transit routes, and on select streets with intermittent local transit service. It is also applied adjacent to the Corridor 4 and Corridor 6 districts, serving as a transition to lower intensity residential areas.
BFI3 Interior 3 Built Form Overlay District	The Interior 3 district is typically applied in parts of the city closest to downtown, in the areas in between transit routes. It is also applied adjacent to select corridors and near METRO stations, serving as a transition to lower intensity residential areas.
BFC3 Corridor 3 Built Form Overlay District	The Corridor 3 district is typically applied along transit routes farther from downtown that are on narrower rights-of-way, and serves as a transition between lower intensity residential areas and areas immediately surrounding METRO stations.
BFC4 Corridor 4 Built Form Overlay District	The Corridor 4 district is typically applied along high frequency transit routes farther from downtown, that are on narrower rights-of-way, and on select streets with local transit service. It is also applied near downtown in areas between transit routes, and serves as a transition between lower intensity residential areas and areas immediately surrounding METRO stations.
BFC6 Corridor 6 Built Form Overlay District	The Corridor 6 district is typically applied along high frequency transit routes as well as in areas near METRO stations.
BFT10 Transit 10 Built Form Overlay District	The Transit 10 district is typically applied along high frequency transit routes, adjacent to METRO stations, in neighborhoods near downtown, and in downtown.
BFT15 Transit 15 Built Form Overlay District	The Transit 15 district is typically applied along high frequency transit routes, adjacent to METRO stations, in neighborhoods near downtown, and in downtown.
BFT20 Transit 20 Built Form Overlay District	The Transit 20 district is typically applied along high frequency transit routes, adjacent to METRO stations, in neighborhoods near downtown, and in downtown.
BFT30 Transit 30 Built Form Overlay District	The Transit 30 district is typically applied along high frequency transit routes, adjacent to METRO stations, in neighborhoods near downtown, and adjacent to the downtown office core.

BFC50 Core 50 Built Form Overlay District	The Core 50 district is applied in the downtown central business district. The district supports the office core as the center of the region's economy by allowing the largest building types in the city.
BFPA Parks Built Form Overlay District	The Parks district is typically applied in areas with the Parks and Open Space future land use designation.
BFPR Production Built Form Overlay District	The Production district is typically applied in areas of the city that are intended for the long-term preservation of production, transportation, and job generating uses.

**540.30. Relationship to other applicable regulations.** Property shall be subject to the provisions of the primary zoning district, the built form overlay district, and any other overlay district from Chapter 535, Overlay Districts, in which the property is located. Because overlay district regulations may be more or less restrictive than the primary zoning district or built form overlay district, where the provisions of the overlay, built form overlay, or primary zoning districts are in conflict, the provisions of the overlay district from Chapter 535, Overlay Districts, shall govern.

**540.40. Established boundaries.** The built form overlay district designation shall be shown on the zoning map in addition to the primary zoning district designation.

**ARTICLE II. FLOOR AREA RATIO**

**540.100. Purpose.** Maximum floor area ratio regulations are established to govern the overall bulk of buildings to align with the planned scale of development in each built form overlay district. These regulations work in conjunction with other built form regulations to govern the bulk and placement of buildings as well as requiring open spaces in some contexts. Maximum floor area ratio may not be achievable in districts with lot coverage and impervious surface regulations. Minimum floor area ratio regulations are established to prevent the underutilization of property, particularly in areas near substantial public transit investments.

**540.110. Maximum floor area ratio.** (a) *In general.* The maximum floor area ratio requirements of principal structures, except cluster developments, shall be as set forth within Table 540-2, Maximum Floor Area Ratio.

(b) *Cluster developments.* The maximum floor area ratio requirements of cluster developments shall be as set forth within Table 540-3, Maximum Floor Area Ratio for Cluster Developments.

**Table 540-2 Maximum Floor Area Ratio**

<b><i>Built Form Overlay District</i></b>	<b><i>Primary Zoning District Category</i></b>	<b><i>Maximum Floor Area Ratio (Multiplier)</i></b>
Interior 1	UN, RM	All uses except Institutional and Civic Uses: 0.5 Institutional and Civic Uses: 0.8
	All other districts	Residential buildings with 1-3 units: 0.5 All other buildings: 1.4
Interior 2	UN, RM	Residential buildings with 1-3 units 0.5 All other buildings: 0.8

	All other districts	Residential buildings with 1-3 units: 0.5 All other buildings: 1.4
Interior 3	UN, RM	Single-family dwellings and state credentialed care facilities serving 6 or fewer persons: 0.5 Two-family dwellings: 0.6 Three-family dwellings: 0.7 All other uses: 1.4
	All other districts	Single-family dwellings and state credentialed care facilities serving 6 or fewer persons: 0.5 Two-family dwellings: 0.6 Three-family dwellings: 0.7 Other uses: 1.6
Corridor 3	UN, RM	1.5
	All other districts	1.9
Corridor 4	UN, RM	2.0
	All other districts	2.4
Corridor 6	UN, RM	3.0
	All other districts	3.4
Transit 10	UN, RM	5.0
	All other districts	5.4
Transit 15	UN, RM	6.0
	All other districts	6.4
Transit 20	UN, RM	7.0
	All other districts	7.4
Transit 30	UN, RM	10.0
	All other districts	10.4
Core 50	All primary districts	16.0
Production	All primary districts	3.0
Parks	UN	Residential buildings with 1-3 units 0.5 All other uses: 0.8
	All other districts	2.0

**Table 540-3 Maximum Floor Area Ratio for Cluster Developments**

<b><i>Built Form Overlay District</i></b>	<b><i>Maximum Floor Area Ratio (Multiplier)</i></b>
Interior 1 Interior 2	0.5
All other districts	0.7

**540.120. Gross floor area computation for single-, two-, or three-family dwellings.** (a) *In general.* In single-, two-, or three-family dwellings, floor area shall be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single-, two-, or three-family dwellings shall not include the following:

- (1) Detached accessory structures.
- (2) Open porches.



(3) Basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.

(4) Half story floor area.

(b) *Gross floor area on small lots.* Where the lot area is such that the maximum floor area ratio of a single, two-, or three-family dwelling would normally result in allowed gross floor area of less than two thousand five hundred fifty (2,500) square feet, the allowed floor area shall be two thousand five hundred (2,500) square feet, notwithstanding Table 540-2, Maximum Floor Area Ratio. All other requirements for the district in which the lot is located shall be met.

(c) *One-time increase for buildings that are near or exceed maximum floor area.* In the BFI1 Interior 1 and BFI2 Interior 2 Built Form Overlay Districts, single-, two-, and three-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet. In the BFI3 Interior 3 Built Form Overlay District, single-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

**540.130. Minimum floor area ratio.** (a) *In general.* The minimum floor area ratio requirements of principal structures located in the built form overlay districts shall be as set forth within Table 540-4, Minimum Floor Area Ratio. Floor area devoted to parking or loading shall not be counted toward compliance with the minimum floor area ratio. Minimum floor area ratio regulations shall not apply to the expansion of buildings existing on the effective date of this ordinance.

(b) *Exception.* Minimum floor area ratio requirements shall not apply on lots existing on the effective date of this ordinance with less than five thousand (5,000) square feet of area.

**Table 540-4 Minimum Floor Area Ratio**

<i>Built Form Overlay District</i>	<i>Minimum Floor Area Ratio (Multiplier)</i>
Interior 1	None
Interior 2	None
Interior 3	None
Corridor 3	None
Corridor 4	None
Corridor 6	1
Transit 10	1
Transit 15	1.5
Transit 20	2
Transit 30	3
Core 50	4
Production	None
Parks	None

**ARTICLE III. INCREASING MAXIMUM FLOOR AREA**

**540.200. Purpose.** These regulations are established to allow an increase in allowed floor area ratio in conjunction with providing specified features that advance the goals of the comprehensive plan.

**540.210. Administrative review of applications.** The zoning administrator shall conduct the administrative review of all applications for floor area ratio premiums. All findings and decisions of the zoning administrator shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Procedures.

**540.220. Floor area ratio premiums.** Floor area ratio premiums, as specified in Chapter 540, Article VI, Premiums, shall be available, subject to the provisions of this article and provided all other requirements of this zoning ordinance are met. When a development qualifies for a premium, the value of the premium shall be added to the allowed maximum floor area ratio, resulting in an increase in the allowed maximum.

**540.230. Single-, two-, and three-family dwellings and congregate living uses.** (a) *In general.* Except as authorized in this section, floor area ratio premiums shall not be applicable to single-, two-, and three-family dwellings or congregate living uses with three (3) or fewer dwelling or rooming units.

(b) *Affordable housing floor area premium.* A floor area ratio premium of one-tenth (0.1) per unit, not counting the first unit, shall be authorized for two- and three-family dwellings or congregate living uses with two (2) or three (3) dwelling or rooming units when at least one (1) of the units are affordable to and occupied by a household(s) with an income at or below sixty (60) percent of the area median income, adjusted for bedroom and family size, and where the owner is participating in a federal housing subsidy program and/or participating in a state or local housing program where the rent or sale price and income restrictions of the affordable unit(s) are evidenced by a declaration or ground lease that will be recorded against the property, or where the owner is the Minneapolis Public Housing Authority or an affiliated entity.

(c) *Environmental sustainability floor area premium.* In the BF12 Interior 2 and BF13 Interior 3 Built Form Overlay Districts, a floor area ratio premium of one-tenth (0.1) shall be authorized for two- and three-family dwellings or congregate living uses with two (2) or three (3) dwelling or rooming units when the building is certified as environmentally sustainable through a green building program authorized for this purpose by the zoning administrator.

**540.240. Number of allowed premiums and value of each premium.** The maximum number of eligible premiums in each built form overlay district, and the value of each premium, shall be as specified in Table 540-5, Number of Allowed Premiums and Value of Each Premium. For specific use premiums, the use must be allowed by the zoning district or districts in which the property is located for a development to be eligible for the premium.

**Table 540-5 Number of Allowed Premiums and Value of Each Premium**

<i>Built Form Overlay District</i>	<i>Maximum Number of Premiums</i>	<i>Value of Each Premium</i>
Interior 1	None	Not applicable
Interior 2	None	Not applicable

Interior 3	1*	0.3
Corridor 3	2	0.3
Corridor 4	3	0.4
Corridor 6	3	0.65
Transit 10	3	0.8
Transit 15	3	0.9
Transit 20	3	1
Transit 30	No limit See Table 540-13	See Table 540-13
Core 50	No limit See Table 540-13	See Table 540-13
Production	3	0.75
Parks	3	0.4

\*The BF13 Interior 3 Built Form Overlay District shall only be eligible for the Enclosed Parking premium and no others.

#### ARTICLE IV. TRANSFER OF DEVELOPMENT RIGHTS

**540.300. Purpose.** These regulations are established to promote the preservation and rehabilitation of historic resources by allowing the transfer of undeveloped floor area from zoning lots containing locally designated historic structures, or structures that have been determined to be eligible to be locally designated as historic structures, to other zoning lots.

**540.310. Definitions.** As used in this article, the following words shall mean:

*Heritage preservation commission.* The heritage preservation commission of the City of Minneapolis.

*Receiving site.* The zoning lot on which transferred floor area is to be developed.

*Sending site.* The zoning lot containing a locally designated historic structure or a structure determined to be eligible to be locally designated as a historic structure, as provided in Chapter 599 of the Minneapolis Code of Ordinances, Heritage Preservation, and from which undeveloped floor area is to be transferred.

**540.320. Eligible areas.** The transfer of development rights shall be limited to sending sites and receiving sites located within the downtown districts.

**540.330. Application for transfer of development rights.** Any person having a legal or equitable interest in land that qualifies as a sending site may file an application for transfer of development rights on a form approved by the zoning administrator, as provided in Chapter 525, Administration and Procedures.

**540.340. Administrative review of applications.** The planning director shall conduct the administrative review of all applications for transfer of development rights. All findings and decisions of the planning director shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Procedures.

**540.350. Transfer of development rights conditions and guarantees.** Any approval of an application for transfer of development rights shall be subject to the following conditions:

- (1) The maximum amount of undeveloped floor area that may be transferred from the sending site shall be the difference between the gross floor area of development on the sending site and the maximum gross floor area permitted by the zoning district regulations.
- (2) The floor area of the receiving site may be increased by up to thirty (30) percent of the maximum gross floor area permitted by the zoning district regulations, except where the receiving site is adjacent to the sending site, provided all other requirements of this zoning ordinance are met. For the purposes of this section, where a sending site is adjacent to a receiving site, they may be considered a single zoning lot.
- (3) The transfer of development rights shall be limited to four (4) such transfers from any sending site.
- (4) The development potential of the sending site shall be reduced by the amount of undeveloped floor area transferred for the life of the principal structure on the receiving site whose construction is made possible by the transfer.
- (5) Following the transfer of development rights, the historic structure on the sending site, if undesignated, shall be subject to the same restrictions that are applicable to locally designated historic structures and the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation.
- (6) The transfer of development rights shall not result in the destruction of a locally designated historic structure or structure determined to be eligible to be locally designated as historic on the receiving site.
- (7) The approval of the transfer of development rights shall be filed by the applicant with the Office of the Hennepin County Recorder or Registrar of Titles in the form of a conservation easement or similar restriction acceptable to the city which shall specify the amount of undeveloped floor area transferred to the receiving site and the reduction in the development rights of the sending site.
- (8) No building permit or other approval for the construction or establishment of transferred development rights on the receiving site shall be granted by the city until the historic structure on the sending site has been rehabilitated pursuant to the applicable guidelines of the heritage preservation commission and the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation, if necessary, or until a plan for such rehabilitation has been submitted to and approved by the heritage preservation commission.
- (9) Such additional conditions and guarantees as the planning director deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

#### **ARTICLE V. HEIGHT OF PRINCIPAL BUILDINGS**

**540.400. Purpose.** Maximum height regulations are established to govern the overall height of principal buildings to align with the planned building height of each built form overlay district. These regulations work in conjunction with other built form regulations to govern the scale of buildings. Minimum height regulations are established to prevent the underutilization of property, particularly in areas near substantial public transit investments.

**540.410. Maximum height for principal structures.** (a) *In general.* The maximum height requirements of principal buildings located in the built form overlay districts shall be as set forth within Table 540-6, Maximum Height by District, and Table 540-7, Other Maximum Height Requirements by Use.

(b) *Exemptions.* Except in the SH Shoreland Overlay District and when not allowed in the MR Mississippi River Corridor Critical Area Overlay District, the following may be exempt from the maximum height requirements of principal structures as set forth within each built form overlay district:

(1) Communication antennas, wind energy conversion systems, and solar energy systems otherwise allowed by administrative review in Chapter 550, Development Standards.

(2) Parapets not exceeding three (3) feet, except where located on single-, two-, or three-family dwellings or cluster developments.

(3) Railings up to four (4) feet in height as measured from the roof, and not more than sixty (60) percent opaque.

(4) Rooftop features used exclusively for mechanical equipment, elevators, or stairways, provided all of the following conditions are met:

a. Such building features are not located on single-, two-, or three-family dwellings.

b. The combined coverage of such building features shall not occupy more than thirty (30) percent of the roof area of the floor below.

c. Such building features may extend up to sixteen (16) feet above the roof of the floor below.

d. Where located within fifteen (15) feet of the wall of the floor below, such building features shall not exceed twenty (20) feet in width as measured parallel to the adjacent wall.

(5) Rooftop features used exclusively for mechanical equipment, elevators, or stairways on single-, two-, or three-family dwellings, provided all of the following conditions are met:

a. Such building features may extend up to ten (10) feet above the roof of the floor below.

b. The combined coverage of such building features shall not occupy more than one hundred fifty (150) square feet of the roof area.

(c) *Existing buildings.* Principal buildings existing on the effective date of this ordinance, that exceed the maximum height requirements shall be considered legally conforming, except that additions to such buildings or other redevelopment shall be subject to the standards of this chapter.

**Table 540-6 Maximum Height by District**

<b><i>Built Form Overlay District</i></b>	<b><i>Maximum Height, except as otherwise required in Table 540-7</i></b>
Interior 1	2.5 stories, 35 feet
Interior 2	2.5 stories, 35 feet
Interior 3	3 stories, 42 feet
Corridor 3	3 stories, 42 feet
Corridor 4	4 stories, 56 feet
Corridor 6	6 stories, 84 feet
Transit 10	10 stories, 140 feet
Transit 15	15 stories, 210 feet
Transit 20	20 stories, 280 feet
Transit 30	30 stories, 420 feet
Core 50	No limit
Parks	2.5 stories, 35 feet
Production	10 stories, 140 feet

**Table 540-7 Other Maximum Height Requirements by Use**

<b><i>Use</i></b>	<b><i>Built Form Overlay District</i></b>	<b><i>Maximum Height</i></b>
Single- and two-family dwellings	All districts	2.5 stories, 28 feet The highest point of a gable, hip, or gambrel roof shall not exceed 33 feet.*
Three-family dwellings and cluster developments	Interior 1 and Interior 2	2.5 stories, 28 feet The highest point of a gable, hip, or gambrel roof shall not exceed 33 feet.*
Three-family dwellings and cluster developments	Interior 3, all Corridor districts, all Transit districts, Core 50, and Production	3 stories, 42 feet For 3 <sup>rd</sup> story additions, the following compatibility design standards shall apply: a. The roof pitch of a partial 3 <sup>rd</sup> story addition shall match an existing roof pitch if more than one roof pitch is present on the structure. b. The primary roof pitch shall be at least 6/12 for full 3 <sup>rd</sup> story additions, unless designed as a flat roof. c. Dormers shall meet the following conditions. Dormers that meet these conditions shall be exempt from conditions a and b. 1. The dormers are located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall. 2. The dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof. 3. The roof of the dormer shall not extend above the primary roofline.

Institutional and civic uses	Interior 1 and Interior 2	3 stories, 42 feet
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\*Notwithstanding the height limitations of this chapter, the maximum height of single-, two-, and three-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single-, two-, and three-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

**540.420. Minimum height for principal structures.** (a) *In general.* The minimum height requirements of principal structures located in the built form overlay districts shall be as set forth within Table 540-8, Minimum Height. The minimum height requirement shall apply to at least fifty (50) percent of the building footprint in the BFC6 Corridor 6 and BFT10 Transit 10 Built Form Overlay Districts. In all other districts, the minimum height requirement is satisfied if any portion of a building on the zoning lot complies with the minimum.

(b) *Existing buildings.* Buildings existing on the effective date of this ordinance, that do not comply with the minimum height requirements shall be considered legally conforming, except that additions to such buildings or other redevelopment shall be subject to the minimum height standards of this chapter when the resulting floor area of the building is equal to or greater than double the existing gross floor area.

(c) *Exceptions.* Minimum height requirements shall not apply on lots existing on the effective date of the ordinance, with less than five thousand (5,000) square feet of area.

**Table 540-8 Minimum Height**

<i>Built Form Overlay District</i>	<i>Minimum Height</i>
Corridor 6	2 stories, 20 feet
Transit 10	2 stories, 20 feet
Transit 15	4 stories
Transit 20	6 stories
Transit 30	10 stories
Core 50	10 stories

**ARTICLE VI. INCREASING MAXIMUM HEIGHT**

**540.500. Purpose.** These regulations are established to identify where an increase of the maximum height requirements of a principal structure may be considered administratively. In order to be approved, the proposal must be consistent with the spirit and intent of the comprehensive plan and must further achieve the goals of the comprehensive plan.

**540.510. Application for increasing maximum height.** (a) *In general.* Any person having a legal or equitable interest in land, subject to the requirements of this section, may file an application to increase the height of a principal structure on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Procedures.

(b) *Ineligible uses and locations.* The following uses and property locations shall not be eligible for an application to administratively increase the height of a principal structure:

- (1) Any property located in an interior built form overlay district.
- (2) A single-, two-, or three-family dwelling or cluster development located in any built form overlay district.

**540.520. Administrative review of applications.** (a) *In general.* The zoning administrator, in consultation with the planning director, shall approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan. If proposed as part of a project that includes a separate land use application, the height increase shall be reviewed concurrently with said application. Unless a site plan review application is not required, the decision date shall coincide with the city planning commission action on the site plan review application.

(b) *Appeals.* Notwithstanding the provisions of Chapter 525, Administration and Procedures, decisions of the zoning administrator regarding the administrative review of height increases shall be subject to appeal to the city council.

**540.530. Maximum allowed height increase.** Where allowed, the maximum height requirements of principal structures may be increased up to the limits identified in Table 540-9, Maximum Allowed Height Increase, provided all applicable sections of this article are met.

**Table 540-9 Maximum Allowed Height Increase**

<i>Built Form Overlay District</i>	<i>Height May Be Increased Up To, but Not Exceed a Total of</i>
Corridor 3	4 stories, 56 feet
Corridor 4	6 stories, 84 feet
Corridor 6	10 stories, 140 feet
Transit 10	15 stories, 210 feet
Transit 15	20 stories, 280 feet
Transit 20	30 stories, 420 feet
Transit 30	50 stories, 700 feet
Parks	6 stories, 84 feet
Production	20 stories, 280 feet

**540.540. Required premiums.** (a) *In general.* Adequate premiums shall be provided as identified in Table 540-10, Allowed Height Increase per Premium in the Corridor and Parks Built Form Overlay Districts or Table 540-11, Allowed Height Increase per Premium in the Transit and Production Built Form Overlay Districts, as applicable, in order to be eligible to achieve the intended height increase. Premiums provided shall comply with the standards of section 540.640, Height Increase Premiums. For specific use premiums, the use must be allowed by the zoning district or districts in which the property is located for a development to be eligible for the premium.



(b) *Existing buildings.* Where projects within these districts already exceed the applicable height limits or an addition is too small to trigger site plan review, one (1) of the following may be provided in lieu of the premiums in Table 540-10, Allowed Height Increase per Premium in the Corridor and Parks Built Form Overlay Districts or Table 540-11, Allowed Height Increase per Premium in the Transit and Production Built Form Overlay Districts, provided the additional floor area does not exceed two thousand five hundred (2,500) square feet and such exception occurs only one (1) time in any five-year period:

(1) *Green roof, subject to the following standards:* Installation of an extensive, intensive, semi-intensive, modular, or integrated green roof system that covers the roof area of the addition or an equivalent area elsewhere on the building.

(2) *Living wall system, subject to the following standards:* Provide a living wall system on at least one (1) building elevation. The living wall shall be composed of panels that total a minimum of sixty (60) percent of the wall area on the building elevation, or five hundred (500) square feet, whichever is greater. Window area is included in the calculation of the wall area, but in no case shall the living wall cover windows. Not less than twenty (20) percent of the plantings shall provide greenery year-round.

(3) *Enhanced stormwater management and native landscaping, subject to the following standards:* Not less than fifty (50) percent of the site not occupied by buildings including all required landscaped yards shall be landscaped per the standards in Chapter 550, Article V, Site Plan Review Standards. Provide capacity for infiltrating stormwater generated onsite with artful rain garden design, or subterranean stormwater collection and filtration system, that serves as a visible and/or visually appealing amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. Native species plantings shall be prioritized on the landscaping plan, including plantings that support pollinators.

(4) *Art feature, subject to the following standards:* Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets. The art shall be valued at not less than one-fourth (¼) of one (1) percent of the capital cost of the principal structure.

(5) *Shared bicycles and electric vehicle chargers, subject to the following standards:* Public access to shared bicycles available for short-term use as defined in section 555.230 of the Minneapolis Code of Ordinances. Applies to mixed-use and nonresidential uses only. A minimum of ten (10) shared bicycles and four (4) electric vehicle chargers per one (1) commercial use must be provided to qualify as an amenity. Bicycle parking spaces and racks shall be located in an area that is convenient and visible from the principal entrance of the building.

**Table 540-10 Allowed Height Increase per Premium in the Corridor and Parks Built Form Overlay Districts**

<i>Premium</i>	<i>Built Form Overlay District and Premium Value</i>			
	<i>Corridor 3</i>	<i>Corridor 4</i>	<i>Corridor 6</i>	<i>Parks</i>
Affordable housing	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet

Child care center	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet
Environmental sustainability	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet
Grocery store	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet
Historic preservation	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet
Mixed-use building	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet
Outdoor open space	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet
Through-block connections	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet	1 story, 14 feet

**Table 540-11 Allowed Height Increase per Premium in the Transit and Production Built Form Overlay Districts**

<i>Premium</i>	<i>Built Form Overlay District and Premium Value</i>			
	<i>Transit 10</i>	<i>Transit 15</i>	<i>Transit 20 and Transit 30</i>	<i>Production</i>
Affordable housing	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Child care center	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Environmental sustainability	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Grocery store	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Historic preservation	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Mixed-use building	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Outdoor open space	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet
Through-block connections	2 stories, 28 feet	2 stories, 28 feet	3 stories, 42 feet	2 stories, 28 feet

**540.550. Required findings.** Before approval of an administrative height increase, and in addition to providing the required premium or premiums, the zoning administrator shall find:

- (1) The building furthers principles of human scale design and massing, particularly facing the public realm in the lower floors of the building.
- (2) The portion of the building receiving the height increase responds to a change in built form on adjacent properties in less intense built form overlay districts with a gradual transition in height and scale.
- (3) The building form and massing is distributed and oriented in a manner appropriate to the scale and proportion of the built surroundings to reasonably address the impact of shadowing on adjacent properties, the public realm, and existing solar energy systems, and to allow access to light and air of adjacent properties.
- (4) Exterior materials are consistent and compatible on all sides of the building.

**ARTICLE VII. PREMIUMS**

**540.600. Purpose.** These premiums are established to promote development of exceptional quality by allowing the maximum height and floor area ratio of structures on a zoning lot to be increased where it is determined that the development on such zoning lot includes features that further advance policies of the city's comprehensive plan and that contribute positively to the design and function of the applicable built form overlay districts.

**540.610. Limitations on premiums.** Except as specified in Table 540-13, Floor Area Ratio Premiums Authorized in Transit 30 and Core 50, a zoning lot may not be awarded multiple floor area ratio increases or multiple height increases by providing the same type of premium. However, the same type of premium may be used to achieve both a floor area ratio increase and a height increase.

**540.620. Compliance with premiums.** Except as allowed by the affordable housing premium, all premiums shall be maintained for the life of the principal structure. The length of compliance with the affordable housing premium shall be as required by the Unified Housing Policy.

**540.630. Floor area ratio premiums.** The allowed premiums for the BF13 Interior 3, BFC3 Corridor 3, BFC4 Corridor 4, BFC6 Corridor 6, BFC10 Transit 10, BFT15 Transit 15, BFT20 Transit 20, BFPA Parks, and BFPR Production Built Form Overlay Districts shall be as specified in Table 540-12, Floor Area Ratio Premiums Authorized in Interior 3, Corridor 3, Corridor 4, Corridor 6, Transit 10, Transit 15, Transit 20, Parks, and Production. The allowed premiums for the BFT30 Transit 30 and BFC50 Core 50 Built Form Overlay Districts shall be as specified in Table 540-13, Floor Area Ratio Premiums Authorized in Transit 30 and Core 50. The maximum number of eligible floor area ratio premiums in each built form overlay district, and the value of each premium, is specified in Article III, Increasing Maximum Floor Area.

**Table 540-12 Floor Area Ratio Premiums Authorized in Interior 3\*, Corridor 3, Corridor 4, Corridor 6, Transit 10, Transit 15, Transit 20, Parks, and Production**

<i>Premium</i>	<i>Standards</i>
Affordable housing	a. The development shall comply with the city's inclusionary housing requirements by providing affordable units on-site rather than utilizing one (1) of the compliance alternatives. b. The development must include at least twenty (20) dwelling units to qualify for the affordable housing bonus. In developments with fewer than fifty (50) units, all inclusionary housing standards that apply to developments with fifty (50) or more units shall apply to the development. c. The premium value shall be double when the affordable units are on-site and affordable at or below thirty (30) percent of the area median income, without income averaging.
Child care center	The development includes a child care center that meets the following standards: 1) Not less than two thousand (2,000) square feet of enclosed space. 2) The use shall comply with the specific use standards for child care centers in Chapter 545, Use Regulations.
Construction type	a. Not less than sixty (60) percent of the floor area of the development on the zoning lot is within a structure or structures classified by the building code as one (1) the following construction types: Type IA, Type IB, Type IIA, or Type IV.
Enclosed parking	a. All off-street parking on the zoning lot, other than temporary drop-off and pick-up spaces, shall be located within the building, entirely below grade, or in a parking garage of at least two (2) levels. b. All drive aisles that facilitate maneuvering into and out of parking spaces shall be

	<p>located within the structure. Exception: In the Interior 3 District, drive aisles and vehicle maneuvering areas may be located outdoors.</p> <p>c. Electric vehicle charging infrastructure must be provided in accordance with section 555.320, Specific electric vehicle charging infrastructure standards.</p>
Environmental sustainability— Climate resiliency	<p>The project shall achieve at least one (1) of the following standards:</p> <p>a. Any performance standard (LEED, PHIUS, EGC, etc.) that achieves the Minnesota Sustainable Building 2030 (SB 2030) 2010-2014 Energy Standard, a sixty (60) percent energy/carbon reduction from the 2003 Average Building Baseline. The evaluation shall be submitted by a certified architect. Building utility energy and water information shall be submitted annually as part of the Minneapolis Energy Benchmarking program.</p> <p>b. Not less than forty (40) percent of electricity usage shall be derived from renewable energy sources through on-site generation and/or renewable energy credits (RECs).</p>
Environmental sustainability— Ecological function	<p>The development shall include a green roof and landscaping elements that meet the following standards:</p> <p>a. Installation of an extensive, intensive, semi-intensive, modular, or integrated green roof system that covers a minimum of fifty (50) percent of the total roof area proposed for the development.</p> <p>b. Not less than fifty (50) percent of the site not occupied by buildings including all required landscaped yards shall be landscaped per the standards in Chapter 550, Article V, Site Plan Review Standards.</p> <p>c. Native species, climate resilient species, and edible plantings shall be prioritized on the landscaping plan, including plantings that support pollinators.</p>
Grocery store	<p>The development includes a grocery store that meets the following standards:</p> <ol style="list-style-type: none"> <li>1) Not less than five thousand (5,000) square feet of public space.</li> <li>2) The store shall include fresh produce in compliance with the staple food requirements of Chapter 203, Grocery Stores, of the Minneapolis Code of Ordinances.</li> </ol>
Mixed-use commercial and residential	<p>a. The commercial space within the development must comply with at least two (2) of the of the following three (3) standards:</p> <ol style="list-style-type: none"> <li>1) The commercial space shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet.</li> <li>2) The commercial spaces shall occupy at least twenty (20) percent of the floor area of the building footprint or one thousand (1,000) square feet, whichever is greater.</li> <li>3) The commercial space shall occupy at least five (5) percent of the gross floor area of the building or one thousand (1,000) square feet, whichever is greater.</li> </ol> <p>b. The development shall include no fewer than four (4) residential units above the commercial space.</p>

\*The Interior 3 Built Form Overlay District shall only be eligible for the Enclosed Parking premium and no others.

**Table 540-13 Floor Area Ratio Premiums Authorized in Transit 30 and Core 50**

<i>Premium</i>	<i>Standards</i>	<i>Built Form Overlay District and Premium Value</i>
Affordable housing	<p>a. The development shall comply with the city's inclusionary housing requirements by providing affordable units on-site rather than utilizing one (1) of the compliance alternatives.</p> <p>b. The development must include at least twenty (20) dwelling units to qualify for the affordable housing bonus. In developments with fewer than fifty (50) units, all inclusionary housing standards that apply to developments with fifty (50) or</p>	<p>Core 50: 4.0 Transit 30: 2.0</p>

	<p>more units shall apply to the development.</p> <p>c. The premium value shall be double when the affordable units are on-site and affordable at or below thirty (30) percent of the area median income, without income averaging.</p>	
Child care center	<p>The development includes a child care center that meets the following standards:</p> <p>1) Not less than two thousand (2,000) square feet of enclosed space.</p> <p>2) The use shall comply with the specific use standards for child care centers in Chapter 545, Use Regulations.</p>	<p>Core 50: 2.0 Transit 30: 1.0</p>
Enclosed parking	<p>a. All off-street parking on the zoning lot, other than temporary drop-off and pick-up spaces, shall be located within the building, entirely below grade, or in a parking garage of at least two (2) levels.</p> <p>b. All drive aisles that facilitate maneuvering into and out of parking spaces shall be located within the structure.</p> <p>c. Electric vehicle charging infrastructure must be provided in accordance with section 555.320, Specific electric vehicle charging infrastructure standards.</p>	<p>Core 50: 4.0 Transit 30: 2.0</p>
Environmental sustainability— Climate resiliency	<p>The project shall achieve at least one (1) of the following standards:</p> <p>a. Any performance standard (LEED, PHIUS, EGC, etc.) that achieves the Minnesota Sustainable Building 2030 (SB 2030) 2010-2014 Energy Standard, a sixty (60) percent energy/carbon reduction from the 2003 Average Building Baseline. The evaluation shall be submitted by a certified architect. Building utility energy and water information shall be submitted annually as part of the Minneapolis Energy Benchmarking program.</p> <p>b. Not less than forty (40) percent of electricity usage shall be derived from renewable energy sources through on-site generation and/or renewable energy credits (RECs).</p>	<p>Core 50: 4.0 Transit 30: 2.0</p>
Freight loading terminal	<p>a. All freight loading facilities shall be located entirely below grade or entirely enclosed within the principal structure served.</p> <p>b. The freight loading facilities shall be designed to meet the needs and requirements of all uses on the zoning lot.</p>	<p>Core 50: 2.0 Transit 30: 2.0</p>
Grocery store	<p>The development includes a grocery store that meets the following standards:</p> <p>1) Not less than five thousand (5,000) square feet of public space.</p> <p>2) The store shall include fresh produce in compliance with the staple food requirements of Chapter 203, Grocery Stores, of the Minneapolis Code of Ordinances.</p>	<p>Core 50: 2.0 Transit 30: 1.0</p>

<p>Historic preservation</p>	<p>a. The structure shall be a locally designated historic structure or shall be determined to be eligible to be locally designated as a historic structure, as provided in Chapter 599 of the Minneapolis Code of Ordinances, Heritage Preservation.</p> <p>b. The historic structure, if undesignated, shall be subject to the same restrictions that are applicable to locally designated historic structures and the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation.</p> <p>c. The historic structure shall be rehabilitated pursuant to the applicable guidelines of the heritage preservation ordinance and the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation, if necessary.</p> <p>d. A zoning lot may qualify for a historic preservation premium or as a sending site for transfer of development rights pursuant to Article IV, Transfer of Development Rights, but not both.</p>	<p>Core 50: 4.0 Transit 30: 2.0</p>
<p>Mixed-use commercial and residential</p>	<p>a. The commercial space within the development must comply with at least two (2) of the following three (3) standards:</p> <ol style="list-style-type: none"> <li>1) The commercial space shall occupy at least sixty (60) percent of the building's ground-floor street frontage and a minimum interior depth of twenty (20) feet,</li> <li>2) The commercial spaces shall occupy at least twenty (20) percent of the floor area of the building footprint or one thousand (1,000) square feet, whichever is greater,</li> <li>3) The commercial space shall occupy at least five (5) percent of the gross floor area of the building or one thousand (1,000) square feet, whichever is greater.</li> </ol> <p>b. The development shall include no fewer than four (4) residential units above the commercial space.</p>	<p>Core 50: 4.0 Transit 30: 2.0</p>
<p>Public art</p>	<p>a. The art shall be valued at not less than one-fourth (¼) of one (1) percent of the capital cost of the principal structure.</p> <p>b. The art shall be located where it is highly visible to the public. If the art is located indoors, such space shall meet the minimum requirements for an indoor open space, interior through-block connection, or skyway connecting corridor, as specified in this article.</p>	<p>Core 50: 2.0 Transit 30: 1.0</p>

<p>Through-block connection</p>	<p>a. The connection shall connect two (2) public streets on opposite sides of the block, or shall connect a public street to an urban open space on the opposite side of the block, or shall connect two (2) urban open spaces on opposite sides of the block, or shall connect to another interior through-block connection. The through-block connection shall not require walking across or through driveways, parking areas, or other areas with vehicle maneuvering. In addition, on developments involving less than one-half (½) block, the interior through-block connection may connect two (2) public streets on opposite sides of the block in combination with corridors in one (1) or more buildings.</p> <p>b. The connection shall be located not more than three (3) feet above or below the level of the sidewalk, shall have a minimum interior clear width of twelve (12) feet and a minimum height of twelve (12) feet. The maximum interior through-block connection premium shall be increased by one (1) where the interior through-block connection has a minimum interior clear width of sixteen (16) feet.</p> <p>c. The connection may be outdoors or enclosed but shall be accessible year-round and open to the general public at least during the normal business hours of the surrounding area.</p> <p>d. Not less than forty (40) percent of the first floor facing an outdoor through-block connection shall include windows of clear or lightly tinted glass that allow views into and out of the building at eye level.</p> <p>e. The connection entrances shall be clearly visible from adjacent sidewalks or streets.</p>	<p>Core 50: 2.0 Transit 30: 1.0</p> <p>Multiple through-block connections on a zoning lot may be awarded multiple premiums but shall result in a maximum premium of 4.0 in Core 50 and 2.0 in Transit 30.</p>
<p>Transit facility</p>	<p>a. The transit facility shall be located at a transit stop location approved by the planning director in consultation with the city engineer and Metro Transit. The maximum transit facility premium shall be increased by one (1) where the transit facility is located at an approved light rail transit stop.</p> <p>b. The transit facility shall be open to the general public at least during the normal hours of transit service.</p> <p>c. The transit facility shall be weather protected, heated and lighted, and shall contain at least two (2) entries.</p> <p>d. The transit facility shall be clearly visible from the street and sidewalk, and transit users shall be able to see oncoming transit vehicles from the facility. For bus transit facilities, the facility shall be located within fifty (50) feet of the sign identifying the bus stop.</p>	<p>Core 50: 2.0 Transit 30: 2.0</p>

<p>Urban open space, indoor</p>	<p>a. Indoor open space shall be located at street level and shall be not more than three (3) feet above or below the level of the sidewalk. Small indoor open space shall contain not less than five thousand (5,000) contiguous square feet. Large indoor open space shall contain not less than seven thousand five hundred (7,500) contiguous square feet.</p> <p>b. Indoor open space shall be easily accessible from adjacent sidewalks or streets. Walls of an indoor open space area facing sidewalks or an outdoor open space area shall provide a clear view between interior and exterior space.</p> <p>c. Indoor open space shall include an average height not less than thirty-five (35) feet and a minimum height of twenty (20) feet, and shall include natural light through a glazed roof or windows at a level sufficient to sustain a variety of plants and trees.</p> <p>d. Indoor open space shall be designed to encourage use by the general public through the provision of facilities and features including convenient and comfortable seating at a rate of not less than one (1) seat per two hundred (200) square feet of open space, tables, trash receptacles, plants and trees, water features, drinking fountains and toilet facilities, and areas for public entertainment or public display of art or cultural exhibits.</p> <p>e. Indoor open space may contain tables and facilities for food service, but a majority of the space shall be available for general public use without charge. Food preparation areas shall not qualify as required space.</p> <p>f. The indoor open space shall be open to the general public at least during the normal business hours of the surrounding area.</p>	<p>Large urban open space, indoor Core 50: 8.0 Transit 30: 4.0</p> <p>Small urban open space Core 50: 4.0 Transit 30: 2.0</p>
<p>Urban open space, outdoor</p>	<p>a. Outdoor open space shall comprise at least fifty (50) feet of the street frontage of the zoning lot. Small outdoor open space shall contain not less than five thousand (5,000) contiguous square feet. Large outdoor open space shall contain not less than seven thousand five hundred (7,500) contiguous square feet.</p> <p>b. An outdoor open space that meets the definition of a plaza under Chapter 550, Article XIV, Plazas, shall be subject to the requirements of that article. Variances granted from the development standards for plazas do not disqualify the plaza from being awarded the premium provided the standards of this article are met.</p> <p>c. Not less than forty (40) percent of the first floor façade facing the outdoor open space shall include windows of clear or lightly tinted glass that allow views into and out of the building at eye level.</p> <p>d. Outdoor open space may contain tables and facilities for food service, but a majority of the space shall be available for general public use without charge.</p> <p>e. The outdoor open space shall be open to the general public at least during the normal business hours of the surrounding area.</p>	<p>Large urban open space, outdoor Core 50: 8.0 Transit 30: 4.0</p> <p>Small urban open space: Core 50: 4.0 Transit 30: 2.0</p>

**540.640. Height increase premiums.** (a) *In general.* The allowed premiums for height increases in the corridor, transit, parks, and production built form overlay districts shall be as specified in Table 540-14, Height Increase Premiums. All applicable standards shall be met to be eligible for a premium.



(b) *Exceptions.* Exceptions to the height increase premium standards of this article may be approved where the alternative meets the intent of the standards and includes an exceptional design or style that will enhance the area or that is more consistent with the design of the site.

**Table 540-14 Height Increase Premiums**

<b>Premium</b>	<b>Standards</b>
Affordable housing	<p>a. The development shall comply with the city's inclusionary housing requirements by providing affordable units on-site rather than utilizing one (1) of the compliance alternatives.</p> <p>b. The development must include at least twenty (20) dwelling units to qualify for the affordable housing bonus. In developments with fewer than fifty (50) units, all inclusionary housing standards that apply to developments with fifty (50) or more units shall apply to the development.</p> <p>c. The premium value shall be double when the affordable units are on-site and affordable at or below thirty (30) percent of the area median income, without income averaging.</p>
Child care center	<p>The development includes a child care center that meets the following standards:</p> <ol style="list-style-type: none"> <li>1) Not less than two thousand (2,000) square feet of enclosed space.</li> <li>2) The use shall comply with the specific use standards for child care centers in Chapter 545, Use Regulations.</li> <li>3) The development shall include on-site, dedicated outdoor space with at least one thousand five hundred (1,500) square feet total and at least seventy-five (75) square feet per child.</li> </ol>
Environmental sustainability— Climate resiliency	<p>The project shall achieve at least one of the following standards:</p> <ol style="list-style-type: none"> <li>a. Any performance standard (LEED, PHIUS, EGC, etc.) that achieves the Minnesota Sustainable Building 2030 (SB 2030) 2010-2014 Energy Standard, a sixty (60) percent energy/carbon reduction from the 2003 Average Building Baseline. The evaluation shall be submitted by a certified architect. Building utility energy and water information shall be submitted annually as part of the Minneapolis Energy Benchmarking program.</li> <li>b. Not less than forty (40) percent of electricity usage shall be derived from renewable energy sources through on-site generation and/or renewable energy credits (RECs).</li> </ol>
Grocery store	<p>The development includes a grocery store that meets the following standards:</p> <ol style="list-style-type: none"> <li>1) Not less than ten thousand (10,000) square feet of public space.</li> <li>2) The store shall include fresh produce in compliance with the staple food requirements of Chapter 203, Grocery Stores, of the Minneapolis Code of Ordinances.</li> </ol>
Historic preservation	<ol style="list-style-type: none"> <li>a. The structure shall be a locally designated historic structure or shall be determined to be eligible to be locally designated as a historic structure, as provided in Chapter 599 of the Minneapolis Code of Ordinances, Heritage Preservation.</li> <li>b. The historic structure, if undesignated, shall be subject to the same restrictions that are applicable to locally designated historic structures and the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation.</li> <li>c. The historic structure shall be rehabilitated pursuant to the applicable guidelines of the heritage preservation ordinance and the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation, if necessary.</li> </ol>

<p>Mixed-use commercial and residential</p>	<p>a. The commercial space within the development must comply with at least two (2) of the of the following three (3) standards:</p> <ol style="list-style-type: none"> <li>1) The commercial space shall occupy at least sixty-five (65) percent of the building's ground-floor street frontage and a minimum interior depth of thirty (30) feet,</li> <li>2) The commercial spaces shall occupy at least twenty-five (25) percent of the floor area of the building footprint,</li> <li>3) The commercial space shall occupy at least five (5) percent of the gross floor area of the building.</li> </ol> <p>b. The development shall include no fewer than four (4) residential units above the commercial space.</p> <p>c. For properties located in commercial mixed-use and downtown districts where ground floor active or commercial uses are required, the required commercial space shall comply with all three (3) standards of part (a).</p>
<p>Outdoor open space</p>	<p>a. Outdoor open space shall comprise at least fifty (50) feet of the street frontage of the zoning lot and shall contain not less than five thousand (5,000) contiguous square feet. The outdoor open space shall be a plaza, pocket park, or community garden.</p> <p>b. An outdoor open space that meets the definition of a plaza under Chapter 550, Article XIV, Plazas, shall be subject to the requirements of that article. Variances granted from the development standards for plazas do not disqualify the plaza from being awarded the premium provided the standards of this article are met.</p> <p>c. An outdoor open space designed as a pocket park shall also be subject to the plaza standards under Chapter 550, Article XIV, Plazas.</p> <p>d. An outdoor open space designed as a community garden shall have permanent and viable growing space, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.</p> <p>e. Not less than forty (40) percent of the first-floor façade facing the outdoor open space shall include windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. The first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than fifty (50) percent of the linear building frontage along each wall facing the outdoor open space.</p> <p>f. Outdoor open space may contain tables and facilities for food service, but a majority of the space shall be available for general public use without charge.</p> <p>g. The outdoor open space shall be open to the general public at least during the normal business hours of the surrounding area.</p> <p>h. At least one (1) short-term bicycle space shall be provided for each one thousand five hundred (1,500) square feet of the outdoor open space area, or fraction thereof. Bicycle parking provided to meet this requirement shall not count toward the minimum requirement of the development.</p>

Through-block connection	<p>a. The connection shall connect two (2) public streets on opposite sides of the block, or shall connect a public street to an urban open space on the opposite side of the block, or shall connect two (2) urban open spaces on opposite sides of the block, or shall connect to another interior through-block connection. The through-block connection shall not require walking across or through driveways, parking areas, or other areas with vehicle maneuvering. In addition, on developments involving less than one-half (½) block, the interior through-block connection may connect two (2) public streets on opposite sides of the block in combination with corridors in one (1) or more buildings.</p> <p>b. The connection shall be located not more than three (3) feet above or below the level of the sidewalk, shall have a minimum interior clear width of twelve (12) feet and a minimum height of twelve (12) feet. The maximum interior through-block connection premium shall be increased by one (1) where the interior through-block connection has a minimum interior clear width of sixteen (16) feet.</p> <p>c. The connection may be outdoors or enclosed but shall be accessible year-round and open to the general public at least during the normal business hours of the surrounding area.</p> <p>d. Not less than forty (40) percent of the first floor facing an outdoor through-block connection shall include windows of clear or lightly tinted glass that allow views into and out of the building at eye level.</p> <p>e. The connection entrances shall be clearly visible from adjacent sidewalks or streets.</p>
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**ARTICLE VIII. LOT DIMENSIONS**

**540.700. Purpose.** Minimum lot dimension regulations are established to ensure that sufficient area is provided to meet the functional needs of different land uses and to reinforce existing or planned development patterns in each built form overlay district. Maximum lot area regulations are established to work in conjunction with other built form regulations to limit the scale of new development in a manner consistent with the intent of individual built form overlay districts.

**540.710. Minimum lot area.** Lot area provided for an existing structure or use shall not be reduced below, or further reduced if already less than, the minimum requirements of the zoning code for equivalent new construction. No minimum lot area allocated to any structure or use shall be used to satisfy minimum lot area requirements for any other structure or use.

**540.720. Specific minimum and maximum lot dimension requirements.** (a) *In general.* Minimum and maximum lot dimension requirements shall be as set forth in Table 540-15, Lot Dimension Requirements. The requirements of Table 540-16, Minimum Lot Dimension Requirements by Built Form Overlay District and Table 540-17, Maximum Lot Area Requirements by Built Form Overlay District only apply when indicated in Table 540-15, Lot Dimension Requirements. Nothing in this section shall be construed to authorize uses not otherwise allowed in a primary zoning district as set forth in Table 545-1, Uses Allowed. All primary zoning districts are included in the table for each use category to clarify lot dimension requirements for any legal nonconforming uses.

(b) *Abbreviations.* For purposes of Table 540-15, Lot Dimension Requirements, "sq. ft." shall mean square feet, "ft." shall mean feet, and "CUP" shall mean conditional use permit.

(c) *Planned unit developments.* The minimum lot area for planned unit developments shall be one-half (½) acre, except as otherwise authorized by this zoning ordinance. Maximum lot area for planned unit developments shall be determined by conditional use permit.

(d) *Mixed-use developments.* Notwithstanding Table 540-15, Lot Dimension Requirements, residential uses as part of a mixed-use development with both residential and nonresidential uses shall not be subject to minimum lot area requirements except for any minimum lot area required for the nonresidential use.

**Table 540-15 Lot Dimension Requirements**

<i>Uses</i>	<i>Primary Zoning District</i>	<i>Minimum Lot Dimensions</i>		<i>Maximum Lot Area</i>
		<i>Area</i>	<i>Width</i>	
<b>COMMERCIAL</b>				
<b>Bulk Goods and Heavy Equipment Sales</b>	Production districts	20,000 sq. ft.	None	See Table 540-17
	All other districts	1 acre	None	See Table 540-17
<b>Commercial Agriculture</b> (except as noted below)	All districts	None	None	See Table 540-17
Market gardens	All districts	5,000 sq. ft.	None	See Table 540-17
<b>Commercial Recreation and Assembly</b> (except as noted below)	All districts	None	None	See Table 540-17
Amphitheater	All districts	½ acre	None	See Table 540-17
Indoor recreation area	Residential mixed-use districts	10,000 sq. ft.	None	See Table 540-17
Outdoor recreation area	Residential mixed-use districts	20,000 sq. ft.	None	See Table 540-17
<b>Food and Beverages</b>	Residential mixed-use districts	5,000 sq. ft.	None	See Table 540-17
	All other districts	None	None	See Table 540-17
<b>General Retail Sales and Services</b>	Residential mixed-use districts	5,000 sq. ft.	None	See Table 540-17
	All other districts	None	None	See Table 540-17
<b>High-Impact Commercial</b>	All districts	None	None	See Table 540-17
<b>Lodging</b> (except as noted below)	All districts	None	None	See Table 540-17
Bed and breakfast home	Urban neighborhood and residential mixed-use districts	5,000 sq. ft.	40 ft.	See Table 540-17
Hospitality residence	Urban neighborhood and residential mixed-use districts	10,000 sq. ft.	80 ft.	See Table 540-17
<b>Medical Facilities</b> (except as noted below)	Residential mixed-use districts	4,000 sq. ft.	None	See Table 540-17
	All other districts	None	None	See Table 540-17
Hospitals	Residential mixed-use districts	20,000 sq. ft.	None	See Table 540-17
<b>Office</b>	Residential mixed-use districts	4,000 sq. ft.	None	See Table 540-17

	All other districts	None	None	See Table 540-17
<b>Sexually Oriented Uses</b>	All districts	None	None	See Table 540-17
<b>INSTITUTIONAL AND CIVIC</b>				
<b>Community services</b> (except as noted below)	UN1 and UN2 Districts	20,000 sq. ft.	None	None
	UN3 District or residential mixed-use districts	10,000 sq. ft.	None	None
	All other districts	None	None	None
Cemetery	All districts	80 acres	None	None
Child care center	Urban neighborhood and residential mixed-use districts	4,000 sq. ft.	None	None
	All other districts	None	None	None
Community center	UN1 and UN2 Districts	10,000 sq. ft.	None	None
	UN3 District or residential mixed-use districts	5,000 sq. ft.	None	None
	All other districts	None	None	None
Community garden	All districts	None	None	None
<b>Educational Facilities</b> (except as noted below)	UN1 and UN2 Districts	20,000 sq. ft.	None	None
	UN3 District or residential mixed-use districts	10,000 sq. ft.	None	None
	All other districts	None	None	None
College or university	All districts	2 acres	None	None
<b>Parks and Public Open Spaces</b>	Urban neighborhood and residential mixed-use districts	20,000 sq. ft.	None	None
	All other districts	None	None	None
<b>Recreational Facilities</b>	Urban neighborhood and residential mixed-use districts	20,000 sq. ft.	None	None
	All other districts	None	None	None
<b>Social and Cultural Assembly</b> (except as noted below)	Urban neighborhood and residential mixed-use districts	20,000 sq. ft.	None	None
	All other districts	None	None	None
Convent, monastery or religious retreat center	Urban neighborhood and residential mixed-use districts	10,000 sq. ft.	None	None
Religious place of assembly	Urban neighborhood and residential mixed-use districts	10,000 sq. ft.	None	None
<b>PRODUCTION</b>				

<b>Lower-Impact Production and Processing</b> (except as noted below)	Production districts	None	None	None
	All other districts	None	None	See Table 540-17
Artist studio	Residential mixed-use districts	10,000 sq. ft.	None	See Table 540-17
<b>Moderate-Impact Production and Processing</b>	Production districts	None	None	None
	All other districts	None	None	See Table 540-17
<b>High-Impact Production and Processing</b>	Production districts	1 acre	None	None
	All other districts	None	None	See Table 540-17
<b>Post-Consumer Waste Processing</b>	Production districts	None	None	None
	All other districts	None	None	See Table 540-17
<b>Warehousing and Storage</b>	Production districts	None	None	None
	All other districts	None	None	See Table 540-17
<b>PUBLIC SERVICES AND UTILITIES</b>	All districts	As determined by CUP	As determined by CUP	As determined by CUP
<b>RESIDENTIAL</b>				
<b>Cluster Developments</b>	Urban neighborhood districts	5,000 sq. ft. <sup>1</sup>	40 ft.	As determined by CUP
	All other districts	5,000 sq. ft.	40 ft.	As determined by CUP
<b>Congregate Living</b> (except as noted below)	All districts	5,000 sq. ft.	None	See Table 540-17
Community correctional facility	All districts	10,000 sq. ft.	None	See Table 540-17
Dormitory	All districts	10,000 sq. ft.	None	See Table 540-17
Emergency shelter	UN1 District	Not less than 750 sq. ft./bed	None	See Table 540-17
	UN2 and RM1 Districts	Not less than 325 sq. ft./bed	None	See Table 540-17
	All other districts	As determined by CUP	None	See Table 540-17
Fraternity or sorority	All districts	5,000 sq. ft.	40 ft.	See Table 540-17
Intentional community	All districts	5,000 sq. ft.	40 ft.	See Table 540-17
Residential hospice	Urban neighborhood and residential mixed-use districts	10,000 sq. ft.	None	See Table 540-17
Single room occupancy	All districts	See Table 540-16	See Table 540-16	See Table 540-17
State credentialed care facility serving six (6) or fewer persons	Urban neighborhood and residential mixed-use districts	5,000 sq. ft.	40 ft.	8,999 sq. ft.
State credentialed care facility serving seven (7) to sixteen (16) persons	All districts	See Table 540-16	See Table 540-16	See Table 540-17
State credentialed care facility serving seventeen (17) or greater persons	All districts	5,000 sq. ft.	40 ft.	See Table 540-17, except board and care home, nursing home,

				and assisted living uses shall be exempt from maximum lot area requirements
Supportive housing	Urban neighborhood districts and RM1 District	10,000 sq. ft.	40 ft.	See Table 540-17
	All other districts	5,000 sq. ft.	40 ft.	See Table 540-17
<b>Dwellings (as noted below)</b>				
Single-, two- or three-family dwelling	Urban neighborhood and residential mixed-use districts	5,000 sq. ft.	40 ft.	8,999 sq. ft.
	All other districts	5,000 sq. ft.	None	See Table 540-17
Multiple-family dwelling, four (4) units or more	All districts	See Table 540-16, except where a greater requirement applies in the SH Shoreland Overlay District	See Table 540-16, except where a greater requirement applies in the SH Shoreland Overlay District	See Table 540-17
Common lot development	Urban neighborhood districts	5,000 sq. ft. <sup>1</sup>	40 ft.	See Table 540-17, except the maximum shall be 8,999 sq. ft. when no more than three (3) dwelling units are proposed <sup>1</sup>
	All other districts	5,000 sq. ft.	40 ft.	See Table 540-17, except the maximum shall be 8,999 sq. ft. when no more than three (3) dwelling units are proposed
<b>TRANSPORTATION, VEHICLE SERVICES, AND PARKING</b>				
<b>Automobile Services</b>	All districts	14,000 sq. ft.	None	See Table 540-17
<b>Industrial Transportation Services</b>	All districts	12,000 sq. ft.	None	See Table 540-17
<b>Principal Parking</b> (except as noted below)	All districts	5,000 sq. ft.	40 ft.	See Table 540-17
Off-site parking lots serving multiple-family residential uses and congregate living uses	All districts	5,000 sq. ft.	50 ft.	See Table 540-17
Off-site parking lots serving institutional and civic uses	All districts	5,000 sq. ft.	50 ft.	See Table 540-17
<b>Vehicle Fleet-Oriented Services</b>	All districts	12,000 sq. ft.	None	See Table 540-17
<b>Vehicle Storage</b>	All districts	12,000 sq. ft.	None	See Table 540-17

<sup>1</sup>Or in Interior 1 and Interior 2 built form overlay districts, a minimum lot area per principal structure of the average of the single-, two-, and three-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area is nine thousand (9,000) square feet or more. Where a greater minimum lot area requirement applies, the maximum lot area requirement per principal structure shall be one hundred thirty (130) percent of said average minimum lot area.

**Table 540-16 Minimum Lot Dimension Requirements by Built Form Overlay District**

<b><i>Built Form Overlay District</i></b>	<b><i>Minimum Lot Area (Square Feet)</i></b>	<b><i>Minimum Lot Width (Feet)</i></b>
Interior 1	9,000	50
Interior 2	7,500	50
Interior 3	5,000	40
Corridor 3	5,000	40
Corridor 4	5,000	40
Corridor 6	5,000	40
All other built form overlay districts	5,000	40

**Table 540-17 Maximum Lot Area Requirements by Built Form Overlay District**

<b><i>Built Form Overlay District</i></b>	<b><i>Maximum Lot Area (Square Feet)</i></b>
Interior 1	14,000
Interior 2	14,000
Interior 3	18,000
Corridor 3	28,000
Corridor 4	28,000
Corridor 6	43,560 (one acre)
All other built form overlay districts	None

**540.730. Conflicting minimum and maximum lot area.** In the event that a minimum lot area requirement of an allowed use exceeds the maximum lot area requirement of a built form overlay district, the maximum lot area requirement shall be one hundred thirty (130) percent of the minimum lot area.

**540.740. Zoning lots nonconforming as to maximum lot area.** (a) *In general.* Existing zoning lots nonconforming as to the maximum lot area shall have all of the rights of a conforming lot, except as otherwise provided in this section.

(b) *Single-, two-, and three-family dwellings.* Where allowed as a permitted or conditional use, single-, two-, and three-family dwellings shall be allowed on existing lots nonconforming as to the maximum lot area.

(c) *Residential uses with four (4) or more units.* New development that includes four (4) or more residential units on a zoning lot that exceeds the maximum permitted lot area may only be developed as a cluster development, common lot development or planned unit development. The maximum permitted lot area in a cluster development or planned unit development shall be determined by conditional use permit. The maximum permitted lot area in a common lot development shall not exceed the district maximum by more than thirty (30) percent. Reuse of a residential structure existing on the effective date of the ordinance, for a permitted or conditional use with four (4) or more residential units, and additions to such



structures, shall be allowed on an existing zoning lot that exceeds the maximum permitted lot area and shall not require an application for a cluster development or planned unit development.

(d) *Authorized variance of maximum lot area.* Any person having a legal or equitable interest in a property may file an application for a variance to increase the maximum lot area by up to thirty (30) percent, as provided in Chapter 525, Administration and Procedures. Existing lots that exceed the maximum permitted lot area may only be increased by variance up to thirty (30) percent above the district maximum. Existing lots that exceed the maximum lot area by more than thirty (30) percent shall not be eligible to further expand the lot by variance.

## ARTICLE IX. YARDS

**540.800. Purpose.** Yard controls provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Yard controls also play a role in stormwater management, defining public and private spaces, and creating a landscape buffer for ground level residential uses.

**540.810. Required yards.** (a) *In general.* Yard requirements shall be as specified in this article. Yards provided for an existing structure or use shall not be reduced below, or further reduced if already less than, the minimum requirements of the zoning code for equivalent new construction, except as otherwise provided in Chapter 545, Article VI, Nonconforming Uses and Structures. All yards and other open spaces allocated to a structure or use shall be located on the same zoning lot as such structure or use. No required yards or other open spaces allocated to any structure or use shall be used to satisfy yard or other open space requirements for any other structure or use.

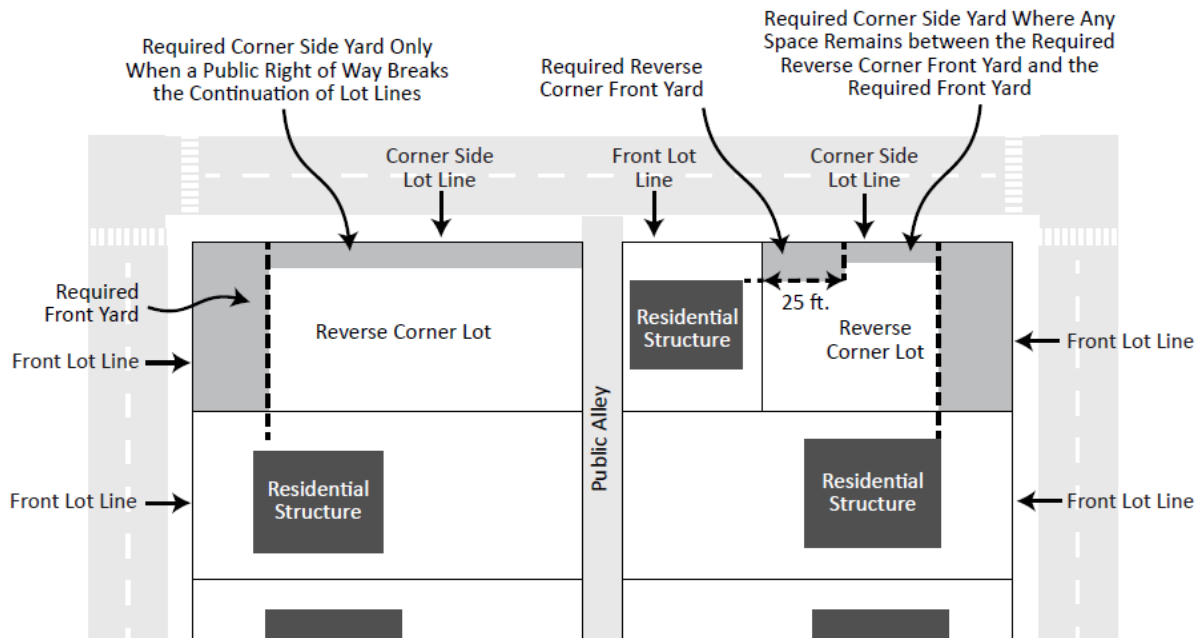
(b) *Landscaping.* Except as otherwise allowed in Table 540-22, Permitted Obstructions in Required Yards, required yards at the ground level shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs, trees, or edible landscaping. Wood mulch, other organic mulches and landscape rock may be used in planting beds and in maintenance strips adjacent to a building, but are not a suitable alternative to plant cover. Areas wider than two (2) feet with wood mulch, other organic mulches or landscape rock shall contain plantings spaced not less than two (2) feet apart or as specified per the planting instructions. Landscape rock that is easily disturbed shall be at least five (5) feet or more from a public sidewalk or a shared property line.

**540.820. Yard requirements for outdoor uses.** Where a lot is to be occupied for a use without buildings, the required front, side and rear yards shall be provided and maintained, except as otherwise provided in this zoning ordinance.

**540.830. Reverse corner lots.** On a reverse corner lot, both lot lines that abut the street shall be considered front lot lines. The required front yard shall be provided and maintained along the front lot line aligned with the original platting orientation of the parcel, and the reverse corner front yard shall not be less than the established front yard of the closest principal building originally designed for residential purposes located on the same block face for the first twenty-five (25) feet from a shared property line, as shown in Figure 540-1. Reverse corner front yard setbacks shall not be applied when crossing an alley or

other public right-of-way. This section does not authorize a reverse corner front yard that is less than the minimum corner side yard requirement.

**Figure 540-1 Reverse Corner Lots**



**540.840. Through lots.** On a through lot, both lot lines that abut the street shall be considered front lot lines. The required front yard shall be provided and maintained along the front lot line aligned with the original platting orientation of the parcel, and the reverse corner front yard shall not be less than the established front yard of the closest principal building originally designed for residential purposes located on the same block face for the first twenty-five (25) feet from the shared property line. Reverse corner front yard setbacks shall not be applied when crossing an alley or other public right-of-way.

**540.850. Front yard requirements in urban neighborhood and residential mixed-use districts.** (a) *In general.* The minimum front yard requirements for uses located in the urban neighborhood and residential mixed-use districts shall be as set forth in Table 540-18, Minimum Front Yard Requirements in Urban Neighborhood and Residential Mixed-Use Districts, except as otherwise required in this section.

(b) *Front yard increased, interior built form overlay districts.* The required front yard shall be increased in the interior built form overlay districts where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In such case, the required front yard shall be not less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 540-22, Permitted Obstructions in Required Yards. In determining an increase in the required front yard, one (1) of the nearest principal residential structures maybe removed from consideration where such structure exceeds the established front yard of any other such building on

the same block face by twenty-five (25) feet or more and there are no fewer than four (4) principal residential structures on the block face, including the proposed structure. In such instance, the next-nearest principal building originally designed for residential purposes shall be incorporated in determining the increased front yard.

(c) *Front yard decreased, in general.* The required front yard may be decreased where the established front yard of the majority of the principal structures on the same block face are less than the front yard required by the urban neighborhood or residential mixed-use zoning district, provided the decreased front yard shall not be less than the established front yard of the principal structures on either side of the property. The front yard is established by a line joining those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 540-22, Permitted Obstructions in Required Yards or attached garages.

(d) *Front yard decreased in residential mixed-use districts.* In addition to section (c) above, the minimum front yard requirement may be eliminated where adjacent to a goods and services corridor in the residential mixed-use districts when the mixed-use commercial and residential floor area ratio premium standards are met provided an unobstructed site triangle of not less than twenty (20) feet from a street or alley intersection is maintained.

**Table 540-18 Minimum Front Yard Requirements in Urban Neighborhood and Residential Mixed-Use Districts**

<i>Built Form Overlay District</i>	<i>Minimum Front Yard (Feet)</i>
Interior 1, Interior 2, Interior 3, Parks	20
Corridor 3, Corridor 4	15
Corridor 6, Transit 10, Transit 15, Transit 20, Transit 30	15, except where fronting on a goods and services corridor in which case the front yard requirement shall be 10

**540.860. Corner side yard requirements in urban neighborhood and residential mixed-use districts.** (a) *In general.* The minimum corner side yard requirements for uses located in the urban neighborhood and residential mixed-use districts shall be as set forth in Table 540-19, Minimum Corner Side Yard Requirements in Urban Neighborhood and Residential Mixed-Use Districts, except as otherwise required in this section.

(b) *Corner side yard decreased in residential mixed-use districts.* When the mixed-use commercial and residential floor area ratio premium standards are met in the residential mixed-use districts, the corner side yard requirement may be eliminated where adjacent to a goods and services corridor provided an unobstructed site triangle of not less than twenty (20) feet from a street or alley intersection is maintained.

(c) *Corner side yard decreased, goods and services corridors.* In the BFC6 Corridor 6, BFT10 Transit 10, BFT15 Transit 15, BFT20 Transit 20, and BFT30 Transit 30 Built Form Overlay Districts, the corner side requirement may be reduced to ten (10) feet where fronting on a goods and services corridor.

**Table 540-19 Minimum Corner Side Yard Requirements in Urban Neighborhood and Residential Mixed-Use Districts**

<i>Building Height* (Feet)</i>	<i>Minimum Corner Side Yard (Feet)</i>
Less than 42	8
42—52.99	10
53—63.99	12
64—74.99	14
75 or greater	15

\*Not including authorized height exemptions in Article V, Height of Principal Buildings.

**540.870. Interior side and rear yard requirements in urban neighborhood and residential mixed-use districts.** (a) *In general.* The minimum interior side and rear yard requirements for uses located in the urban neighborhood and residential mixed-use districts shall be as set forth in Table 540-20, Minimum Interior Side and Rear Yard Requirements In the Urban Neighborhood and Residential Mixed-Use Districts, except as otherwise required in this section.

(b) *Interior side yard increased.* Increased interior side yard requirements shall be provided in the urban neighborhood and residential mixed-use districts in the following circumstances:

(1) When the length of a building along an interior side property line exceeds seventy-five (75) percent of the depth of the lot, the required interior side yard shall be increased by an additional two (2) feet.

(2) Where a side lot line in the BFC6 Corridor 6 Built Form Overlay District or any transit built form overlay district abuts a side lot line in an BFI1 Interior 1 or BFI2 Interior 2 Built Form Overlay District, the required interior side yard shall be increased by an additional five (5) feet for any building sixty-four (64) feet or taller in height.

(3) The minimum width of interior side yards for residential uses with a principal entrance facing the interior lot line, shall be not less than fifteen (15) feet, unless a greater width is required by the regulations governing interior side yards in the district in which the structure is located. The increased interior side yard requirement shall not apply to the following:

a. Converting a single-family dwelling to a two- or three-family dwelling, or converting a two-family dwelling to a three-family dwelling, where a side-facing entrance existing on the effective date of this ordinance becomes a principal entrance.

b. Subdividing a property in a manner that that would result in less than a fifteen (15) foot side yard adjacent to a side-facing entrance existing on the effective date of this ordinance.

(c) *Institutional and civic uses.* In the BFI1 Interior 1 and BFI2 Interior 2 Built Form Overlay Districts, the minimum interior side yard requirement for institutional and civic uses exceeding twenty-eight (28) feet in height shall be seven (7) feet.

**Table 540-20 Minimum Interior Side and Rear Yard Requirements  
In the Urban Neighborhood and Residential Mixed-Use Districts**

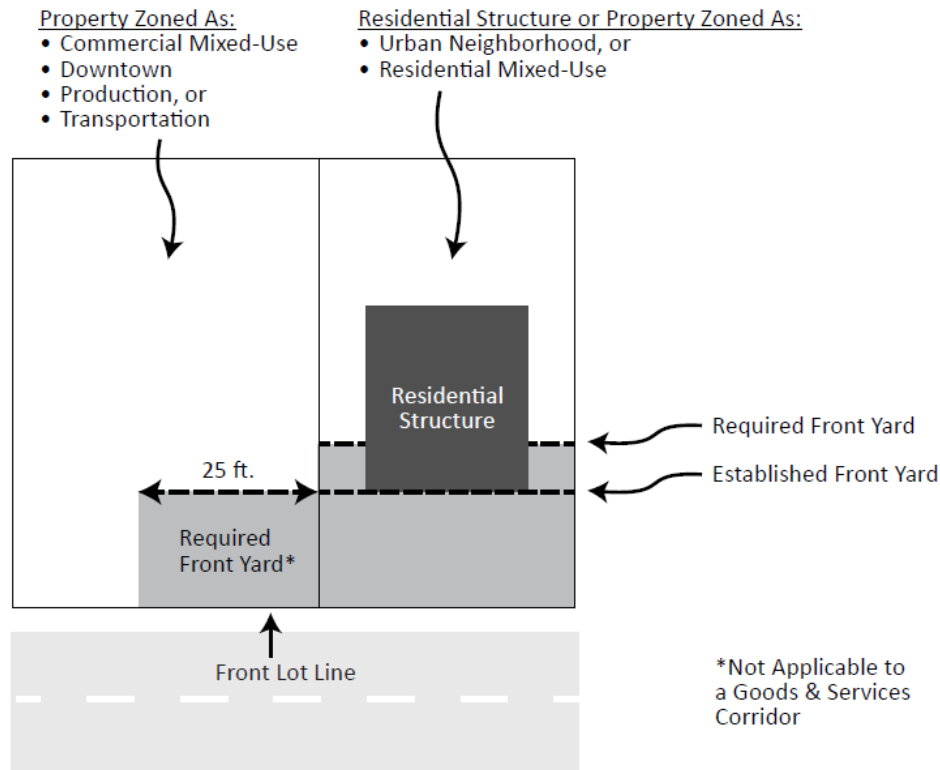
<i>Building Height* (Feet)</i>	<i>Minimum Interior Side and Rear Yard (Feet)</i>
Less than 42	5
42—52.99	7
53—63.99	9
64—74.99	11
75—85.99	13
86—96.99	15
97—107.99	17
108—119.99	19
120 or greater	20

\*Not including authorized height exemptions in Article V, Height of Principal Buildings.

**540.880. Yard requirements in commercial mixed-use, downtown, production, and transportation districts.** (a) *In general.* Except as otherwise required in this section, uses located in the commercial mixed-use, downtown, production and transportation districts shall not be subject to minimum yard requirements. Where ground level yards are required, such yards shall be landscaped as specified in Chapter 550, Article V, Site Plan Review Standards and shall be otherwise unobstructed from the ground level to the sky, except as allowed as a permitted obstruction in this article.

(b) *Front yard requirements.* Where a street frontage includes property zoned as an urban neighborhood or residential mixed-use district and property zoned as a commercial mixed-use, downtown, production and transportation district, or where a street frontage includes structures used only for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such urban neighborhood or residential mixed-use district or the established front yard of such residential structure shall be provided in the commercial mixed-use, downtown, production and transportation district for the first twenty-five (25) feet from such urban neighborhood or residential mixed-use district boundary or residential property as shown in Figure 540-2. Such front yard requirement in commercial mixed-use, downtown, production and transportation districts shall not apply where the front lot line abuts a goods and services corridor.

**Figure 540-2 Front Yard Requirement for Nonresidential Districts that Share Frontage with Residential Districts and Structures**

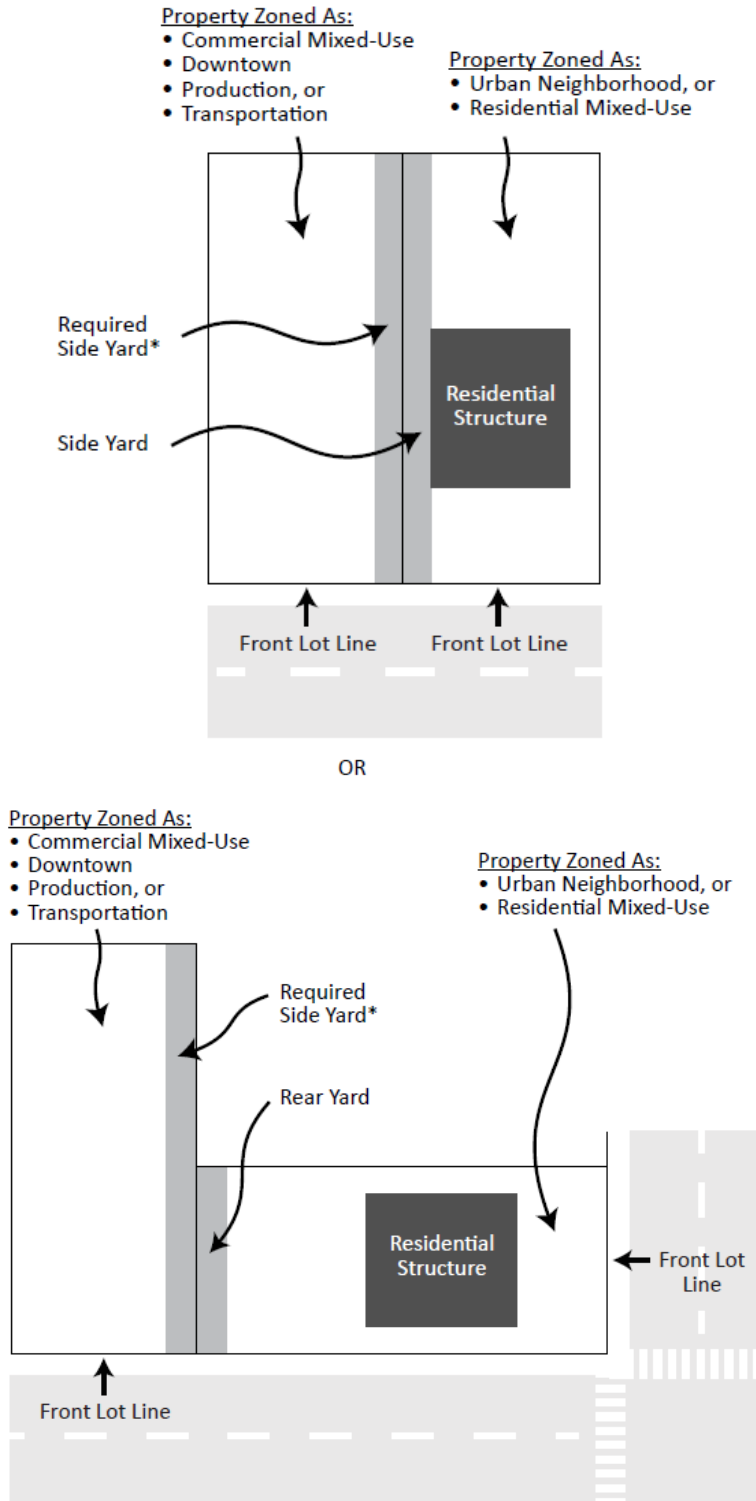


(c) *Interior side yard requirements.*

(1) Where a side lot line abuts a side or rear lot line in an urban neighborhood or residential mixed-use district, then the applicable side yard requirements of the adjacent district shall apply as shown in Figure 540-3. Where a side lot line in the BFC6 Corridor 6 Built Form Overlay District or any transit built form overlay district abuts a side lot line in the BF11 Interior 1 or BF12 Interior 2 Built Form Overlay District, the required interior side yard shall be increased by an additional five (5) feet for any building sixty-four (64) feet or taller in height.

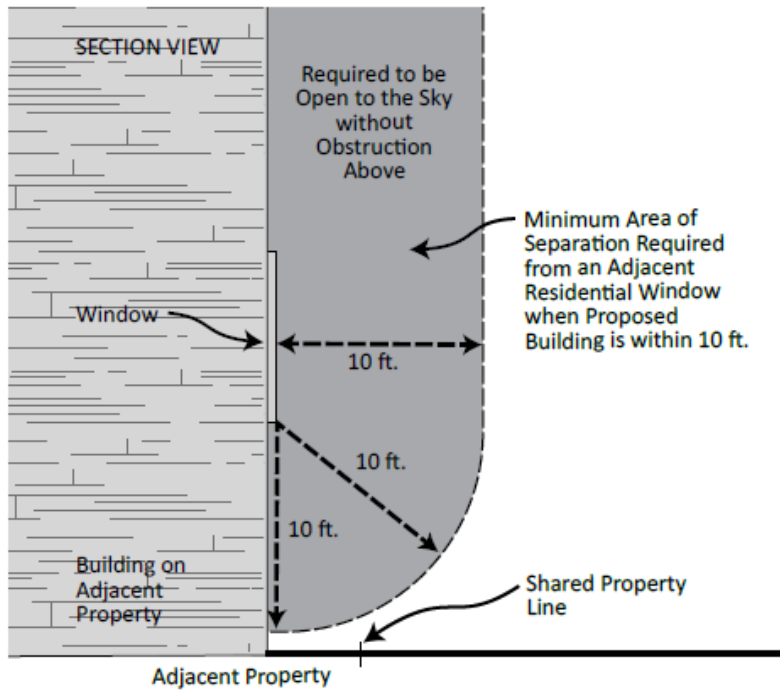
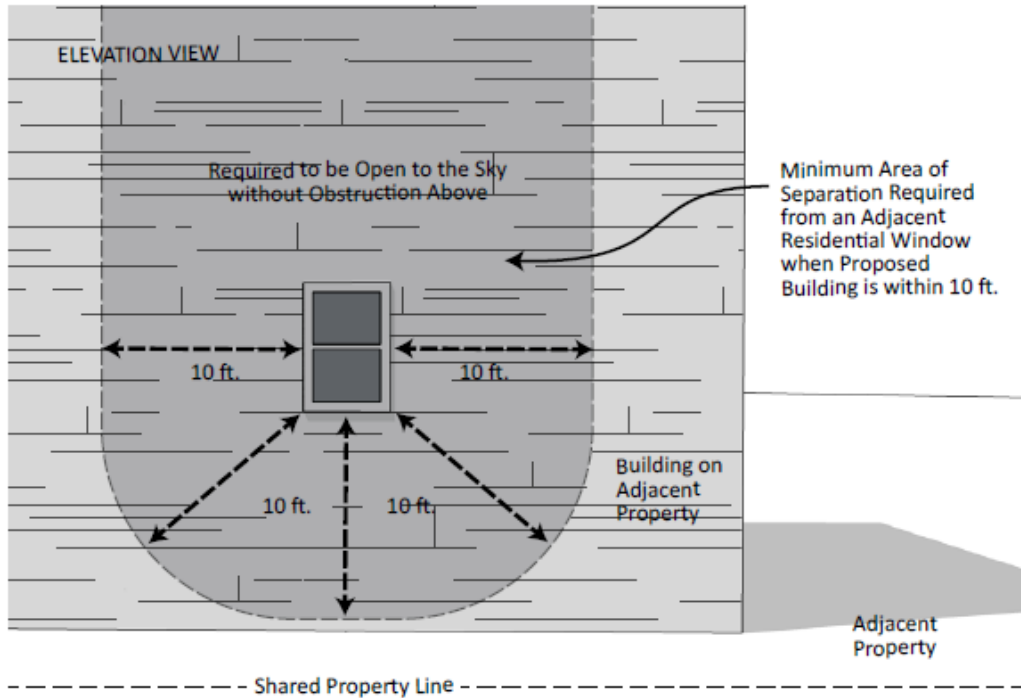
(2) Where a side lot line abuts a commercial mixed-use, downtown, production and transportation zoning district, no minimum side yard shall apply, except that a structure shall not be constructed within ten (10) feet of a window facing the shared lot line and serving a residential use on the adjacent property as shown in Figure 540-4. In such instance where the adjacent use includes a residential window within ten (10) feet of the side lot line, the ten-foot clearance shall also be open to the sky without obstruction above.

**Figure 540-3 Interior Side Yard Requirement for Nonresidential Districts Abutting Residential Districts**



\*Where a side lot line in the Corridor 6 or any transit built form overlay district abuts a side lot line in an Interior 1 or Interior 2 Built Form Overlay District, the required side yard shall be increased by an additional 5 feet for any building 64 feet or taller in height.

Figure 540-4 Interior Side and Rear Yard Window Clearance Requirement



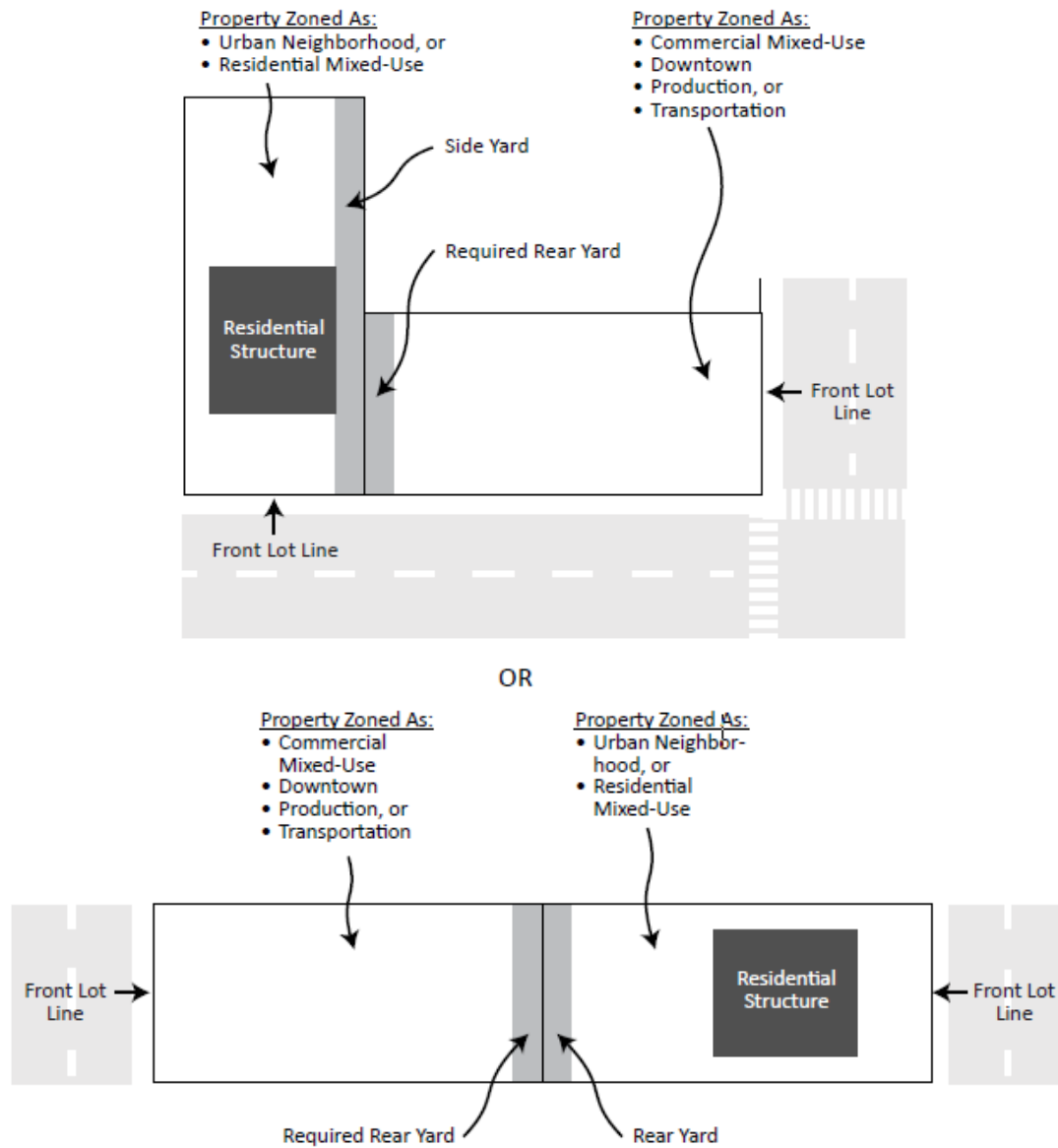


(d) *Rear yard requirements.*

(1) Where a rear lot line abuts a side or rear lot line in an urban neighborhood or residential mixed-use district, then the applicable side yard requirements of the adjacent district shall apply as shown in Figure 540-5.

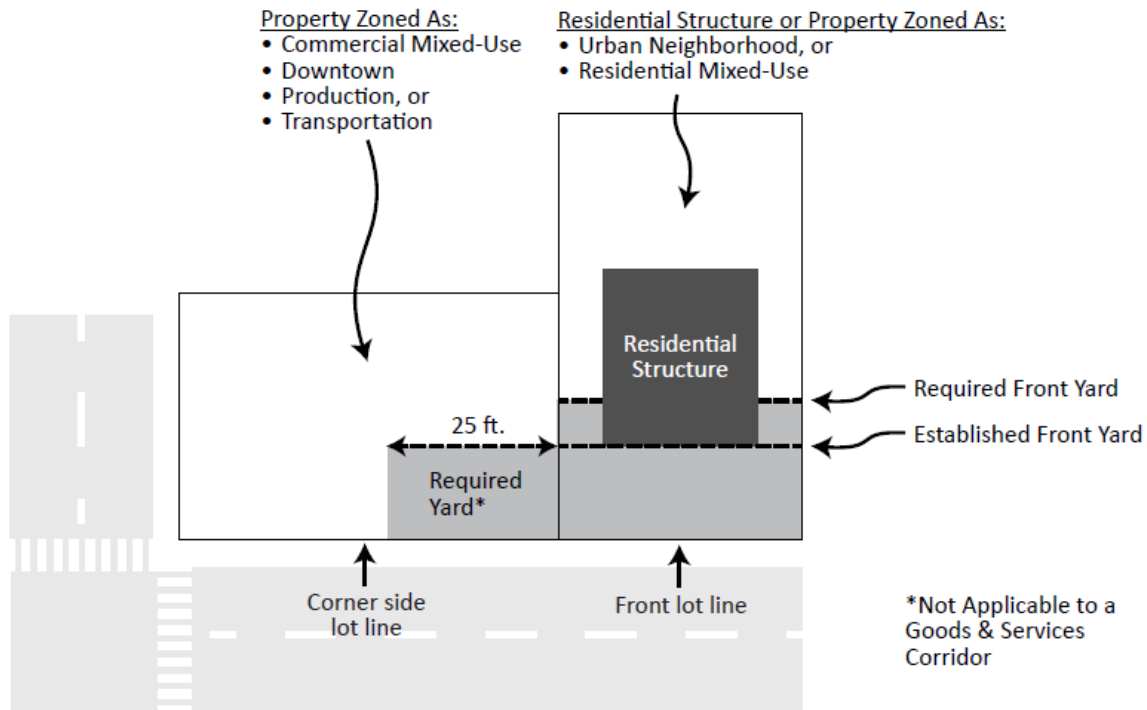
(2) Where a rear lot line abuts a commercial mixed-use, downtown, production and transportation zoning district, no minimum rear yard shall apply, except that a structure shall not be constructed within ten (10) feet of a window facing the shared lot line and serving a residential use on the adjacent property as shown in Figure 540-4. In such instance where the adjacent use includes a residential window within ten (10) feet of the side lot line, the ten-foot clearance shall also be open to the sky without obstruction above.

**Figure 540-5 Rear Yard Requirement for Nonresidential Districts Abutting Residential Districts**



(e) *Reverse corner side yard requirements.* Where the extension of a corner side lot line coincides with a front lot line in an adjacent urban neighborhood or residential mixed-use district, or with a front lot line of a structure used only for permitted or conditional residential purposes, a yard equal to the lesser of the front yard required by such urban neighborhood or residential mixed-use district or the established front yard of such residential structure shall be provided along such side lot line for the first twenty-five (25) feet from such urban neighborhood or residential mixed-use district boundary or residential property, as shown in Figure 540-6. Such front yard requirement in commercial mixed-use, downtown, production and transportation districts shall not apply where the front lot line abuts a goods and services corridor.

**Figure 540-6 Reverse Corner Side Yard Requirement in Nonresidential Districts**



(f) *Yard requirements for single- and two-family dwellings and state residential care facilities serving six (6) or fewer persons.* The minimum yard requirements for single- and two-family dwellings and state residential care facilities serving six (6) or fewer persons shall be as set forth in Table 540-21, Yard Requirements for Single- and Two-family Dwellings and State Residential Care Facilities Serving 6 or Fewer Persons in the Commercial Mixed-Use, Downtown, Production and Transportation Districts.

**Table 540-21 Yard Requirements for Single- and Two-family Dwellings and State Residential Care Facilities Serving 6 or Fewer Persons in the Commercial Mixed-Use, Downtown, Production and Transportation Districts**

<i>Yard</i>	<i>Feet</i>
Front	15
Corner Side	8
Interior Side	5
Rear	5

**540.890. Obstructions in required yards.** (a) *In general.* All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

(b) *Permitted obstructions.* Accessory uses and structures and projections of the principal structure may be located in a required yard only as indicated by a "P" for permitted in Table 540-22, Permitted Obstructions in Required Yards.

(c) *Nonresidential uses.* Notwithstanding Table 540-22 Permitted Obstructions in Required Yards, required interior side yards for nonresidential uses shall remain unobstructed from the ground level to the sky, except that fencing and retaining walls shall be allowed. Where a rear yard abuts a required side yard, such rear yard shall remain unobstructed from the ground level to the sky, except that fencing shall be allowed.

(d) *Additional limitations.* In no case shall any permitted obstruction be located closer than one (1) foot from the property line, except for driveways, walkways, fences, detached accessory buildings, the storage of firewood and containers for the removal of household refuse, subject to the provisions of this section.

(e) *Interior side yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the accessory building shall be located not less than ten (10) feet from any habitable portion of a principal structure on the adjoining lot. Where vehicle access doors face the interior side lot line, no reduction of the required yard is permitted on the side with the vehicle access doors. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. Where the interior side yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

(f) *Rear yards for detached buildings accessory to dwellings.* The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted. Further, where a rear yard abuts a required side yard no reduction of the required yard is permitted unless the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located behind the rear wall of the principal structure on the adjacent property to the rear. The required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet of both properties. Where the rear yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

(g) *Accessory buildings on reverse corner lots.* An accessory building shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds ( $\frac{2}{3}$ ) of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, an accessory building shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in an urban neighborhood or residential mixed-use district. However, where the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located not less than ten (10) feet from any habitable portion of a principal dwelling on the adjacent property, only one (1) foot shall be required along such adjacent property line, except as otherwise prohibited by this zoning ordinance. Further, the required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet.

(h) *Interior side yards for driveways accessory to dwellings.* The yard requirement for a driveway may be eliminated where adjoining property owners share a common driveway.

(i) *Rear yards.* For purposes of Table 540-22 Permitted Obstructions in Required Yards, a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the permitted obstructions regulations for such interior side yard.

**Table 540-22 Permitted Obstructions in Required Yards**

<i>Type of Obstruction</i>	<i>Front or Corner Side Yard</i>	<i>Interior Side Yard</i>	<i>Rear Yard</i>
Accessible entrance landing not exceeding thirty-six (36) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches	P	P	P
Accessible ramp or lift not exceeding four (4) feet in width leading to an entrance landing and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque	P	P	P
Accessory buildings, subject to the provisions of Chapter 545, Article III, Accessory Uses and Structures and section 540.890 (e), (f), and (g)		P	P
Air conditioning window units projecting not more than eighteen (18) inches into the required yard	P	P	P
Air conditioning systems, heating, ventilating, and filtering equipment, not to exceed five (5) feet in height. Such equipment shall not be located closer than two (2) feet from an interior side property line. Such equipment may project into a corner side yard, provided such equipment is located no closer than three (3) feet from the corner side lot line		P	P
Arbors, or other growing support structures that are not a fence, trellis or pergola, not exceeding twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height. Both the sides and the roof must be at least fifty (50) percent open, or, if latticework is used, shall be less than sixty (60) percent opaque. Such structures shall not be constructed of electrically charged wire, razor wire, chain link, chicken wire, railroad ties, utility poles, plywood or any other similar materials	P		P

Awnings and canopies, projecting not more than two and one-half (2½) feet into front or side yards	P	P	P
Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard of a single-, two-, or three-family dwelling. Ground-level patios up to one hundred (100) square feet, constructed of decorative concrete, pavers or stone, may extend more than four (4) feet into the required front yard of a single-, two-, or three-family dwelling provided the patio is located not less than ten (10) feet from a public sidewalk and shall be designed in a manner that would prevent the patio from being used for off-street parking	P		P
Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard of a multiple-family dwelling with four (4) or more units. In an interior side yard, such balcony, deck, or ground level patio may project no closer than ten (10) feet from the interior side lot line, meaning an interior side yard obstruction is permitted only on a building where the required interior side yard is greater than ten (10) feet. Ground-level patios up to one hundred (100) square feet, constructed of decorative concrete, pavers or stone, may extend more than four (4) feet into the required front yard provided the patio is located not less than ten (10) feet from a public sidewalk and shall be designed in a manner that would prevent the patio from being used for off-street parking	P	P	P
Bay windows not exceeding fifty (50) square feet in area and projecting not more than five (5) feet into the required yard provided the bay shall not serve as an extension of the finished floor	P		
Bicycle racks installed to the manufacturer's specifications, including the minimum recommended distance from other structures and shall permit the locking of the bicycle frame and one (1) wheel to the rack and support a bicycle in a stable position without damage to the wheels, frame or components. Except for Institutional and Public Uses, no more than eight (8) bicycle parking spaces may be located in each required yard	P		P
Chimneys projecting not more than two (2) feet into the required yard	P	P	P
Compost containers, subject to the provisions of Chapter 244, Housing Maintenance Code, and not closer than twenty (20) feet from any adjacent dwelling			P
Containers for the removal of household refuse, subject to the provisions of Chapter 244, Housing Maintenance Code. In a required interior side yard, such containers shall be located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and shall be located a minimum of ten (10) feet from the habitable portion of any dwelling on the adjoining lot		P	P
Driveways, subject to the provisions of section 540.890 (h) and section 555.510	P	P	P

Electrical transformers in a rear yard adjacent to a public alley. To qualify as a permitted obstruction, such transformers shall cover a maximum of twenty (20) percent of the area of the required rear yard			P
Eaves, including gutters, projecting not more than three (3) feet from the building in the required front, rear or corner side yard and not more than two (2) feet from the building in the required interior side yard	P	P	P
Fences including trellises, subject to Chapter 550, Article X, Fences	P	P	P
Flagpoles, subject to section 550.100	P	P	P
Lighting fixtures and lampposts, subject to section 550.100	P		P
Lockers for package deliveries shall not exceed thirty-two (32) square feet and five (5) feet in height. Where lockers occupy more than twelve (12) square feet, the lockers shall be screened from adjacent streets and properties with screening that is at least sixty (60) percent opaque and shall be at least as tall as the locker it is intended to screen	P		
Open porches, projecting not more than eight (8) feet from the building. The porch shall be covered and may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line, or five (5) feet from the front lot line, or corner side lot line. The porch shall not be enclosed with windows, screens, or walls, but may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be permitted on an open porch	P		
Parking areas, subject to the provisions of section 540.890 (e), (f) and (g), section 550.510, and Chapter 545, Article III, Accessory Uses and Structures		P	P
Pergolas, subject to the provisions of Chapter 545, Article VIII, Accessory Uses and Structures, and section 540.890 (e), (f) and (g). In a front or corner side yard pergolas shall not exceed twenty (20) square feet in area, including eaves, and not more than eight (8) feet in height	P	P	P
Public park accessory functions, including but not limited to athletic fields and courts, backstops, playgrounds, pool facilities, benches, bleachers, and skateboard parks. Buildings shall not be allowed as a permitted obstruction	P		
Rain barrels and cisterns accessory to single-, two-, or three-family dwellings shall be limited to a maximum height of four (4) feet and a maximum width of two and one-half (2.5) feet. Rain barrels and cisterns accessory to multiple-family dwellings of five (5) units or more and nonresidential uses shall be limited to a maximum height of six (6) feet and a maximum width of three (3) feet. No more than two (2) rain barrels or cisterns may be located in each required yard		P	P
Raised planting beds, not exceeding three (3) feet in height. In a front or corner side yard raised planting beds shall not be closer than five (5) feet to a front or corner side property line.	P		P

Raised planting beds shall be constructed of wood, brick, masonry, landscape timbers, metal, ceramic, or synthetic lumber and shall be compatible with the principal structure and adjacent residential properties. Raised planting beds constructed of wood shall be structurally sound and free of rot. In addition, prefabricated raised planting beds shall be permitted. Raised planting beds shall not be constructed of wire, chicken wire, rope, cable, railroad ties, utility poles, tires, plumbing fixtures or any other similar materials			
Recreational playground equipment, except for nonresidential uses			P
Retaining walls, where natural grade is retained	P	P	P
Retaining walls, in the front yard only, not retaining natural grade where proposed grade is increased to match the top of the existing slope or up to three (3) feet in height above natural grade, whichever is less.	P		
Signs, subject to the provisions of Chapter 560, Signs	P		

Stairs not exceeding four (4) feet in width and entrance landings not exceeding sixteen (16) square feet in area provided such structures are not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque. In a front or corner side yard, stairs shall not exceed eight (8) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area. Stairs for Institutional and Civic Uses shall not exceed twelve (12) feet in width and entrance landings shall not exceed ninety-six (96) square feet	P	P	P
Storage of firewood, subject to the provisions of Chapter 228, Firewood Storage		P	P
Utility meters projecting not more than two (2) feet into the required yard	P	P	P
Vestibules not exceeding seventy-five (75) square feet in area and projecting not more than seven (7) feet from the building	P		
Wall assemblies added to a residential structure existing on the effective date of this ordinance for the purpose of achieving a high degree of energy efficiency and which do not result in increased internal floor area. Such a wall assemblies shall not be located closer than three (3) feet from an interior side property line.	P	P	P
Walkways, not exceeding four (4) feet in interior side and rear yards. Walkways, not exceeding six (6) feet in width in front and corner side yards. Walkways for institutional and public uses shall not exceed twelve (12) feet in width in front and corner side yards. Walkways shall be at ground level. Except for public recreational walkways and bicycle trails, walkways in required yards shall not be constructed of asphalt	P	P	P
Window wells not exceeding sixteen (16) square feet in area. Such window wells shall be located at least three (3) feet apart and shall not be located closer than two (2) feet from		P	P



an interior side property line. Not more than three (3) window wells shall be allowed to project closer than five (5) feet to each interior side lot line			
Window wells not exceeding thirty-six (36) square feet in area.	P		

**ARTICLE X. LOT AND IMPERVIOUS SURFACE COVERAGE**

**540.900. Purpose.** Maximum lot coverage and maximum impervious surface coverage standards are established to combat the urban heat island effect, promote adequate space for landscaping, reinforce existing or planned development patterns, and to reduce stormwater runoff and encourage the natural absorption of stormwater into the soil.

**540.910. Maximum lot coverage.** Maximum lot coverage requirements shall be as set forth in Table 540-23, Maximum Lot Coverage by District.

**Table 540-23 Maximum Lot Coverage by District**

<i>Built Form Overlay District</i>	<i>Urban Neighborhood and Residential Mixed-Use Districts Maximum Lot Coverage (Percent)</i>	<i>Commercial Mixed-Use, Downtown, Production, and Transportation Districts Maximum Lot Coverage (Percent)</i>
Parks	45	45
Interior 1 Interior 2	45	100
Interior 3 Corridor 3	60	100
Corridor 4 Corridor 6	70	100
Transit 10 Transit 15 Transit 20 Transit 30	80	100
Core 50	100	100
Production	100	100

**540.920. Maximum impervious surface coverage.** (a) *In general.* Maximum impervious surface coverage requirements shall be as set forth in Table 540-24, Maximum Impervious Surface Coverage by District.

(b) *Exception.* Impervious surfaces shall not cover more than sixty-five (65) percent of any zoning lot with less than six thousand (6,000) square feet of lot area and no access to a public alley or a second street frontage, provided one (1) the following conditions are met:

(1) The zoning lot is in the BFPA Parks Built Form Built Form Overlay District.

(2) The zoning lot is in the BFI1 Interior 1 or BFI2 Interior 2 Built Form Overlay District and an urban neighborhood and residential mixed-use district.

**Table 540-24 Maximum Impervious Surface Coverage by District**

<b><i>Built Form Overlay District</i></b>	<b><i>Urban Neighborhood and Residential Mixed-Use Districts Maximum Impervious Surface Coverage (Percent)</i></b>	<b><i>Commercial Mixed-Use, Downtown, Production and Transportation Districts Maximum Impervious Surface Coverage (Percent)</i></b>
Parks	60	60
Interior 1 Interior 2	60	100
Interior 3 Corridor 3	75	100
Corridor 4 Corridor 6	85	100
Transit 10 Transit 15 Transit 20 Transit 30	90	100
Core 50	100	100
Production	100	100

## CHAPTER 545. USE REGULATIONS

### ARTICLE I. PRINCIPAL USES

**545.10. Purpose.** This article describes the classification and regulation of principal uses.

**545.20. Use table description.** (a) *Generally.* Table 545-1, Uses Allowed, identifies the principal uses allowed in the primary zoning districts. Sections 545.110 through 545.160 include descriptions of use groups and use categories listed in the table. A use may be determined to be within a use category if not listed specifically in the table of allowed uses and if not determined to be within another general use category. The determination of whether a particular use is included within a use category shall be made by the zoning administrator.

(b) *Permitted uses.* Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning permit for such use as specified in Chapter 525, Administration and Procedures.

(c) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 525, Administration and Procedures.

(d) *Maximum gross floor area of specific uses.* The number preceding a "P" or "C" in the use table indicates the maximum gross floor area for that use in that district in multiples of one thousand (1,000) square feet. For example, a use identified with a "10P" means the use is permitted in that district and is allowed a maximum gross floor area of ten thousand (10,000) square feet. These limits apply to individual uses, including individual uses within shopping centers. In the residential mixed-use districts, floor area limits shall apply to the entire shopping center.

(e) *Mixed-use buildings.* An asterisk "\*" following a "P" or "C" in the use table indicates that the use is only permitted in a mixed-use building that includes a residential use or uses.

(f) *Use groups and use categories.* Use groups and use categories are described in this chapter and are accompanied by examples and exceptions. Certain specific uses are enumerated in the use table for two reasons: (1) the districts where the specific use is allowed are different from other uses in the use category; and/or (2) the use is subject to specific use standards that are in addition to use standards applicable to other uses in the same use category. In these situations, the use category includes the reference "except as noted below" in the table below.

(g) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district, or any use that the zoning administrator determines does not fit within a use category allowed in a zoning district and that is not substantially similar to a use listed as permitted or conditional, shall be prohibited in that district.

(h) *Uses existing on the effective date of this ordinance.* A use that is classified as permitted or conditional on the effective date of the ordinance shall not be expanded beyond the boundaries of the existing zoning

lot. Such use may be expanded or reconstructed on the existing zoning lot in accordance with the regulations of the zoning district.

(i) *Use standard.* Permitted and conditional uses specified with an “X” under the Use Standard column indicate that all uses within a use category are subject to the specific use standards in Article II of this chapter. Permitted and conditional uses specified with a “+” indicate that a specific use is subject to the specific use standards in Article II of this chapter. Where both an “X” and a “+” appear, the specific use is subject to use standards applicable to the broader use category as well as the standards applicable to the specific use.

**545.30. Planned unit developments.** Planned unit developments are a conditional use in all zoning districts except the UN1 Urban Neighborhood District. Any use allowed in the zoning district in which the planned unit development is located may be included within a planned unit development. Additional provisions governing uses allowed within a planned unit development are provided in sections 550.1070, 550.1080, 550.1090, and 550.1100. A planned unit development shall conform to the standards of Chapter 550, Article VII, Planned Unit Development.

**545.40 Adaptive reuse.** (a) *In general.* Notwithstanding Table 545-1, Uses Allowed, or other applicable provisions, additional uses authorized by this section may be allowed in existing principal structures, originally constructed for nonresidential use before the effective date of this ordinance in the urban neighborhood districts and the RM1 Residence Goods and Services District. For the purpose of this section, a principal structure originally constructed for nonresidential use includes those constructed as a mixed-use commercial storefront and residential building. Additional authorized uses shall comply with all applicable use standards and built form overlay district standards, unless otherwise provided in this section.

(b) *UN1 District.* In the UN1 District, additional authorized uses shall be limited to the following and shall only be allowed by conditional use permit unless otherwise indicated:

(1) Permitted and conditional uses allowed in the UN1 District that do not comply with the minimum lot dimension requirements of Chapter 540, Built Form Overlay Districts. Permitted uses shall not require a conditional use permit.

(2) Child care center, when the building is not currently being used for a nonresidential use or nursing home as required by the child care center use standards, shall be a permitted use.

(3) Residential uses allowed in the UN2 District that are not allowed in the UN1 District. Minimum lot dimension requirements shall not apply provided the lot area shall not be reduced below nine thousand (9,000) square feet or reduced further if less than nine thousand (9,000) square feet.

(4) The following nonresidential uses provided the individual size of each of these nonresidential uses shall not exceed five thousand (5,000) square feet, except as authorized by section 545.40(g):

a. Art gallery.

b. Art studio.

c. Clinic, medical or dental.

- d. Community provisions facility.
- e. Convent, monastery, or religious retreat center.
- f. Grocery store.
- g. Offices.

Minimum lot dimension requirements shall not apply to these nonresidential uses provided the lot area shall not be reduced below nine thousand (9,000) square feet or reduced further if less than nine thousand (9,000) square feet.

(c) *UN2 District*. In the UN2 District, additional authorized uses shall be limited to the following and shall only be allowed by conditional use permit unless otherwise indicated:

(1) Permitted and conditional uses allowed in the UN2 District that do not comply with the minimum lot dimension requirements of Chapter 540, Built Form Overlay Districts. Permitted uses shall not require a conditional use permit.

(2) Child care center, when the building is not currently being used for a nonresidential use or nursing home as required by the child care center use standards, shall be a permitted use.

(3) Residential uses allowed in the UN3 District that are not allowed in the UN2 District. Minimum lot dimension requirements shall not apply provided the lot area shall not be reduced below five thousand (5,000) square feet.

(4) The following nonresidential uses provided the individual size of each of these nonresidential uses shall not exceed five thousand (5,000) square feet, except as authorized by section 545.40(g):

- a. Art gallery.
- b. Art studio.
- c. Clinic, medical or dental.
- d. Community provisions facility.
- e. Convent, monastery or religious retreat center.
- f. Grocery store.
- g. Offices.

Minimum lot dimension requirements shall not apply to these nonresidential uses provided the lot area shall not be reduced below five thousand (5,000) square feet.

(d) *UN3 District*. In the UN3 District, additional authorized uses shall be limited to the following and shall only be allowed by conditional use permit unless otherwise indicated:

(1) Permitted and conditional uses allowed in the UN3 District that do not comply with the minimum lot dimension requirements of Chapter 540, Built Form Overlay Districts. Permitted uses shall not require a conditional use permit.

(2) Child care center, when the building is not currently being used for a nonresidential use or nursing home as required by the child care center use standards, shall be a permitted use.

(3) The following nonresidential uses provided the individual size of each of these nonresidential uses shall not exceed five thousand (5,000) square feet, except as authorized by section 545.40(g):

a. Art gallery.

b. Art studio.

c. Clinic, medical or dental.

d. Community provisions facility.

e. Convent, monastery or religious retreat center.

f. Grocery store.

g. Offices.

Minimum lot dimension requirements shall not apply to these nonresidential uses provided the lot area shall not be reduced below five thousand (5,000) square feet.

(e) *RM1 District*. In the RM1 District, allowed commercial uses may be exempted from the use standards requiring that such uses are located in a residential mixed-use building of at least two (2) stories, provided the building complies with subpart (f) below.

(f) *Expansions*. Expansions of such existing principal structures may be allowed provided the gross floor area is not increased by more than twenty (20) percent or one thousand (1,000) square feet, whichever is greater, from the time the conditional use is approved and the resulting floor area ratio complies with the built form overlay district requirement. This expansion limit shall not apply when uses allowed in Table 545-1, Uses Allowed, for the applicable district occupy at least fifty (50) percent of the gross floor area of the building.

(g) *Increased nonresidential floor area*. In considering an increase in the maximum size of nonresidential uses in sections (b), (c), and (d) above, the city planning commission shall find that the potential off-site impacts to surrounding residential properties are comparable to other nonresidential uses of a similar size that are allowed in the primary zoning district pursuant to Table 545-1, Uses Allowed. In determining potential off-site impacts, the city planning commission shall consider but not be limited to the following factors for the proposed use:

(1) Nature of the use including, but not limited to, operations that produce noise or other adverse off-site impacts.

(2) Hours of operation.

(3) Number of employees.

(4) Motor vehicle traffic generation including, but not limited to, delivery truck size, location, frequency, and time of day of loading operations.

(h) *Cluster developments.* Such existing principal structures may be incorporated into a larger cluster development, subject to the following standards:

(1) Additional authorized uses are only allowed in the existing principal structure, originally constructed for nonresidential purposes.

(2) The cluster development shall comply with the floor area ratio requirement of the built form overlay district.

(3) The cluster development shall comply with the requirements of Chapter 550, Article VIII, Cluster Development Standards, except the planning commission may authorize exceptions to section 550.1310(3), Development Standards for All Cluster Developments, for the existing principal structure, originally constructed for nonresidential purposes, through the conditional use permit.

(4) Where required, a separate conditional use permit application and findings shall be submitted for the additional authorized uses as a part of the cluster development review.

(i) *Common lot developments.* Such existing principal structures may be incorporated into a common lot development, provided all uses within the development are residential.

**545.50. Use groups, use categories, and specific uses.** (a) *In general.* The zoning code classifies principal land uses into use groups, use categories, and specific uses.

(b) *Use groups.* Uses are encompassed within six (6) use groups based on the following type of activity:

(1) Commercial.

(2) Institutional and Civic.

(3) Production.

(4) Public Services and Utilities.

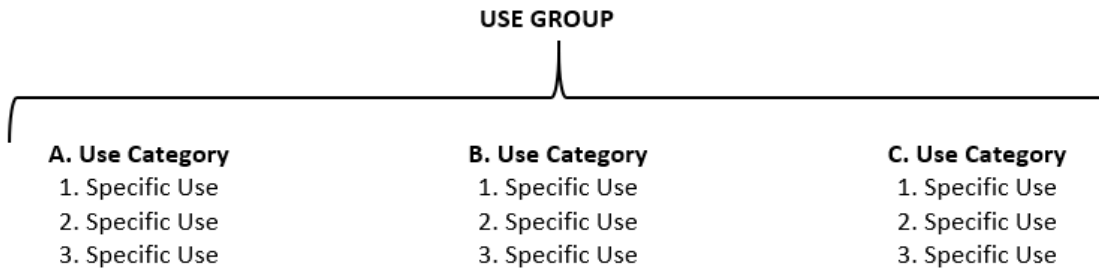
(5) Residential.

(6) Transportation, Vehicle Services, and Parking.

(c) *Use categories.* Each use group is further divided into more specific use categories. Use categories classify principal uses based on certain common characteristics. Uses within a particular use category are not necessarily allowed in the same zoning districts.

(d) *Specific uses.* Within use categories, certain specific uses are listed, particularly where they are identified for more detailed standards that may differ from other uses in the same use category.

**Figure 545-1 Example of Format and Hierarchy of Use Groups, Use Categories, and Specific Uses**



**545.60. Descriptions and characteristics of use groups and use categories.** This article includes descriptions and the characteristics of each use group and use category. This provides a framework for classifying uses when determining whether they are allowed in a particular zoning district, and which standards are applicable.

**545.70. Use determinations.** When a specific use is not referenced within the use table or within the descriptions and examples provided in this article, the zoning administrator shall make a determination about whether the use fits in a use category or is substantially similar in character and impact to a use regulated herein. If a use is determined to not fit within a use category and is not substantially similar to any other use regulated in the zoning ordinance, the use shall be prohibited. The public may request a written statement of clarification that includes the findings that lead to the zoning administrator’s conclusion.

**545.80. Prohibited uses.** The zoning ordinance does not list every prohibited use. As referenced in section 545.20 above, a use is prohibited if it is determined by the zoning administrator to not fit within a use category and is not substantially similar to any other use regulated in the zoning ordinance. However, the following uses represent examples of uses that are either prohibited in all zoning districts or may not be newly established in any zoning district in the city:

- (1) Drive-through facilities.
- (2) Firearms dealers.
- (3) Motels.
- (4) Pet stores and establishments selling dogs, cats, and rabbits sourced from breeders. Rescued animals may be offered for adoption.
- (5) Rooming houses that are not otherwise defined in this ordinance.



(6) High-impact production and processing uses not expressly identified as a conditionally allowed use in Table 545-1.

(7) Post-consumer waste processing uses not expressly identified as a conditionally allowed use in Table 545-1.

(8) Establishments where either a majority of the products available for purchase or a majority of the sales area are dedicated to the sale of animal fur, including clothing and accessory items with animal fur.

**545.90. Overlay districts.** As described in Chapter 535, Overlay Districts, an overlay district may include regulations that are more restrictive or more permissive than otherwise specified in a primary zoning district on the same property.

**545.100. Use table.** Table 545-1, Uses Allowed, identifies the principal uses allowed in the primary zoning districts. The letters, numbers, and symbols listed in the table are described in section 545.20.

**Table 545-1 Uses Allowed**

Uses by <b>GROUP, Category,</b> and Specific use	Zoning Districts														Use Standard	
	UN1	UN2	UN3	RM1	RM2	RM3	CM1	CM2	CM3	CM4	DT1	DT2	PR1	PR2		TR1
<b>COMMERCIAL</b>																
<b>Bulk Goods and Heavy Equipment Sales</b> (except as noted below)													P	P	P	X
Landscaping material sales													P	P		X
<b>Commercial Agriculture</b> (except as noted below)						10P	10P	P	P	P	P	P	P	P		
Farmer's market						10P	10P	P	P	P	P	P	P	P		+
Lawn and garden supply store						10P	10P	P	P	P	P	P	P	P		+
Market garden	P	P	P	P	P	P	P	P	P	P	P	P	P			+
Urban farm													P	P		+
<b>Commercial Recreation and Assembly</b> (except as noted below)					5P*	10P*	5P	P	P	P	P	P	P			X
Amphitheater									C	C	C	C				X+
Convention center, public										P	P					X
Entertainment venue								5P	10P	10P	P	P	P			X+
Indoor recreation area					5P*	10P*	5P	P	P	P	P	P	P			X+
Outdoor recreation area						10P*	5P	P	P	P	P	P	P			X+
Nightclub								10P	10P	10P	P	P	10P			X+
Reception or meeting hall								P	P	P	P	P				X
Regional sports arena											P	P				X+
<b>Food and Beverages</b> (except as noted below)				5P*	5P*	10P*	5P	P	P	P	P	P	10P	10P		X
Bar							5P	P	P	P	P	P	10P	10P		X+
Restaurant				5P*	5P*	10P*	5P	P	P	P	P	P	10P	10P		X+
<b>General Retail Sales and Services</b> (except as noted below)				5P*	10P*	10P*	10P	P	P	P	P	P				X
Animal Boarding				5P*	10P*	10P*	10P	P	P	P	P	P	P			X+
Dry cleaning				5P*	10P*	10P*	10P	P	P	P	P	P	P			X+
Funeral home				5P*	10P*	10P*	10P	P	P	P	P	P	P			X+
Grocery store				20P*	20P*	20P*	20P	P	P	P	P	P	40P	40P		X
Liquor store, off-sale, existing on the effective date of this ordinance							5P	P	P	P	P	P	5P			X+
Liquor store, off-sale									P	P	P	P	5P			X+

Title 20 – Zoning Code | Minneapolis Code of Ordinances | Effective July 1, 2023

Uses by <b>GROUP, Category,</b> and Specific use	Zoning Districts														Use Standard	
	UN1	UN2	UN3	RM1	RM2	RM3	CM1	CM2	CM3	CM4	DT1	DT2	PR1	PR2		TR1
Package delivery service, no on-site vehicle fleet				5P*	10P*	10P*	10P	P	P	P	P	P	P	P		X+
Secondhand goods store				5P*	10P*	10P*	10P	P	P	P	P	P	P			X+
Shopping center				5P*	10P*	10P*	P	P	P	P	P	P	P			X+
Small engine repair													P	P		X
Tobacco products shop									P	P	P	P				X+
Veterinary clinic				5P*	10P*	10P*	10P	P	P	P	P	P				X+
<b>High-Impact Commercial</b> (except as noted below)									5C	5C	5P					
Alternative financial establishment									5C	5C	5P					+
Pawnshop									5C	5C	5P					+
<b>Lodging</b> (except as noted below)					P	P	P	P	P	P	P	P	P			
Bed and breakfast home	C	C	C	C	P	P	P	P	P	P	P	P	P			+
Hospitality residence			C	C	P	P	P	P	P	P	P	P				+
Hotel or hostel, 5-20 rooms					P	P	P	P	P	P	P	P	P			+
Hotel or hostel, 21 rooms or more								P	P	P	P	P	P			+
<b>Medical Facilities</b> (except as noted below)				5P*	P	P	10P	P	P	P	P	P	P			
Blood/plasma collection facility								P	P	P	P	P	P			+
Hospital						C					C	C				+
Medication-assisted treatment site						C		C	C	C	C	C	C			+
<b>Office</b> (except as noted below)				5P*	P	P	P	P	P	P	P	P	P	P		
Contractor's office							P	P	P	P	P	P	P	P		+
<b>Sexually Oriented Uses</b>											5P	5P				+
<b>INSTITUTIONAL AND CIVIC</b>																
<b>Community Services</b> (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P			
Cemetery	C	C		C												
Child care center	P	P	P	P	P	P	P	P	P	P	P	P	P			+
Community center	C	C	P	P	P	P	P	P	P	P	P	P	P			
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P			+
Community provisions facility							P	P	P	P	P	P	P	P		+
Developmental achievement center	P	P	P	P	P	P	P	P	P	P	P	P	P	P		+
<b>Educational Facilities</b> (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P				
College or university						C					C	C				+
Educational arts center	P	P	P	P	P	P	P	P	P	P	P	P				+
School, grades K-12	P	P	P	P	P	P	P	P	P	P	P	P				+
School, vocational or business						C		P	P	P	P	P	P	P		
<b>Parks and Public Open Spaces</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
<b>Recreational Facilities</b> (except as noted below)	C	C	C	C	C	C										
Athletic field	C	C	C	C	C	C										X+
Golf course	C	C	C	C	C	C										X+
<b>Social and Cultural Assembly</b> (except as noted below)				P*	P	P	P	P	P	P	P	P	P			
Club or lodge				P*	P	P	P	P	P	P	P	P	P			+
Convent, monastery, or religious retreat center				P	P	P	P	P	P	P	P	P	P			+
Religious place of assembly	P	P	P	P	P	P	P	P	P	P	P	P	P			
<b>PRODUCTION</b>																
<b>Lower-Impact Production and Processing</b> (except as noted below)													P	P		
Art studio				P	P	P	P	P	P	P	P	P	P	P		+
Brewery or distillery							P	P	P	P	P	P	P	P		+
Film, video, and audio production								P	P	P	P	P	P	P		+
Glass, ceramics, and earthenware production, small scale							P	P	P	P	P	P	P	P		+

Uses by <b>GROUP, Category,</b> and Specific use	Zoning Districts															Use Standard	
	UN1	UN2	UN3	RM1	RM2	RM3	CM1	CM2	CM3	CM4	DT1	DT2	PR1	PR2	TR1		
Grain mill, small scale								C	C				P	P			+
Limited production and processing							P	P	P	P	P	P	P	P			+
Research, development, and testing laboratory								P	P	P	P	P	P	P			
<b>Moderate-Impact Production and Processing</b>														P			
<b>High-Impact Production and Processing</b> (prohibited except as noted below)																	X
Crushing and processing of concrete, asphalt, or rock for recycling or disposal															C		X+
Concrete, stone, clay, or tile production															C		X+
Grain elevator or mill															C		X
Metal plating															C		X
<b>Post-Consumer Waste Processing</b> (prohibited except as noted below)																	
Recycling center													30P	P			+
Recycling facility															C		+
Waste transfer facility															C		+
<b>Warehousing and Storage</b> (except as noted below)													P	P			
Contractor yard													C	P			+
Self-service storage facility													P	P			+
Snow storage site															C	C	+
<b>PUBLIC SERVICES AND UTILITIES</b>																	
<b>Basic Utilities</b> (except as noted below)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Communication exchange					C	C	C	C	C	C	C	C	C	C	C	C	
Heating or cooling facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Passenger transit station	C	C	C	C	C	C	C	C	C	C	P	P	C	C	P		
<b>Principal Electricity Generation</b>														C	C		X
<b>Public Safety and Welfare</b> (except as noted below)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Animal shelter															C	C	+
Garage for public vehicles											C				C	C	
Mounted patrol stable											C				C	C	
Pre-trial detention facility, existing on the effective date of this ordinance											P	P					+
Street and equipment maintenance facility														C	C		
<b>RESIDENTIAL</b>																	
<b>Cluster Development</b>	C	C	C	C	C	C	C	C	C	C							X
<b>Congregate Living</b> (as noted below)																	
Community correctional facility serving up to (32) persons															C		+
Dormitory						C					C	C					+
Emergency shelter	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		+
Fraternity or sorority, existing on the effective date of this ordinance		C	C	C	C	C											+
Fraternity or sorority			C	C	C	C											+
Inebriate housing											C						+
Intentional community	P	P	P	P	P	P	P	P	P	P	P	P	C				+
Overnight shelter										C	C	C	C				+
Residential hospice			C	C	C	C		C	C	C	C	C					+
Single room occupancy housing		P	P	P	P	P	P	P	P	P	P	P	C				+
State credentialed care facility, serving six (6) or fewer persons	P	P	P	P	P		P	P	P								+
State credentialed care facility, serving seven (7) to sixteen (16) persons	C	C	P	C	C	P	C	C	P	P	P	P					+

Uses by <b>GROUP, Category,</b> and Specific use	Zoning Districts														Use Standard	
	UN1	UN2	UN3	RM1	RM2	RM3	CM1	CM2	CM3	CM4	DT1	DT2	PR1	PR2		TR1
State credentialed care facility, serving seventeen (17) or greater persons			C	C	C	C			C	P	P	P				+
Supportive housing			C	C	C	C			C	C	P	P	C			+
<b>Dwellings</b> (as noted below)																
Single-, two- or three-family dwelling	P	P	P	P	P		P	P								
Single-, two- or three-family dwelling existing on the effective date of this ordinance	P	P	P	P	P	P	P	P	P	P						
One (1) to three (3) dwelling units, as part of a mixed-use building				P	P	P	P	P	P	P	P	P	C			
Multiple-family dwelling, four (4) units or more		P	P	P	P	P	P	P	P	P	P	P	C			+
Common lot development	P	P	P	P	P	P	P	P								+
<b>TRANSPORTATION, VEHICLE SERVICES, AND PARKING</b>																
<b>Automobile Services</b> (except as noted below)								C			C	C	C	C		X
Automobile repair, major														C		X+
Automobile sales, enclosed											C	C		C	C	X+
Car washes								C						C	C	X+
Electric vehicle charging hubs								C	C	C	C	C	C	C	C	X+
Gas stations existing on the effective date of this ordinance								C	C	C	C	C	C	C	C	X+
<b>Industrial Transportation Services</b> (except as noted below)														C	C	X
Waste hauler														C		X+
<b>Principal Parking</b> (except as noted below)							C	C	C	C	C	C	C	C	C	X
Off-site parking lots serving multiple-family residential uses and congregate living uses		C	C	C	C	C	C	C	C	C	C	C	C	C	C	X
Off-site lots serving institutional and civic uses	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X
<b>Vehicle Fleet-Oriented Services</b> (except as noted below)														C		X
Horse and carriage assembly/transfer sites													C	C		X+
Rental of trucks, trailers, boats, and recreational vehicles													C	C		X+
<b>Vehicle Storage</b> (except as noted below)														C	C	X+
Public impound lot													C	C	C	

**545.110. Commercial use group.** (a) *Description and characteristics.* The commercial use group includes uses that provide a business service or involve the selling, leasing, or renting of merchandise to the general public.

(b) *Use categories.* This use group includes the following use categories:

(1) *Bulk Goods and Heavy Equipment Sales.*

a. *Description and characteristics.* Uses sell bulk goods and sell or rent heavy equipment to the public and to contractors or other retailers. Uses often support construction and landscaping activity.

b. *Examples.* Examples of bulk goods and heavy equipment sales include but are not limited to: building material sales, landscaping material sales, sales or rental of heavy equipment.

*(2) Commercial Agriculture.*

a. *Description and characteristics.* Uses include the sale of supplies related to the production of agriculture to the public, enclosed or open-air production of consumable agriculture, and enclosed or open-air sale of agricultural products.

b. *Examples.* Examples of commercial agriculture include but are not limited to: farmer’s market, lawn and garden supply store, market garden, and urban farm.

c. *Exceptions.* Landscaping material sales (wholesale) is a Bulk Goods and Heavy Equipment Sales use.

*(3) Commercial Recreation and Assembly.*

a. *Description and characteristics.* Uses are characterized by large gathering spaces, both indoor and outdoor, designed primarily for the purpose of entertainment or recreation.

b. *Examples.* Examples of commercial recreation and assembly include but are not limited to: amphitheater, convention center (public), entertainment venue, indoor recreation area, outdoor recreation area, nightclub, reception or meeting hall, regional sports arena, sports and health facility, and theater (indoor).

c. *Exceptions.* Athletic fields and golf courses are classified as recreational facilities uses.

*(4) Food and Beverages.*

a. *Description and characteristics.* Uses sell food and beverages, either produced on site or pre-packaged, direct to the public for consumption both on- and off-site. May include the sale of alcohol, and the presence of live entertainment.

b. *Examples.* Examples of food and beverages include but are not limited to: bakery, bar, catering, cocktail lounge, coffee shop, restaurant, and tavern.

c. *Exceptions.*

1. Off-sale liquor stores are classified as a General Retail Sales and Services use.

2. Production bakeries and breweries or distilleries with an accessory retail or taproom component are classified as Production and Processing.

*(5) General Retail Sales and Services.*

a. *Description and characteristics.* Uses include the sale of goods and provision of commercial services. Goods and services may be provided for consumption or use on- or off-site and includes direct interaction between business and customer. Uses are open during regular daytime business hours and beyond.

b. *Examples.* Examples of general retail sales and services include but are not limited to: animal boarding, antiques and collectibles store, art gallery, bank or financial institution, barber shop/beauty salon, bookstore, clothing and accessories, drug store, dry cleaning, florist, funeral home, grocery store,

hardware store, jewelry store, laundry (self-service), liquor store (off-sale), massage and bodywork establishment, office supplies sales and service, package delivery service (no on-site vehicle fleet), performing, visual, or martial arts school, pet supply store, pharmacy, post office, sauna, secondhand goods store, small engine repair, shoe repair, shopping center, tailor, tattoo and body piercing, tobacco shop, and veterinary clinic.

*c. Exceptions.*

1. Alternative financial establishment, exterminating shop, and pawnshop are High-Impact Commercial uses.
2. Commercial laundry is a high-impact production and processing use.
3. Package delivery services that primarily utilize alternatives to commercial vehicles with internal combustion engines, including small vehicles and cargo bicycles, may be considered a General Retail Sales and Services use regardless of whether such vehicles are kept on the site.
4. Facilities engaged primarily in processing, transferring, and transporting mail or packages, particularly without a service that is open to the public, are classified as Vehicle Fleet-Oriented Services.

*(6) High-Impact Commercial.*

- a. *Description and characteristics.* Uses have a higher potential negative impact on adjacent property than other commercial uses.
- b. *Examples.* Examples of high-impact commercial include but are not limited to: alternative financial establishment, exterminating shop, and pawnshop.

*(7) Lodging.*

- a. *Description and characteristics.* Uses provide overnight stay accommodations on a non-permanent basis.
- b. *Examples.* Examples of lodging include but are not limited to: bed and breakfast home, hospitality residence, hotel, hostel and motel.
- c. *Exceptions.*

1. Motel is a prohibited use.
2. Short-term rental units are considered dwelling units and are regulated by Chapter 351, Short-Term Hosting Platforms.
3. Congregate living uses are residential uses.

*(8) Medical Facilities.*

a. *Description and characteristics.* Uses include those that provide medical services directly to patients on site or produce goods, run tests, and provide services that support medical practices.

b. *Examples.* Examples of medical facilities include but are not limited to: birth center, blood/plasma collection facility, clinic, hospital, laboratory (medical or dental), and medication-assisted treatment site.

c. *Exceptions.* A use providing only counseling services is an office use.

(9) *Office.*

a. *Description and characteristics.* Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services and may have customers or clients visit the site on a regular basis.

b. *Examples.* Examples of office include but are not limited to: contractor's office, and office.

(10) *Sexually Oriented Uses.*

a. *Description and characteristics.* Uses are distinguished or characterized by an emphasis on matters or conduct depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochism.

b. *Examples.* Examples of sexually oriented uses include but are not limited to: adult entertainment center, adults-only bookstore or video store, and adults-only motion picture theater.

c. *Exceptions.* Massage and bodywork establishment is a General Retail Sales and Services use.

**545.120. Institutional and Civic use group.** (a) *Description and characteristics.* The Institutional and Civic use group includes nonresidential uses of a public, nonprofit, or charitable nature that provide social, educational, cultural, religious and/or recreational services or amenities.

(b) *Use categories.* This use group includes the following use categories:

(1) *Community services.*

a. *Description and characteristics.* Community Services are nonresidential uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.

b. *Examples.* Examples of community services include but are not limited to: botanical gardens, cemeteries, child care centers, community centers, community gardens, community provisions facilities, conservatories, developmental achievement centers, museums, and public libraries.

c. *Exceptions.*

1. Farmer’s markets, lawn and garden supply stores, market gardens, and urban farms are commercial agricultural uses.
2. Sports and health facilities are commercial recreation and assembly uses.
3. Crematoriums, columbariums, and mausoleums are only allowed accessory to a cemetery.
4. Private lodges and clubs are social and cultural assembly uses.
5. Emergency and overnight shelters are residential uses.
6. Public parks.
7. Public safety facilities are public safety and welfare uses.

*(2) Educational facilities.*

- a. *Description and characteristics.* This category includes public and private schools offering courses of general or specialized study. Colleges and other institutions of higher learning tend to be in campus-like settings or on multiple blocks. This category also includes non-profit learning centers.
- b. *Examples.* Examples of educational facilities include but are not limited to: business schools, colleges, educational arts centers, schools with any K-12 grades, universities, and vocational schools.
- c. *Exceptions.* Performing, visual or martial arts schools are General Retail Sales and Services Uses.

*(3) Parks and public open spaces.*

- a. *Description and characteristics.* This category includes public parks and privately owned spaces that people are allowed public access to as a principal use and do not charge a fee.
- b. *Examples.* Examples of parks and open spaces include but are not limited to: courtyards, natural areas, plazas or squares, public parks, and sculpture gardens.
- c. *Exceptions.* Similar uses that charge a fee.

*(4) Recreational facilities.*

- a. *Description and characteristics.* Recreation facilities are uses with outdoor activities occurring in large open areas typically a block or more in size. Recreation facilities are commonly associated with a public park or educational facility but may also include privately owned facilities.
- b. *Examples.* Examples of recreational facilities include, but are not limited to: athletic fields and golf courses.
- c. *Exceptions.* Outdoor recreation areas and regional sports arenas are commercial recreation and assembly uses.



(5) *Social and cultural assembly.*

a. *Description and characteristics.* Uses intended to primarily provide meeting areas for social and cultural groups that are not of a commercial nature.

b. *Examples.* Examples of social and cultural assembly include but are not limited to: clubs or lodges, convents, monasteries, religious places of assembly, and religious retreat centers.

c. *Exceptions.* Community centers are a community services use.

**545.130. Production use group.** (a) *Description and characteristics.* The Production use group includes uses related to the production, processing, disposal, and storage of goods and materials.

(b) *Use categories.* This use group includes the following use categories:

(1) *Lower-Impact Production and Processing.*

a. *Description and characteristics.* Lower-impact production and processing uses are uses which produce little or no noise, odor, vibration, glare, or other objectionable influences and which have little to no adverse impact on nearby properties. Lower-impact production and processing uses typically involve the production and processing of finished goods and generally do not include the processing of raw materials or the production of primary materials.

b. *Examples.* Production and processing of the following: electronic components and accessories; finished leather products; finished products made from fabrics; furniture and fixtures; food and beverage products; medical and optical goods and technology; office and commercial equipment; packaging and sorting of finished goods; paper and paperboard products; pharmaceuticals, health, and beauty products; signs, including electronic and neon signs; small consumer goods. Art studio, brewery or distillery; film, video, and audio production; limited production and processing; research, development, and testing laboratory; small scale glass, ceramics, and earthenware production.

c. *Exceptions.*

1. Metalworking, pulp, paper, or paperboard mills, printing and publishing, and production and processing of vegetable oil and vinegar are moderate-impact production and processing uses.

2. Grain milling other than small scale, hide tanning, and live slaughter are high-impact production and processing uses.

3. Processes consistent with the description and character of the lower-impact production and processing use category as part of an educational arts center use in compliance with the specific use standards for an educational arts center are an institutional and civic use.

(2) *Moderate-Impact Production and Processing.*

a. *Description and characteristics.* Moderate-impact production and processing uses include uses which have the potential to produce greater amounts of noise, odor, vibration, glare, or other objectionable influences than lower-impact production and processing uses and which may have some adverse impact

on surrounding properties. Moderate-impact production and processing uses may include more intense industrial processes such as metal working and glass working. Moderate-impact production and processing uses may involve the production or processing of finished goods and may include the production and processing of raw materials or production of primary materials.

b. *Examples.* Production and processing of the following: electrical equipment such as motors and generators, wiring, and transmission and distribution equipment; fabricated metal products; fabricated plastic and rubber products; glass and glass products, ceramics, and earthenware; gypsum, drywall, and plaster products; latex paints; lumber and wood products, including plywood and other composite wood products; machinery and equipment such as engines and turbines, farm, lawn, and garden equipment, heating, cooling, and refrigeration equipment; metalworking such as stamping, welding, machining, extruding, engraving, grinding, polishing, cleaning, and heat treating; printing and publishing; textiles and fabrics; transportation equipment.

c. *Exceptions.*

1. Production and processing of tires and inner tubes is a high-impact production and processing use.
2. Metalworking as part of an art studio use in compliance with the specific use standards for an art studio is a lower-impact production and processing use.
3. Metalworking as part of an educational arts center use in compliance with the specific use standards for an educational arts center is an institutional and civic use.
4. Metal plating is a high-impact production and processing use.

(3) *High-Impact Production and Processing.*

a. *Description and characteristics.* High-impact production and processing uses include uses which are likely to have a substantial adverse impact on the environment or on surrounding properties and which require special measures and careful site selection to ensure compatibility with the surrounding area. Some high-impact production and processing uses have the potential for significant adverse impact on human health and are thus not appropriate uses for a developed urban environment. High-impact production and processing uses often include processing of raw materials and production of primary materials.

b. *Examples.* Production and processing of the following: asphalt and asphalt-based products such as shingles; battery manufacture and reprocessing; chemicals and chemical products including ammonia, chlorine, household cleaners, detergent, fertilizer, and industrial and agricultural chemicals; oil-based paints, varnishes, lacquers, and enamels; petroleum and coal products; plastics and synthetic resins and fibers; primary metals, including steelworks, rolling and finishing mills, forge, or foundry; sand and gravel; tanned hides and leather; tires and inner tubes. Commercial laundry; crushing and processing of concrete, asphalt, or rock for recycling or disposal; concrete, stone, clay, or tile production; grain elevator or mill; metal plating.

c. *Exceptions.*

1. Forge or foundry processes that are part of an art studio use in compliance with the specific use standards for an art studio are a lower-impact production and processing use.

2. Forge or foundry processes that are part of an educational arts center use in compliance with the specific use standards for an educational arts center are an institutional and civic use.

*(4) Post-Consumer Waste Processing.*

a. *Description and characteristics.* Post-consumer waste processing uses include uses which are related to the transportation, sorting, processing, reuse, or disposal of waste or recovered post-consumer products or materials.

b. *Examples.* Commercial composting facilities, medical waste processing and disposal, recycling centers, recycling facilities, scrap or salvage yards, sediment treatment or disposal, sewage treatment or disposal, waste transfer or disposal facilities

c. *Exceptions.*

1. Municipal waste to energy plants are a principal electric generation use.

2. The collection of specific small consumer products, primarily intended for resale or reuse on site with little to no intermediate processing required, is a secondhand goods store use.

3. The collection of specific building materials products or commercial or industrial equipment, primarily intended for resale or reuse on site with little to no intermediate processing required, is a bulk goods and heavy equipment sales use.

4. Battery reprocessing is a high-impact production and processing use.

*(5) Warehousing and Storage.*

a. *Description and characteristics.* Warehousing and storage uses include uses which are primarily related to the storage, sorting, packaging, or shipping of goods and materials.

b. *Examples.* Contractor yards, furniture moving and storage, self-service storage facilities, snow storage sites, storage, warehousing, wholesaling, and distribution.

c. *Exceptions.* Motor vehicle storage lots are a vehicle storage use.

**545.140. Public Services and Utilities use group.** (a) *Description and characteristics.* The Public Services and Utilities use group includes public and quasi-public uses that support or directly provide services related to transportation, water, electricity generation and distribution, communication, and public safety.

(b) *Use categories.* This use group includes the following use categories:

(1) *Basic Utilities.*

a. *Description and characteristics.* Public and quasi-public facilities and services that are located in the area where the service is provided.

b. *Examples.* Examples of basic utilities include but are not limited to bus turnaround, communication exchange, electric or gas substation, heating or cooling facility, passenger transit station, stormwater retention pond, and water pumping and filtration facility.

c. *Exceptions.* Fuel storage is prohibited as a principal use.

(2) *Principal Electricity Generation.*

a. *Description and characteristics.* A utility use in which power in the form of electricity is produced by wind, solar, or water forces, by conversion of waste, or combustion of raw materials. The production and use of electricity produced from solar energy or other sources of renewable energy as an accessory use is not a power plant use, and the sale of excess energy so produced is not evidence of a power plant use.

b. *Examples.* Examples of principal electricity generation uses include but are not limited to electricity generation plant, and municipal waste to energy plant.

c. *Exceptions.*

1. Electricity generation produced by materials combustion, including but not limited to biochar, biomass, coal, natural gas, oil, and waste materials combustion, is prohibited.

2. Nuclear electricity generation is prohibited.

3. Rooftop solar installations are an accessory use, regardless of size.

(3) *Public Safety and Welfare.*

a. *Description and characteristics.* Public and quasi-public facilities that have a broad service area and are focused on maintaining public safety and welfare.

b. *Examples.* Examples of public safety and welfare uses include but are not limited to animal shelter, fire station, garage for public vehicles, mounted patrol stable, police station, pretrial detention facility, and street and equipment maintenance facility.

**545.150. Residential use group.** (a) *Description and characteristics.* The Residential use group includes living quarters where persons reside on a primarily permanent basis, but also includes housing shelters.

(b) *Use categories.* This use group includes the following use categories:

(1) *Cluster development.*

a. *Description and characteristics.* Integrated developments that may contain one or more principal structures planned and developed under unified ownership or control. Cluster developments may contain one or more residential use, including dwellings and congregate living, and nonresidential uses as authorized in the applicable zoning district.

b. *Examples.* See the uses described and specified in this section.

c. *Exceptions.* Common lot and planned unit developments.

(2) *Congregate living.*

a. *Description and characteristics.* Uses characterized by residential occupancy by a group of persons who do not constitute a dwelling. These uses may include services such as personal, custodial or home care, meal service, or assistance improving daily living skills. This category also includes uses where residents require supervision or temporary housing.

b. *Examples.* Examples of congregate living include but are not limited to: board and care home, nursing home, assisted living, community correctional facilities, dormitory, emergency shelter, fraternity, inebriate housing, intentional community, overnight shelter, residential hospice, single room occupancy housing, sorority, state credentialed care facilities, and supportive housing.

c. *Exceptions.* Hotels, hostels, motels, bed and breakfast homes, and hospitality residences are lodging uses.

(3) *Dwellings.*

a. *Description and characteristics.* Buildings, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation where each dwelling unit includes facilities for sleeping, eating and bathing for the exclusive use of a single household.

b. *Examples.* Examples of dwellings include but are not limited to: Common lot developments, multiple-family dwellings with four (4) units or more, and single-, two- or three-family dwellings.

c. *Exceptions.*

1. Uses containing rooming units.

2. Cluster and planned unit developments.

**545.160. Transportation, Vehicle Services, and Parking use group.** (a) *Description and characteristics.* The Transportation, Vehicle Services, and Parking use group includes the sale, rental, maintenance, storage, and parking of vehicles. It also includes services that rely heavily on fleets of vehicles or trains.

(b) *Use categories.* This use group includes the following use categories:

(1) *Automobile Services.*

a. *Description and characteristics.* Automobile Services provide for the sale, servicing, maintenance, repair, and cleaning of passenger automobiles.

b. *Examples.* Examples of automobile services include but are not limited to: automobile rental, car washes, electric vehicle charging hubs, enclosed automobile sales, gas stations existing on the effective

date of this ordinance, major automobile repair, minor automobile repair, motorized scooter sales, and neighborhood electric vehicle sales.

*c. Exceptions.*

1. Newly established gas stations are prohibited.
2. Maintenance and repair of commercial vehicles and industrial transportation equipment are Vehicle Fleet-Oriented Services uses.
3. Wholesale automobile dealers, where vehicles are not stored on-site, are considered an office use.
4. Electric vehicle charging hubs will be classified as a principal use only when no other principal use exists on the same zoning lot and the use is intended as a destination specifically for vehicle charging. Principal parking lots that include charging infrastructure are not automatically classified as electric vehicle charging hubs. Electric vehicle charging is an allowed accessory use wherever off-street parking is allowed.

*(2) Industrial Transportation Services.*

*a. Description and characteristics.* Industrial Transportation Services include the movement and transfer of freight utilizing trains or large-scale trucks, the storage of fleets of waste collection vehicles.

*b. Examples.* Examples of industrial transportation services include but are not limited to: intermodal containerized freight facilities, motor freight terminals, railroad switching yards and freight terminals, railroad rights of way, and waste haulers.

*(3) Principal Parking.*

*a. Description and characteristics.* Principal parking includes surface parking lots and parking structures that provide parking primarily for passenger automobiles where the parking is not accessory to a principal use. In addition, a parking lot or parking structure that is the sole or primary use on a zoning lot is classified as a principal parking facility regardless of whether it serves as off-site parking for a specific use or uses. When a parking facility exists on a lot with other principal uses and the number of parking spaces exceeds the property's maximum parking standard and/or appears intended to serve a broader geographic area, the zoning administrator may determine that the parking facility is a principal use.

*b. Examples.* Principal parking includes but is not limited to: off-site parking lots serving multiple-family residential uses and congregate living uses, off-site parking lots serving institutional and civic uses, principal parking lots, and principal parking structures.

*c. Exceptions.* Facilities providing longer-term storage of vehicles, such as motor vehicle storage lots, towing services, and impound lots, are classified as Vehicle Storage uses.

*(4) Vehicle Fleet-Oriented Services.*

*a. Description and characteristics.* Vehicle Fleet-Oriented Services provide facilities for the dispatching, parking, and loading of fleets of commercial vehicles, including facilities where goods are transferred or loaded into commercial vehicles. This use category will include dispatch offices when determined by the

zoning administrator that the use is likely to include frequent commercial vehicle traffic or parking. Sales, service, and rental of commercial and recreational vehicles is also included.

b. *Examples.* Vehicle Fleet-Oriented Services include but are not limited to: ambulance services, bus garages and maintenance facilities, courier and package delivery services with on-site vehicle fleets, horse and carriage assembly/transfer sites, limousine services, sales, service, and rental of trucks, trailers, boats, and recreational vehicles, and taxicab services.

c. *Exceptions.*

1. Package delivery services primarily dedicated to public pick-up and drop-off will be considered a General Retail Sales and Services use when commercial vehicles are not stored on the site. Package delivery services that primarily utilize alternatives to commercial vehicles with internal combustion engines, including small vehicles and cargo bicycles, may be considered a General Retail Sales and Services use regardless of whether such vehicles are kept on the site.

2. Public post offices operated by the United States Postal Service are a General Retail Sales and Services use. Facilities engaged primarily in processing, transferring, and transporting mail or packages, particularly without a service that is open to the public, are classified as Vehicle Fleet-Oriented Services.

3. Warehouses or other facilities where loading and shipment of vehicles is accessory and incidental to the principal use are not classified as Vehicle Fleet-Oriented Services.

(5) *Vehicle Storage.*

a. *Description and characteristics.* Vehicle Storage uses typically provide parking spaces for vehicles on a longer-term basis than parking facilities. They may be indoors or outdoors and may serve multiple types of vehicles, including commercial vehicles and passenger vehicles.

b. *Examples.* Vehicle Storage uses include but are not limited to: motor vehicle storage lots, public impound lots, and towing services.

c. *Exceptions.* Self-service storage uses where less than fifty (50) percent of the total square footage of storage space is accessible for vehicle storage are classified as a Warehousing and Storage use within the Production use group.

## ARTICLE II. SPECIFIC USE STANDARDS

**545.200. Specific use standards.** Use groups, use categories, and specific uses listed in this article are subject to specific use standards, in addition to all other applicable regulations.

**545.210. Commercial use standards.** (a) Uses within the commercial use group are subject to specific use standards in this section.

(b) *Bulk goods and heavy equipment sales uses.* Bulk goods and heavy equipment sales uses shall be subject to the following general standards:

(1) In the commercial mixed-use districts, storage of building and landscaping materials must be in an enclosed structure.

(2) In the PR1 District, the portion of the use dedicated to the outdoor storage of materials and equipment and the parking of vehicles exceeding fifteen thousand (15,000) pounds gross vehicle weight shall not exceed ten thousand (10,000) square feet in area.

(c) *Commercial agriculture uses.* Commercial agriculture uses shall be subject to the following specific use standards as applicable:

(1) *Farmers' market.*

a. A scaled and dimensioned site plan showing the layout of the entire market area shall be submitted.

b. All vehicles necessary for the operation of the use shall be located on a dustless all-weather hard surface capable of carrying a wheel load of four thousand (4,000) pounds and shall not remain idling while the use is open.

c. Canopies shall be securely fastened so as to stay in place during inclement weather. Canopies for temporary farmers' markets shall be removed during days that the farmers' market is not open to the public.

d. Farmers' markets shall be exempt from the enclosed building requirements of the zoning ordinance.

(2) *Lawn and garden supply store.* In the PR1 District, the portion of the use dedicated to the outdoor storage of materials and equipment and the parking of vehicles exceeding fifteen thousand (15,000) pounds gross vehicle weight shall not exceed ten thousand (10,000) square feet in area.

(3) *Market gardens.*

a. In the urban neighborhood and RM1 districts, the following standards shall apply:

1. Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the land heavy equipment may be used to prepare the land between 7:00 a.m. and 7:00 p.m.

2. Accessory retail sales are subject to the use standards for farmstands specified in Article III, Accessory Uses and Structures in this chapter.

3. No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.

4. Shipment and delivery of products or supplies shall be limited to between 7:00 a.m. and 7:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

5. Overhead lighting shall be prohibited.



b. In the CM3, CM4, and downtown zoning districts, market gardens shall be limited to rooftops or indoor operations unless accessory to a principal use located on the same zoning lot.

c. Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.

d. The use shall not be located in a required interior side yard.

e. Keeping of animals is prohibited.

f. Outdoor growing associated with a market garden shall be exempt from the enclosed building requirements of the zoning ordinance.

*(4) Urban farm.*

a. Keeping of animals is prohibited.

b. Any equipment or supplies needed for farm operations shall be fully enclosed or otherwise effectively screened from the street and any adjacent residential uses.

c. The use shall not be located in a required interior side yard.

d. Outdoor growing associated with an urban farm shall be exempt from the enclosed building requirements of the zoning ordinance.

*(d) Commercial recreation and assembly uses.* Commercial recreation and assembly uses shall be subject to the following general standards and specific use standards as applicable.

*(1) General standards.*

a. Where alcoholic beverages are served, the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

b. In the urban neighborhood and residential mixed-use districts, the square footage of unenclosed areas cannot exceed more than half of the allowed square footage for the use in that district.

*(2) Amphitheater.*

a. The amphitheater shall be situated in such a way as to minimize the effects of lighting and noise on surrounding properties.

b. The use shall be exempt from the enclosed building requirements of this zoning ordinance.

*(3) Indoor recreation area.* In the production districts, indoor recreation areas shall be located in buildings existing on the effective date of this ordinance.

(4) *Nightclub*. Nightclubs established or expanded after the effective date of this ordinance shall be located at least five hundred (500) feet from an urban neighborhood or residential mixed-use district boundary.

(5) *Outdoor recreation area*.

a. The use shall be screened from any residential use located in an urban neighborhood or residential mixed-use district or any permitted or conditional residential use, as specified in Chapter 550, Article V, Site Plan Review Standards.

b. In the downtown and CM4 districts, the use shall be limited to rooftop space unless the site is in compliance with minimum height and floor area ratio standards.

(6) *Regional sports arena*. The arena and seating areas may be unenclosed, but storage areas shall be enclosed.

(e) *Food and beverages uses*. Food and beverages uses shall be subject to the following general standards and specific use standards as applicable:

(1) *General standards*.

a. Where alcoholic beverages are served, the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

b. In the residential mixed-use districts, the following standards shall apply:

1. All food and beverage uses shall be located on the ground floor of a mixed-use building of at least two (2) stories. In the RM1 District, the building shall also contain a residential use.

2. Drive-through facilities shall be prohibited.

3. Wholesale and off-premises sales shall be prohibited.

4. In the RM1 District, the total gross floor area devoted to general retail sales and services and food and beverage uses shall not exceed the gross floor area devoted to the residential use, not including enclosed parking.

(2) *Restaurant*. Preparation for off-site consumption must be available for direct customer pickup and shall not exclusively be via delivery services.

(f) *General retail sales and services uses*. General retail sales and services uses shall be subject to the following general standards and specific use standards as applicable:

(1) *General standards*. In the residential mixed-use districts, the following standards shall apply:

a. All general retail sales and services shall be located on the ground floor of a mixed-use building of at least two (2) stories. In the RM1 District, the building shall also contain a residential use.

b. Drive-through facilities shall be prohibited.

c. Wholesale and off-premises sales shall be prohibited.

d. In the RM1 District, the total gross floor area devoted to general retail sales and services and food and beverage uses shall not exceed the gross floor area devoted to the residential use, not including enclosed parking.

*(2) Animal Boarding.*

a. Outdoor animal runs cannot exceed two thousand (2,000) square feet in area.

b. Outdoor animal runs shall be fully enclosed with a minimum six (6) foot tall solid fence. The run shall be maintained in a dust free, erosion-controlled manner.

c. Outdoor animal runs shall be located no less than fifty (50) feet from any adjacent ground floor permitted or conditional residential use.

d. Dogs shall be supervised at all times while in the animal run and any barking dogs shall be immediately taken into the building.

e. Outdoor kennels shall be prohibited.

*(3) Dry cleaning.* The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses.

*(4) Funeral home.* Crematories shall be prohibited, except where accessory to a cemetery.

*(5) Liquor store, off-sale.* The use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

*(6) Memorial monuments.* The use shall be located within three hundred (300) feet of a cemetery and shall not exceed twenty thousand (20,000) square feet in lot area.

*(7) Secondhand goods store.* All receipt, sorting and processing of goods shall occur within a completely enclosed building.

*(8) Shopping center.*

a. Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.

b. Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.

*(9) Tobacco products shop.* The use shall comply with the requirements of Title 13, Licenses and Business Regulations, of the Minneapolis Code of Ordinances.

(10) *Veterinary clinic.* All activity shall be within a completely enclosed building with soundproofing and odor control. Outdoor kennels shall be prohibited.

(g) *High-impact commercial uses.* High-impact commercial uses shall be subject to the following specific use standards as applicable:

(1) *Alternative financial establishment.* The use shall be located at least one thousand (1,000) feet from all existing alternative financial establishments and pawnshops.

(2) *Pawnshop.*

a. The use shall be located at least one thousand (1,000) feet from all existing pawnshops, alternative financial establishments and missions.

b. All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(h) *Lodging uses.* Lodging uses shall be subject to the following specific use standards as applicable:

(1) *Bed and breakfast home.*

a. The owner or operator of the bed and breakfast home shall occupy the property as their primary residence and reside in the home when it is in operation.

b. There shall be no more than eight (8) bedrooms available to bed and breakfast guests.

c. Separate kitchen facilities shall not be available for guests. Meals shall be prepared and served by the operator and shall be available to registered guests only.

d. The home shall have a minimum of two thousand (2,000) square feet of habitable residential floor area.

e. The home shall be licensed in accordance with Chapter 297A, Bed and Breakfast Facilities, of the Minneapolis Code of Ordinances.

f. Exterior stairways shall be prohibited.

g. Historically designated structures may apply for a variance from the regulations regarding bed and breakfast homes, as specified in Title 23, Heritage Preservation, of the Minneapolis Code of Ordinances.

(2) *Hospitality residence.*

a. The use shall be located within one-half ( $\frac{1}{2}$ ) mile of a hospital.

b. There shall be no more than fifty (50) rooming units or dwelling units.

c. On-site services shall be for the residents of the facility only.

d. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

*(3) Hotel or hostel.*

a. The use shall provide customary hotel services such as linen, maid service, and the use and upkeep of furniture.

b. The use shall include an office and/or lobby that is staffed twenty-four (24) hours per day.

c. There shall be no more than thirty (30) beds in the RM2, RM3 and CM1 Districts.

*(4) Motel.*

a. The use shall provide customary hotel services such as linen, maid service, and the use and upkeep of furniture.

b. The use shall include an office and/or lobby that is staffed twenty-four (24) hours per day.

*(i) Medical facilities uses.* Medical facilities uses shall be subject to the following specific use standards as applicable:

*(1) Blood/plasma collection facility.*

a. Trash receptacles shall be located at the public entrance(s).

b. The facility shall include a waiting area and departure lounge of a size large enough to accommodate all donors within the building, but not less than five hundred (500) square feet in area.

c. The operator shall submit a management plan for the facility and a floor plan showing the waiting area and departure lounge and number of donor beds.

*(2) Hospital.* All new hospitals and expansions of existing hospitals shall submit a master development plan that describes proposed physical development for a period of five (5) years and a period from five (5) to ten (10) years and shall include a description of proposed development phases and plans, including development priorities, the probable sequence for proposed development, estimated dates of construction, and anticipated interim use of property waiting to be developed.

*(3) Medication-assisted treatment site.*

a. There shall be no more than sixteen (16) beds.

b. A medication-assisted treatment site shall be located at least one-fourth ( $\frac{1}{4}$ ) mile from all existing medication-assisted treatment sites.

c. On-site services shall be for patients of the facility only.

d. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

(j) *Office uses: contractor's offices.* On-site storage of building materials, heavy equipment, or vehicles primarily used for the purpose of construction are prohibited for contractor's offices.

(k) *Sexually oriented uses.* Sexually oriented uses shall be subject to the following general standards:

(1) Sexually oriented uses shall be permitted only in the DT1 and DT2 Districts, subject to the provisions of this article, except as otherwise provided in this section. However, no sexually oriented use shall be permitted on any property with its main public entrance on Nicollet Mall, on any property located north/northwest of the centerline of the Burlington Northern Railway right-of-way, nor on any property located east/southeast of the centerline of Fifth Avenue South.

(2) No sexually oriented use shall be allowed within one thousand (1,000) feet of an urban neighborhood or residential mixed-use district, or within five hundred (500) feet of a child care center established prior to November 1, 1986, a public library, a public educational facility that serves persons aged seventeen (17) or younger, or a school, grades K—12. Distances shall be measured in a straight line from the lot line of properties in an urban neighborhood or residential mixed-use district and from the main public entrances of uses.

(3) Only one (1) sexually oriented use shall be allowed per block face.

**545.220. Institutional and civic use standards.** (a) Uses within the institutional and civic use group are subject to specific use standards in this section.

(b) *Community services uses.* Community services uses shall be subject to the following specific use standards as applicable:

(1) *Child care center.* In the urban neighborhood districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance, or nursing home.

(2) *Community garden.*

a. Overhead lighting shall be prohibited.

b. No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.

c. Accessory retail sales are subject to the use standards for farmstands specified in Article III, Accessory Uses and Structures in this chapter.

d. The use shall not be located in a required interior side yard.

e. Keeping of animals is prohibited.

(3) *Community provisions facility.*

- a. An appointment or set hours for the acceptance of donated merchandise shall be required.
  - b. All receipt, sorting and processing of goods shall occur within a completely enclosed building.
  - c. In the urban neighborhood districts, day shelters shall be prohibited unless accessory to a religious place of assembly.
  - d. Facilities with day shelters shall also be subject to the following standards:
    1. The use shall be located at least one thousand (1,000) feet from all existing day shelters, alternative financial establishments and pawnshops.
    2. The use shall conspicuously post legible signs at the public entrance(s) advising patrons of the hours of operation of the facility and its meal service, if applicable.
    3. A waiting area for clients shall be provided which shall be available to clients one (1) hour prior to the posted opening of the use and shall include toilet facilities.
- (4) *Developmental achievement center.* In the urban neighborhood districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance, or nursing home.
- (c) *Educational facilities.* Educational facilities uses shall be subject to the following specific use standards as applicable:
- (1) *College or university.* All new colleges and universities and expansions of existing colleges or universities shall submit a master development plan that describes proposed physical development for a period of five (5) years and a period from five (5) to ten (10) years and shall include a description of proposed development phases and plans, including development priorities, the probable sequence for proposed development, estimated dates of construction, and anticipated interim use of property awaiting to be developed.
  - (2) *Educational arts center.*
    - a. In the urban neighborhood and residential mixed-use districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance.
    - b. In the commercial mixed-use and downtown districts, the use may include production and processing activities consistent with the characteristics of the lower-impact production and processing use category, provided the portion of the use dedicated to such activities shall not exceed five thousand (5,000) square feet. Such production and processing activities shall be prohibited in the urban neighborhood and residential mixed-use districts.
    - c. Through a conditional use permit in the commercial mixed-use and downtown districts, the use may include metalworking and forging activities, provided the portion of the use dedicated to such activities shall not exceed five thousand (5,000) square feet. Such production and processing activities shall be prohibited in the urban neighborhood and residential mixed-use districts.

d. Through a conditional use permit in the commercial mixed-use and downtown districts, the use may include foundry activities, provided the portion of the use dedicated to such activities shall not exceed one thousand (1,000) square feet. Such production and processing activities shall be prohibited in the urban neighborhood and residential mixed-use districts.

(3) *School, grades K–12.* The use shall include a regular course of study accredited by the State of Minnesota.

(d) *Parks and public open spaces.* Parks and public open spaces uses shall be subject to the following general standards:

(1) Parks and public open spaces that include plazas shall comply with the plaza design standards of Chapter 550, Development Standards.

(2) Parks and public open spaces as a principal or accessory use shall be exempt from the enclosed building requirements of the zoning ordinance.

(e) *Recreational facilities.* Recreational facilities uses shall be subject to the following specific use standards as applicable:

(1) *Athletic field.*

a. The athletic field shall be at least fifty (50) feet from the nearest property line of a residential use located in an urban neighborhood or residential mixed-use district or any permitted or conditional residential use.

b. The athletic field shall be situated in such a way as to minimize the effects of lighting and noise on surrounding property.

(2) *Golf course.* Clubhouses and other structures shall be at least fifty (50) feet from the nearest property line of a residential use located in an urban neighborhood or residential mixed-use district or any permitted or conditional residential use.

(f) *Social and cultural assembly.* Social and cultural assembly uses shall be subject to the following specific use standards as applicable:

(1) *Club or lodge.* In the residential mixed-use districts, clubs and lodges shall have a minimum of twelve thousand (12,000) square feet of gross floor area.

(2) *Convent, monastery or religious retreat center.* In the residential mixed-use districts, the maximum number of persons served shall be thirty-two (32).

**545.230. Production use standards.** (a) Uses within the production and processing use group are subject to specific use standards in this section.

(b) *Lower-impact production and processing uses.* Lower-impact production and processing uses shall be subject to the following specific use standards as applicable:

(1) *Art Studio.*



a. An art studio may include the design and fabrication of jewelry, ornamental ceramics, pottery, and visual arts.

b. In the commercial mixed-use, downtown, and production districts, the use may include production and processing activities consistent with the characteristics of the lower-impact production and processing use category, provided the portion of the use dedicated to such activities shall not exceed five thousand (5,000) square feet. Such production and processing activities shall be prohibited in the urban neighborhood and residential mixed-use districts.

c. Through a conditional use permit in the commercial mixed-use, downtown, and PR1 districts, or as a permitted use in the PR2 District, the use may include metalworking and forging activities, provided the portion of the use dedicated to such activities shall not exceed five thousand (5,000) square feet. Such production and processing activities shall be prohibited in the urban neighborhood and residential mixed-use districts.

d. Through a conditional use permit in the production districts, the use may include foundry activities provided the portion of the use dedicated to forge or foundry activities shall be limited to five thousand (5,000) square feet.

*(2) Brewery or distillery.*

a. In the CM1, CM2, and CM3 Districts, the main entrance shall open into a taproom, tasting room, or restaurant component equal to not less than fifteen (15) percent of the floor area of the use.

b. In the CM4, DT1, and DT2 Districts, the main entrance shall open into a taproom, tasting room, or restaurant component equal to not less than thirty (30) percent of the floor area of the use.

c. Except in the PR1 and PR2 Districts, the portion of the use dedicated to production, processing, shipping, and warehousing activities shall not exceed five thousand (5,000) square feet of gross floor area.

*(3) Film, video, and audio production.* The use shall be located entirely within a completely enclosed building and shall have sufficient sound attenuation such that the use shall not be audible outside of the building.

*(4) Glass, ceramics, and earthenware production, small scale.*

a. In the PR1 District, the portion of the use dedicated to the production or processing of glass, glassware, ceramic, or earthenware products, including glassblowing and kiln facilities, shall not exceed twenty thousand (20,000) square feet.

b. In the commercial mixed-use districts, the portion of the use dedicated to the production or processing of glass, glassware, ceramic, or earthenware products, including glassblowing and kiln facilities, shall not exceed five thousand (5,000) square feet.

c. All kiln facilities and other heating equipment shall be electric or natural gas-fired. Kilns and other heating equipment which are powered by any other energy source, including wood or wood pellet combustion, shall be prohibited.

(5) *Grain mill, small scale.* The portion of the use dedicated to production and processing activities shall not exceed five thousand (5,000) square feet.

(6) *Limited production and processing.*

a. Production and processing activities shall be limited to those uses consistent with the description and character of the lower-impact production and processing use category.

b. The portion of the use dedicated to production, processing, shipping, and warehousing activities shall not exceed five thousand (5,000) square feet.

c. The main entrance shall open to a retail, dining, or office component equal to not less than fifteen (15) percent of the gross floor area of the use.

(c) *High-impact production and processing uses.* High-impact production and processing uses shall be subject to the following general standards and specific use standards as applicable:

(1) *General standards.* The use shall be located at least one thousand three hundred and twenty (1,320) feet from any primary zoning district other than the PR2 District or the TR1 District.

(2) *Crushing and processing of concrete, asphalt, or rock for recycling or disposal.* As part of the application for any conditional use permit for a new facility for crushing and processing of concrete, asphalt, or rock for recycling or disposal, or for an expansion or intensification of a facility for crushing and processing of concrete, asphalt, or rock for recycling or disposal, the following shall be submitted by the applicant:

a. A vicinity plan that includes the following:

1. A description of natural features, including streams, rivers, lakes, wetlands, and major topographical features located within three hundred and fifty (350) feet of the site.

2. A description of the proposal and how it compares to land uses within three hundred and fifty (350) feet of the site.

3. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.

b. An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations, including verification as to whether the proposed use requires permits from the Minnesota Pollution Control Agency.

c. A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed, and disposed of, and indicating conformance with all applicable dust emission regulations.

d. A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.

e. A drainage plan for all stormwater management and runoff.

f. A landscape plan demonstrating compliance with the requirements of Chapter 550, Article V, Site Plan Review Standards.

g. A traffic plan describing the number of truck trips the proposal will generate and the principal access route to the facility, including a description of the facility's traffic on the surrounding area.

(3) *Concrete, stone, clay, or tile production.* As part of the application for any conditional use permit for a new concrete, stone, clay, or tile production use or for an expansion or intensification of an existing concrete, stone, clay, or tile production use, the following shall be submitted by the applicant:

a. A vicinity plan that includes the following:

1. A description of natural features, including streams, rivers, lakes, wetlands, and major topographical features located within three hundred and fifty (350) feet of the site.

2. A description of the proposal and how it compares to land uses within three hundred and fifty (350) feet of the site.

3. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.

b. An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations, including verification as to whether the proposed use requires permits from the Minnesota Pollution Control Agency.

c. A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed, and disposed of, and indicating conformance with all applicable dust emission regulations.

d. A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.

e. A drainage plan for all stormwater management and runoff.

f. A landscape plan demonstrating compliance with the requirements of Chapter 550, Article V, Site Plan Review Standards.

g. A traffic plan describing the number of truck trips the proposal will generate and the principal access route to the facility, including a description of the facility's traffic on the surrounding area.

(d) *Post-consumer waste processing uses.* Post-consumer waste processing uses shall be subject to the following specific use standards as applicable:

(1) *Recycling center.*

a. All processing, sorting, and storage of materials shall take place entirely within a completely enclosed building, except that outdoor storage of paper or cardboard in fully enclosed containers or trailers is permitted.

b. In the PR1 District, the use shall not include the processing of containers for food or beverage products.

*(2) Recycling facility.*

a. The use shall be located at least one thousand three hundred and twenty (1,320) feet from any primary zoning district other than the PR2 District or the TR1 District.

b. All processing, sorting, and storage of materials shall take place entirely within a completely enclosed building, except that outdoor storage of paper or cardboard in fully enclosed containers or trailers is permitted.

*(3) Waste transfer facility.*

a. The use shall be located at least one thousand three hundred and twenty (1,320) feet from any primary zoning district other than the PR2 District or the TR1 District.

b. As part of the application for any conditional use permit for a new waste transfer facility or for an expansion or intensification of an existing waste transfer facility, the following shall be submitted by the applicant:

1. A vicinity plan that includes the following:

i. A description of natural features, including streams, rivers, lakes, wetlands, and major topographical features located within three hundred and fifty (350) feet of the site.

ii. A description of the proposal and how it compares to land uses within three hundred and fifty (350) feet of the site.

iii. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.

2. An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations, including verification as to whether the proposed use requires permit from the Minnesota Pollution Control Agency.

3. A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed, and disposed of, and indicating conformance with all applicable dust emission regulations.

4. A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.

5. A drainage plan for all stormwater management and runoff.

6. A landscape plan demonstrating compliance with the requirements of Chapter 550, Article V, Site Plan Review Standards.

7. A traffic plan describing the number of truck trips the proposal will generate and the principal access route to the facility, including a description of the facility's traffic on the surrounding area.

(f) *Warehousing and storage uses.* Warehousing and storage uses shall be subject to the following specific use standards as applicable:

(1) *Contractor yard.*

a. The use shall comply with the landscaping and screening requirements of Chapter 550, Article V, Site Plan Review Standards.

b. The use shall comply with the surfacing requirements of Chapter 555, Off Street Parking, Loading and Mobility, Article VII, Parking Area Design and Maintenance.

c. In the PR1 District, the following standards shall apply:

1. The portion of the use dedicated to the outdoor storage of materials and equipment and the parking of vehicles exceeding fifteen thousand (15,000) pounds gross vehicle weight shall not exceed ten thousand (10,000) square feet in area.

2. The use shall be located on the same zoning lot as a contractor's office.

(2) *Self-service storage facility.* The use shall include an office or retail component which comprises at least twenty-five (25) percent of the building's ground floor street frontage to a minimum depth of twenty (20) feet, or shall be located in a multiple-use building containing a use other than a warehousing and storage use which comprises at least twenty-five (25) percent of the building's ground-floor street frontage to a minimum depth of twenty (20) feet.

(3) *Snow storage site.*

a. The use shall comply with the landscaping and screening requirements of Chapter 550, Article V, Site Plan Review Standards.

b. The use shall comply with all applicable regulations governing stormwater management, and shall employ on-site best management practices and collection infrastructure, such as catch basins, bioretention facilities, drainage swales or underground storage to minimize off-site stormwater or snowmelt runoff, maximum overland flow and flow distances cover surfaces covered with vegetation, increase on-site filtration, minimize off-site discharges of pollutants, encourage natural filtration function, and prevent negative stormwater impacts to adjacent properties or public right-of-way.

c. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing any litter, debris, and/or sediment found thereon.

d. The use shall comply with all applicable regulations governing erosion and sediment control and shall employ on-site best management practices to minimize soil erosion and off-site sedimentation.

e. The use shall be exempt from the enclosed building requirements of this zoning ordinance.

**545.240. Public services and utilities use standards.** (a) Uses within the public services and utilities use group are subject to specific use standards in this section.

(b) *Basic utilities uses: heating and cooling facilities.* In the urban neighborhood and RM1 districts, heating and cooling facilities as a principal use shall be limited to district ground source or air source heat pumps or other technologies that produce little or no noise, odor, vibration, steam, or other off-site, non-visual impacts.

(c) *Principal electricity generation uses.* All energy generation plants, except solar farms, shall provide the following with any application to establish, expand, or intensify the use.

(1) A vicinity plan that includes the following:

a. A description of natural features, including streams, rivers, lakes, wetlands and major topographical features located within three hundred fifty (350) feet of the site.

b. A description of the proposal and how it compares to land uses within three hundred fifty (350) feet of the site.

c. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.

(2) An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations.

(3) A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed and disposed of, and indicating conformance with all applicable dust emission regulations.

(4) A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.

(5) A vibration dampening plan describing sources of vibration and indicating conformance with all applicable vibration regulations.

(6) A drainage plan for stormwater management and runoff.

(7) A landscape plan showing compliance with the requirements of Chapter 550, Article V, Site Plan Review Standards.

(8) A traffic plan describing the number of truck trips the proposal will generate and the principal access routes to the facility, including a description of the facility's traffic impact on the surrounding area.

(d) *Public safety and welfare uses: animal shelter.* Animal shelters shall be subject to the following:

- (1) Outdoor animal runs cannot exceed two thousand (2,000) square feet in area.
- (2) Outdoor animal runs shall be fully enclosed with a minimum six (6) foot tall solid fence. The run shall be maintained in a dust free, erosion-controlled manner.
- (3) Outdoor animal runs shall be located no less than fifty (50) feet from any adjacent ground floor permitted or conditional residential use.
- (4) Dogs shall be supervised at all times while in the animal run and any barking dogs shall be immediately taken into the building.
- (5) Outdoor kennels shall be prohibited.

**545.250. Residential use standards.** (a) Uses within the residential use group are subject to the general and specific use standards in this section.

(b) *General residential use standards.*

(1) A residential program whose primary purpose is to treat persons who have violated criminal statutes except those relating to sex offenses, or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes except those relating to sex offenses, shall be restricted to the PR2 District and in addition shall be prohibited within three hundred (300) feet of any zoning district other than the PR2 District.

(2) A residential program whose purpose is to treat persons who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall be prohibited.

(c) *Cluster development.* Cluster developments shall conform to the standards of Chapter 550, Article VIII, Cluster Development Standards.

(d) *Congregate living.* Congregate living uses shall be subject to the following specific use standards as applicable:

(1) *Community correctional facility.*

- a. The use shall be located at least one-fourth ( $\frac{1}{4}$ ) mile from all existing community correctional facilities.
- b. On-site services shall be for residents of the facility only.
- c. The use shall be located at least three hundred (300) feet from any zoning district other than the PR2 District.

(2) *Dormitory.* The use shall be owned by and be located contiguous to or within one-fourth ( $\frac{1}{4}$ ) mile of the educational facility served. For the purposes of the University of Minnesota campus, one-half ( $\frac{1}{2}$ ) mile

shall be measured from the center of the intersection of 15th Avenue Southeast and University Avenue Southeast.

*(3) Emergency shelter.*

a. The use shall be located at least three hundred fifty (350) feet from all existing emergency shelters and overnight shelters.

b. As required by Chapter 540, Built Form Overlay Districts, the use shall require not less than 750 square feet of lot area per bed in the UN1 District and not less than 325 square feet of lot area per bed in the UN2 and RM1 Districts. The maximum occupancy shall be as approved by conditional use permit in all other districts.

*(4) Fraternity or sorority.*

a. The use shall be located within one-half ( $\frac{1}{2}$ ) mile of the educational facility served. For the purposes of the University of Minnesota campus, one-half ( $\frac{1}{2}$ ) mile shall be measured from the center of the intersection of 15th Avenue Southeast and University Avenue Southeast.

b. On-site services shall be for residents or guests of the facility only.

*(5) Inebriate housing.*

a. Inebriate housing shall be located at least one-fourth ( $\frac{1}{4}$ ) mile from all existing inebriate housing and from all of the following uses, except in the DH Downtown Housing Overlay District:

1. Community correctional facility.

2. State credentialed care facility serving seven (7) or more persons.

3. Supportive housing.

4. Motel.

5. Overnight shelter.

b. The maximum number of persons served shall not exceed thirty-two (32), except in the DH Downtown Housing Overlay District.

c. On-site services shall be for residents of the facility only.

*(6) Intentional community.*



a. The use shall comply with all requirements of Title 12, Housing, of the Minneapolis Code of Ordinances relating to intentional communities.

b. The use shall comply with all occupancy requirements of Title 5, Building Code, and Title 12, Housing, of the Minneapolis Code of Ordinances.

*(7) Overnight shelter.*

a. The use shall be located at least one thousand (1,000) feet from all existing emergency shelters and overnight shelters.

b. Except in the DS Downtown Shelter Overlay District, the total number of shelter guests shall not exceed one hundred-fifty (150) persons.

c. Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.

*(8) Residential hospice.*

a. The maximum number of persons served shall not exceed eight (8).

b. On-site services shall be for residents of the facility only.

*(9) State credentialed care facility.*

a. When serving seven (7) or more residents, the use shall be located at least three hundred fifty (350) feet from all existing state credentialed care facilities serving seven (7) or more residents. No spacing is required when the use serves six (6) or fewer persons or board and care home, nursing homes, or assisted living uses.

b. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

*(10) Supportive housing.*

a. Supportive housing shall be located at least one-fourth ( $\frac{1}{4}$ ) mile from all existing supportive housing and from all of the following uses, except in the DH Downtown Housing Overlay District:

1. Community correctional facility.

2. State credentialed care facility serving seven (7) or more persons.

3. Inebriate housing.

4. Motel.

5. Overnight shelter.

b. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

(e) *Dwellings*. Dwellings uses shall be subject to the following specific use standards as applicable:

(1) *Common lot development*.

a. Not more than three (3) dwelling units shall be allowed in a common lot development when either of the following applies:

1. The development is in the UN1 District.

2. The development is in the UN2 District on a lot less than seven thousand five hundred (7,500) square feet in area.

b. Maximum floor area requirements shall apply as follows:

1. Developments with one (1) to three (3) dwelling units in both principal structures shall be subject to a combined maximum floor area ratio of 0.5 in the BF11 Interior 1 and BF12 Interior 2 Built Form Overlay Districts.

2. The maximum floor area ratio requirement for all other developments shall be based on the total number of units proposed and shall be subject to the maximum floor area ratio requirement in Table 540-2 Maximum Floor Area Ratio for the applicable built form district. All other developments may also qualify for premiums to increase maximum floor area ratio as allowed by the built form district.

3. For developments that are subject to floor area requirements for one (1) to three (3) dwelling units, gross floor area shall be calculated as required by section 540.120, but existing structures shall not qualify for the one-time floor area increase when part of a common lot development. A development may qualify for premiums specific to two- and three-family dwellings when the premium standards are met in at least one building that contains two (2) or three (3) dwellings.

c. All parcels within the development shall be combined under one tax parcel identification number.

d. For new construction, the following shall apply:

1. Developments with four (4) or more dwelling units in at least one of the principal structures shall be subject to the site plan review standards in Chapter 550, Development Standards, not including section 550.790, Site plan review for single-, two-, and three-family dwellings.

2. Development with one (1) to three (3) dwelling units in both principal structures shall be subject to the standards for single-, two-, and three-family dwellings in section 550.790, Site plan review for single-, two-, and three-family dwellings and shall be subject to the applicable general standards for residential uses

in Chapter 550, Development Standards. Each new principal structure shall obtain the minimum number of required site plan review points. Notwithstanding section 550.330(a), the minimum wall area required to be windows where facing a street may be reduced to ten (10) percent when the principal structure is located in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater, and is located at least forty (40) feet from any adjacent street.

e. The distance between principal buildings within the common lot development shall be not less than ten (10) feet.

*(2) Multiple-family dwelling, four units or more.*

a. All multiple-family dwellings of four (4) or more units that include at least one (1) dwelling with three (3) or more bedrooms shall provide an outdoor children's play area to serve residents of the development on sites meeting the following criteria:

1. At least twenty thousand (20,000) square feet of lot area.
2. Located in the UN2 or UN3 Districts.
3. Located at least one thousand five hundred (1,500) feet from a public park.
4. Located outside the UA University Area Overlay District.

b. All required outdoor children's play areas shall be subject to the following requirements:

1. An active, outdoor children's play area shall be a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms, but not less than three hundred (300) square feet of play area to a maximum required area of two thousand (2,000) square feet.
2. The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision.
3. The play area shall include play equipment, or natural features suitable for children in both preschool and elementary school. If prefabricated, play equipment shall be installed to manufacturer's specifications.
4. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.

5. Play equipment shall not be located in a required yard and not more than twenty-five (25) percent of the required square footage of the play area may be located in a required yard.

**545.260. Transportation, vehicle services, and parking use standards.** (a) Uses within the transportation, vehicle services, and parking use group are subject to specific use standards in this section.

(b) *Automobile services uses.* Automobile services uses shall be subject to the following general standards and specific use standards as applicable.

(1) *General standards.*

a. The minimum lot area for automobile services uses shall be fourteen thousand (14,000) square feet.

b. Fuel pumps for the purpose of the retail sale and dispensing of fuel to the general public shall be prohibited.

c. All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 555, Off-Street Parking, Loading, and Mobility.

d. All vehicle repairs shall be performed within a completely enclosed building.

e. All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of salvaged vehicles shall be prohibited.

f. Automobile and other motor vehicle sales shall only be allowed as a principal use and shall not be allowed accessory to other automobile services uses.

g. Vacuum facilities shall be located in an enclosed structure or located not less than fifty (50) feet from any residential use to avoid the impacts of noise.

h. All parking areas, including vehicle storage areas, shall be surfaced as required in Chapter 555, Off-Street Parking, Loading and Mobility.

i. Vehicle access doors shall not face a goods and services corridor.

(2) *Automobile repair, major.* The use shall employ best management practices regarding the venting of odors, gas, and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

(3) *Automobile sales, enclosed.* Automobiles displayed for sale shall be located entirely within an enclosed building.

(4) *Car washes.* Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

(5) *Electric vehicle charging hub.* Facilities shall maintain a minimum acceptable level of security at all times, while not creating glare or excessive lighting of the site and come into compliance with the lighting standards in Chapter 550, Article XVII, General Performance Standards.

(6) *Gas stations existing on the effective date of this ordinance.*

a. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

b. Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.

c. The total light output used for illuminating service area canopies shall not exceed forty (40) initial bare-lamp lumens per square foot of canopy.

d. Facilities that provide for unattended, automated dispensing of gasoline or other engine fuel shall provide lighting on site that maintains a minimum acceptable level of security at all times, while not creating glare or excessive lighting of the site and come into compliance with the lighting standards in Chapter 550, Article XVII, General Performance Standards.

(b) *Industrial transportation services.* Industrial transportation services uses shall be subject to the following general standards and specific use standards as applicable:

(1) *General standards.*

a. Any loading and unloading activities shall be located at least three hundred (300) feet from any urban neighborhood or residential mixed-use district.

b. An air quality plan shall be submitted describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations.

c. A dust management plan shall be submitted describing dust emission sources, their quantity and composition, and how dust will be collected, managed and disposed of, and indicating conformance with all applicable dust emission regulations.

d. A sound attenuation plan shall be submitted describing sources of sound and indicating conformance with all applicable sound and noise regulations.

e. A vibration dampening plan shall be submitted describing sources of vibration and indicating conformance with all applicable vibration regulations.

(2) *Waste hauler.* No waste shall be stored or maintained on-site.

(c) *Principal parking.* All principal parking facilities shall serve a use allowed in the zoning district where such parking is located or shall comply with Table 555-5 Location of Off-Site Parking, whichever requirement is more restrictive, provided that uses first allowed in the urban neighborhood and residential mixed-use districts may provide off-street parking in any urban neighborhood, residential mixed-use, commercial mixed-use, or downtown district.

(d) *Vehicle fleet-oriented services.* Vehicle fleet-oriented services uses shall be subject to the following general standards and specific use standards as applicable:

(1) *General standards.*

a. The use shall be located at least one hundred (100) feet from an urban neighborhood or residential mixed-use district.

b. Fleet vehicles stored on-site shall be exempt from the enclosed building requirements of Chapter 550, Development Standards, provided each vehicle is licensed and in operable condition.

(2) *Horse and carriage assembly/transfer sites.*

a. The use shall comply with the requirements of the applicable standards of Title 4, Animal Care and Control, of the Minneapolis Code of Ordinances.

b. In addition to distance requirements applicable to all vehicle fleet-oriented services uses, the use shall be located at least one hundred (100) feet from a ground floor permitted or conditional residential use or a food or beverages use.

(e) *Vehicle storage.* Truck and commercial vehicle parking shall comply with the standards of Chapter 555, Article IX, Truck and Commercial Vehicle Parking.

### ARTICLE III. ACCESSORY USES AND STRUCTURES

**545.300. Purpose.** Standards governing accessory uses and structures are established to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the type, size, location, and operational characteristics of accessory uses and structures.

**545.310. Accessory uses and structures in general.** Accessory uses and structures shall comply with the following standards and all other applicable regulations of this zoning ordinance:

(1) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(2) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(3) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(4) The accessory use or structure shall be located on the same zoning lot as the principal use or structure served, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 555, Off-Street Parking, Loading, and Mobility, and the applicable requirements of the district in which such facility is located.

(5) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.

**545.320. Time of construction.** No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing of a construction project in which both the principal and accessory structures are to be built simultaneously.

**545.330. Hours open to the public.** An accessory use or structure shall be open to the public only during such hours as the principal use is open to the public.

**545.340. Allowed accessory uses and structures.** Accessory uses are allowed as noted in this article, subject to the specified standards.

**545.350. Maximum height.** (a) *In general.* The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the built form overlay district in which the accessory structure is located, except as otherwise provided in this zoning ordinance. The maximum height of detached accessory dwelling units shall be governed by Chapter 550, Article IX, Accessory Dwelling Unit Standards.

(b) *Accessory structures located in the urban neighborhood and RM1 districts.* A detached accessory structure accessory to a principal use located in an urban neighborhood and RM1 districts shall not exceed thirteen (13) feet. The wall height shall not exceed ten (10) feet at any point from adjacent grade to the exterior intersection of the wall and the roof rafters for hip, gable, gambrel, or flat roofs and for the low eave side for shed roofs. The maximum height may be increased to sixteen (16) feet where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure. The wall height shall not exceed ten (10) feet at any point from adjacent grade to the exterior intersection of the wall and the roof rafters for hip, gable, gambrel, or flat roofs and to the low eave side for shed roofs. The zoning administrator shall conduct the administrative review of all applications to increase the maximum height of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Procedures.

(c) *All other districts.* In all other districts, a detached accessory structure accessory to a single-, two-, and three-family dwelling, or accessory to those residential structures originally designed or intended to have three (3) or fewer units, shall be subject to the same height limitations applicable in subsection (b) above. All other uses shall be governed by subsection (a) above.

**545.360. Maximum floor area.** (a) *In general.* The floor area of any accessory structure shall be included in the total allowable floor area permitted on the zoning lot except for detached structures accessory to residential uses with three (3) units or less. The maximum floor area of accessory dwelling units shall be governed by Chapter 550, Article IX, Accessory Dwelling Unit Standards.

(b) *Accessory uses and structures located in the urban neighborhood and RM1 districts.*

(1) *Single-, two-, and three-family dwellings.* The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, shall not exceed eight hundred (800) square feet or ten (10) percent of the lot area, whichever is greater. Detached accessory structures greater than eight hundred (800) square feet in area shall utilize primary exterior materials that match the primary exterior materials of the principal structure. The zoning administrator

shall conduct the administrative review of all applications to increase the maximum floor area of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Procedures.

(2) *All other uses.* The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles shall not exceed eight hundred (800) square feet or ten (10) percent of the lot area, whichever is greater. Parking garages within a building, entirely below grade, or of at least two (2) levels shall not be subject to this limit.

(c) *All other districts.* In all other zoning districts, the maximum floor area of all detached accessory structures and any attached accessory use designed or intended to be used for the parking of vehicles, accessory to a structure originally designed or intended as a single-, two-, or three-family dwelling, shall not exceed eight hundred (800) square feet or ten (10) percent of the lot area, whichever is greater.

**545.370. Yard requirements.** The minimum yard requirements for accessory uses and structures shall not be less than those specified for the principal uses to which they are accessory, except as provided Chapter 540, Article IX, Yards, or as otherwise provided in this zoning ordinance.

**545.380. Distance from dwelling.** (a) *Detached accessory structures.* A detached accessory building shall not be located closer than six (6) feet from the habitable space of a dwelling of any type.

(b) *Open parking spaces.* An open parking space shall not be located closer than three (3) feet from the habitable space of a dwelling of any type except that no minimum distance shall be required from a detached accessory dwelling unit.

**545.390. Location of accessory structures serving residential uses.** Detached parking garages serving residential uses and detached accessory dwelling units shall be located entirely to the rear of the principal residential structure.

**545.400. Prohibited accessory uses.** The sale, lease, trade, or other transfer of firearms or ammunition is prohibited as an accessory use. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Article VI, Nonconforming Uses and Structures.

**545.410. Temporary family health care dwellings.** Pursuant to authority granted by Minnesota Statutes, the City of Minneapolis opts out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates temporary family health care dwellings.

**545.420. Allowed accessory uses and structures.** (a) *In general.* Accessory uses and structures shall be allowed as identified in sections 545.430 through 545.680.

(b) *Public parks.* The following individual uses, use categories, and structures shall be allowed accessory to public parks, subject to the specific primary and accessory use standards in this chapter. Additional accessory uses may be permitted as determined by the zoning administrator.

(1) Amphitheater.

(2) Botanical garden.



- (3) Child care center.
- (4) Coffee shop.
- (5) Community centers.
- (6) Community garden.
- (7) Community provisions facility.
- (8) Conservatory.
- (9) Farmer’s market.
- (10) Indoor recreation area.
- (11) Museum.
- (12) Office.
- (13) Outdoor recreation area.
- (14) Performing or visual arts school.
- (15) Public Safety and Welfare uses except for pretrial detention facilities.
- (16) Reception or meeting hall.
- (17) Recreational facilities.
- (18) Rental of recreational equipment.
- (19) Restaurant.
- (20) Sports and health facility.
- (21) Street and equipment maintenance facility for Park Board operations.

(c) *Additional allowed accessory uses and structures.* In addition to the accessory uses and structures listed in sections 545.430 through 545.680, the zoning administrator may allow other accessory uses and structures, provided the zoning administrator determines that the proposed accessory use or structure is substantially similar to an accessory use or structure listed above in the manner provided for in this article, governing determination of substantially similar uses, or the zoning administrator determines that the proposed accessory use or structure meets the standards as specified in section 545.310 above.

**545.430. Accessory uses beginning with A.**

*Accessory dwelling unit.* An accessory dwelling units shall conform to the standards of Chapter 550, Article IX, Accessory Dwelling Unit Standards.

*Afterschool programs and tutoring.* Afterschool programs and tutoring shall be allowed accessory to a multiple-family dwelling with four (4) or more dwelling units for residents of the building.

*Amphitheater.* In addition to the zoning districts in which amphitheatres are allowed as a principal use, amphitheatres shall be allowed accessory to public parks, food and beverages uses, institutional and civic uses, and similar uses subject to the following:

- a. The amphitheater shall be situated in such a way as to minimize the effects of lighting and noise on surrounding properties.
- b. The use shall be exempt from the enclosed building requirements of this zoning ordinance.

*Animal coops, pens or other structures used to house small animals or fowl, such as a chicken, turkey, duck or pigeon.* Animal coops, pens or other structures used to house small animals or fowl, such as a chicken, turkey, duck, or pigeon shall be allowed accessory to a dwelling or a K-12 school, subject to the following:

- a. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- b. The use shall be visually screened from any adjacent residential use.
- c. The use shall be constructed of durable materials and shall be compatible with the principal structure and adjacent residential properties.
- d. The use shall be located entirely to the rear of the principal residential structure when accessory to a dwelling.
- e. The use shall comply with the requirements of Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.

*Animal runs.* Animal runs used to exercise small animals or fowl, such as a chicken, turkey, duck or pigeon. Animal runs shall be allowed accessory to a dwelling subject to the following:

- a. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- b. The use must be fenced or otherwise enclosed to keep the animals confined to the designated area.
- c. The use shall be located entirely to the rear of the principal structure.
- d. The use shall comply with the requirements of Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.

*Antenna.* Antennas shall be allowed as an accessory use, subject to the provisions of Chapter 550, Development Standards.

*Apiary.* An apiary shall be allowed as an accessory use subject to the following:

- a. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.
- b. The use shall comply with the requirements of Title 4, Chapter 74, of the Minneapolis Code of Ordinances.

*Aquaponics, aquaculture or hydroponics.* Aquaponics, aquaculture or hydroponics shall be allowed accessory to an urban farm or accessory to indoor market gardens located in a commercial mixed-use or downtown zoning district, subject to the following:

- a. The operator shall maintain any required licensure through the Department of Natural Resources and the Department of Agriculture.
- b. The tanks shall not be connected to the sewer system.

*Athletic field.* Athletic fields, including stadiums and grandstands, shall be allowed accessory to institutional and civic uses, subject to the following:

- a. The athletic field shall be at least fifty (50) feet from the nearest property line of a residential use located in an urban neighborhood or residential mixed-use district or any permitted or conditional residential use.
- b. The athletic field shall be situated in such a way as to minimize the effects of lighting and noise on surrounding property.

*Automatic teller machine.* Automatic teller machines shall be allowed accessory to nonresidential uses located in districts other than the urban neighborhood and RM1 districts. Such automatic teller machines shall be located within the principal structure served, except when part of a drive-through facility accessory to a bank.

*Automobile repair, major and minor.* Automobile repair may be allowed accessory to gas stations existing on the effective date of this ordinance, and to automobile sales, subject to the following:

- a. Automobile repair accessory to automobile convenience facilities shall be allowed when located in a district in which such automobile repair is allowed as a principal use that may be established after the effective date of this ordinance.
- b. Automobile repair accessory to automobile sales shall be allowed when located in a district in which such automobile repair is allowed as a principal use that may be established after the effective date of this ordinance.

**545.440. Accessory uses beginning with B.**

**545.450. Accessory uses beginning with C.**

*Cafeteria.* Cafeterias, dining halls, and similar food services shall be allowed accessory to nonresidential uses when operated primarily for the convenience of the employees, clients, or visitors of the principal use.

*Car wash.* Car washes shall be allowed accessory to automobile repair, automobile sales and rental, and existing gas stations, subject to the applicable specific use regulations and the following:

a. Accessory car washes shall not be of a self-service type.

*Catering.* In addition to the zoning districts in which catering is allowed as a principal use, catering shall be allowed accessory to a congregate living use, child care center, food and beverages use, and institutional and civic use, subject to the following:

a. The use shall have a current institutional food or food manufacturing license in accordance with Title 10, Food Code, of the Minneapolis Code of Ordinances.

b. No signage for such catering use shall be visible from outside the building.

c. In urban neighborhood and residential mixed-use districts, parking of commercial vehicles for accessory catering uses shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight. Such vehicles shall be parked in an enclosed structure. These regulations shall apply only to vehicles that are parked regularly at a site and shall not apply to pick-up and delivery activities or to the temporary use of vehicles during construction.

d. In urban neighborhood districts, shipment and delivery of products, merchandise, or supplies shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

*Cold frames or other structures used to cover food or ornamental crops to protect from cold weather.* Cold frames or other structures used to cover food or ornamental crops and provide protection from cold weather shall be allowed as an accessory use subject to the following:

a. The use shall not exceed four (4) feet in height.

b. The use shall not be located in a required interior side yard.

*Community bulletin board.* Community bulletin boards shall be allowed accessory to institutional and civic uses, subject to the following:

a. A community bulletin board shall not be located in any required yard or within twenty (20) feet of any habitable building on an adjacent property.

b. Community bulletin boards shall not exceed eight (8) square feet in area and shall not exceed six (6) feet in height.

c. Illumination is prohibited.

*Community garden.* In addition to the zoning districts in which community gardens are allowed as a principal use, community gardens shall be allowed as an accessory use subject to the provisions of Article II, Specific Use Standards, of this chapter and the following:

a. In the urban neighborhood and CM1 districts, community gardens shall not be allowed accessory to a residential use.

*Community provisions facility.* In addition to the zoning districts in which community provisions facilities are allowed as a principal use, community provisions facilities may be permitted accessory to a community center, development achievement center, or religious place of assembly, subject to the specific use standards in Article II, Specific Use Standards in this chapter, that apply when established as a principal use.

*Community supported agriculture drop-off/pick up.* Community supported agriculture drop-off/pick up sites shall be allowed as an accessory use.

*Compost container.* Compost containers shall be allowed as an accessory use, subject to the following:

a. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.

b. The use shall comply with the requirements of Chapter 244, Housing Maintenance Code, of the Minneapolis Code of Ordinances and with all applicable rules and statutes as determined by the Minnesota Pollution Control Agency.

*Congregate dining.* Congregate dining shall be allowed accessory to a residential use with five (5) or more units or any congregate living use, subject to the following:

a. Congregate dining facilities shall be for residents of the property and their registered guests only.

b. No signage for such congregate dining facility shall be visible from outside the building.

c. Separate exterior access to the congregate dining facility shall be prohibited.

*Convent, monastery, or religious retreat center.* Convents, monasteries, and religious retreat centers shall be allowed accessory to a religious institution place of assembly, provided such use shall be subject to the same requirements for maximum number of persons served as state credentialed care facilities located in the zoning district.

*Crematory.* Crematories shall be allowed accessory to a cemetery, provided that no crematory shall be located within one thousand (1,000) feet of any exterior property line of the cemetery.

#### **545.460. Accessory uses beginning with D.**

*Donation collection bin.* Donation collection bins shall be allowed in all zoning districts accessory to a commercial use, a religious institution place of assembly, or an educational facility, subject to Title 13, Chapter 282, Donation Collection Bins, of the Minneapolis Code of Ordinances.

**545.470. Accessory uses beginning with E.**

*Electric vehicle supply equipment.* Electric vehicle supply equipment shall be allowed as an accessory use wherever vehicle parking spaces are allowed.

**545.480. Accessory uses beginning with F.**

*Family or group family day care.* Family or group family day care shall be allowed accessory to a dwelling, provided play equipment shall not be located in required front, side or rear yards and shall be effectively screened from any adjacent residential use located in an urban neighborhood or residential mixed-use district or from a ground floor permitted or conditional residential use, as specified in Chapter 550, Article V, Site Plan Review Standards. Where the license holder is an employer and the purpose of the program is to provide day care to children of the license holder's employees, such program shall be allowed accessory to a use other than a dwelling, provided all other requirements of this section are met.

*Farmstand.* Farmstands shall be allowed accessory to a community garden, market garden or urban farm, subject to the following:

- a. The farmstand shall only sell products of the farm or garden occupied and cultivated by the same producer within the City of Minneapolis.
- b. The farmstand shall not exceed a duration of seventy-five (75) days in one (1) calendar year.
- c. Sales shall be limited to between 7:00 a.m. and sunset.
- d. Farmstands must be removed from the premises or stored inside a structure when not in operation.
- e. Only one (1) farmstand is permitted per zoning lot.
- f. One (1) sign may be displayed during the growing season but must be removed from the premises or stored inside a structure at other times of the year. The growing season is considered to be the months of April through October.

*Fence.* Fences shall be allowed as an accessory structure, subject to the provisions of Chapter 550, Development Standards.

*Fowl, pigeons and other small animals.* Fowl, pigeons and other small animals, such as a chicken, turkey, duck or pigeon, shall be allowed accessory to a permitted or conditional residential use subject to the following:

- a. The use shall comply with the requirements of Chapter 70, Fowl, Pigeons and Other Small Animals, of the Minneapolis Code of Ordinances.
- b. Live slaughter shall be prohibited.

*Fuel pump.* Accessory fuel pumps shall not be utilized for dispensing fuel to the general public and shall be allowed accessory to automobile services, vehicle fleet-oriented services, and industrial transportation services, provided the use shall employ best management practices regarding the venting of odors, gas

and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

*Funeral home.* Through the conditional use permit for a cemetery, funeral homes may be allowed as accessory use within a cemetery. Newly constructed funeral homes shall be subject to Chapter 550, Article V, Site Plan Review Standards.

**545.490. Accessory uses beginning with G.**

*Garage, yard or moving sale.* Garage, yard and moving sales shall be allowed accessory to a residential use, subject to the following:

- a. Only two (2) such sales shall be allowed per dwelling per year.
- b. Such sales may be conducted for a period of time not to exceed seventy-two (72) consecutive hours.
- c. Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale.

*Gazebo or playhouse.* Gazebos, playhouses and other similar structures shall be allowed as an accessory structure.

*Greenhouse or conservatory.* Greenhouses and conservatories shall be allowed as an accessory use. Greenhouses accessory to community gardens shall be subject to the following standards:

- a. Notwithstanding section 545.360, the total floor area of all accessory structures, including the greenhouse, shall not exceed twenty (20) percent of the lot area. Further, a greenhouse up to one thousand six hundred (1,600) square feet in area may be allowed for community gardens with a lot area of at least ten thousand (10,000) square feet.
- b. The floor area of the greenhouse shall not exceed the outdoor planting area of the community garden.

**545.500. Accessory uses beginning with H.**

*Home occupation.* Home occupations shall be allowed accessory to a dwelling or rooming unit, subject to the provisions of Article V, Home Occupations.

*Hoop houses or other structures used solely to control the growing environment for food or ornamental crops.* Hoop houses or other structures used solely to control the growing environment for food or ornamental crops shall be allowed as an accessory use subject to the applicable district regulations and subject to the following:

- a. In the urban neighborhood and CM1 districts the use must be located in the rear fifty (50) feet of the lot.
- b. The use shall be located not less than twenty (20) feet from any habitable building on an adjacent property.

c. The use shall not be located in a required interior side yard.

d. Notwithstanding the provisions of this chapter, hoop houses, cold frames or other structures used solely to control the growing environment for food or ornamental crops that are accessory to a community garden, market garden or urban farm, shall be exempt from the maximum floor area of all accessory structures, provided that the total size of such structures shall not exceed one thousand (1,000) square feet or fifteen (15) percent of the lot area, whichever is greater, and shall not exceed a duration of one hundred eighty (180) days in a calendar year without a building permit.

e. The use shall comply with all applicable requirements of the Minnesota State Fire Code and Minneapolis Fire Department and obtain any required permits.

f. Notwithstanding the provisions of section 545.320, the maximum height of a hoop house or other structure used solely to control the growing environment for food or ornamental crops shall not exceed six and one-half (6½) feet accessory to single-, two-, and three-family dwelling and twelve (12) feet accessory to all other uses. The use shall not exceed the maximum height for any accessory structure as specified in section 545.320.

*Hospitality residence caretaker's quarters.* A separate single-family dwelling for use by the caretaker, manager or other staff member of the facility shall be allowed accessory to a hospitality residence.

*Household hazardous waste collection.* The collection of household hazardous waste shall be allowed accessory to public safety and welfare and post-consumer waste processing uses. In addition, the collection of household hazardous waste shall be allowed accessory to commercial and production uses where the waste collected aligns with products sold or processed by the principal use, e.g., used motor oil collected accessory to an automobile parts store, light bulbs or latex paint collected accessory to a hardware store.

**545.510. Accessory uses beginning with I.**

**545.520. Accessory uses beginning with J.**

**545.530. Accessory uses beginning with K.**

*Kennel.* Outdoor kennels shall be allowed accessory to a residential use, subject to the following:

a. The use shall not exceed two hundred (200) square feet in area.

b. The use shall be located not less than twenty (20) feet from any habitable building on adjacent property.

c. The use shall be visually screened from adjacent residential property.

d. The number of animals allowed on-site shall comply with the requirements of Chapter 64, Dogs and Cats, of the Minneapolis Code of Ordinances.

**545.540. Accessory uses beginning with L.**



**545.550. Accessory uses beginning with M.**

*Market garden.* In addition to the zoning districts in which market gardens are allowed as a principal use, market gardens shall be allowed as an accessory use subject to the following:

- a. The use shall comply with the applicable provisions of Article II, Specific Use Standards.
- b. In the urban neighborhood and RM1 districts, market gardens shall not be allowed accessory to a residential use.

*Medical helistop.* Medical helistops shall be allowed accessory to a hospital, provided that non-emergency use of helistops between the hours of 10:00 p.m. and 7:00 a.m. shall be prohibited.

**545.560. Accessory uses beginning with N.**

**545.570. Accessory uses beginning with O.**

*Overnight shelter.* Overnight shelters shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such overnight shelter shall be subject to the following standards:

- a. Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.
- b. The number of guests shall not exceed the housing code occupancy requirements.
- c. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.
- d. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- e. Accessory overnight shelters existing on December 11, 2015, shall be allowed to remain as a principal, conditional use if the place of assembly to which it is accessory is discontinued. The overnight shelter shall comply with all applicable conditions of the original conditional use permit provided that changes may be allowed by obtaining a new conditional use permit.

**545.580. Accessory uses beginning with P.**

*Parking and loading facility, off-street.* Off-street parking and loading facilities, including garages, carports, and parking spaces, shall be allowed as an accessory use, subject to the provisions of Chapter 555, Off-Street Parking, Loading, and Mobility and all other applicable regulations.

*Pet exercise run.* Outdoor pet exercise runs shall be allowed accessory to a residential use, subject to the following:

- a. The use shall not exceed one thousand (1,000) square feet in area.

- b. The use shall be located not less than twenty (20) feet from any habitable building on adjacent property.
- c. The use shall be visually screened from adjacent residential property.
- d. The number of animals allowed on-site shall comply with the requirements of Chapter 64, Dogs and Cats, of the Minneapolis Code of Ordinances.
- e. Notwithstanding the yard requirements of Chapter 540, Built Form Overlay Districts, a pet exercise run may be allowed in a required interior side or rear yard when adjacent to a public alley.

**545.590. Accessory uses beginning with Q.**

**545.600. Accessory uses beginning with R.**

*Reception or meeting hall.* A reception or meeting hall may be permitted accessory to a restaurant, hotel, museum, or theater, or any school, public park building, or municipal building that is exempt from the rental hall license requirements of Chapter 266, Rental Halls, provided where alcoholic beverages are served, the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

*Rental of household goods and equipment.* Rental of household goods and equipment shall be allowed accessory to nonresidential uses located in districts other than the urban neighborhood and RM1 Districts.

*Rectory, parsonage or parish house.* Rectories, parsonages and parish houses shall be allowed accessory to a religious institution place of assembly.

**545.610. Accessory uses beginning with S.**

*Sale of used goods.* Used goods received in trade may be sold accessory to the sale of new goods, provided that the sale of such used goods does not require a pawnbroker license or does not constitute a recordable transaction by a secondhand dealer, pursuant to Chapter 321, Secondhand Dealers, of the Minneapolis Code of Ordinances.

*Sauna.* Saunas for the personal use of residents are allowed accessory to a residential use. Outdoor saunas accessory to nonresidential uses are governed by the exceptions to the enclosed building requirement in Chapter 550, Article IV, General Standards for Nonresidential Uses, and as a temporary use in Article IV of this chapter.

*Service area canopies.* Service area canopies shall be allowed accessory to a nonresidential use, provided light shall comply with the specific use standards applicable to automobile services uses in Article II of this chapter.

*Shed, tool house, or other storage building.* Sheds, tool houses and other similar buildings for the storage of supplies shall be allowed as an accessory use.

*Sign, on-premises.* On-premises signs shall be allowed as an accessory use, subject to the provisions of Chapter 560, Signs.

*Solar energy system.* Solar energy systems shall be allowed as an accessory use, subject to the applicable zoning district regulations and the regulations contained in Chapter 550, Article XII, Solar Energy Systems.

*Swimming pool or other recreational facility.* Swimming pools and other recreational facilities shall be allowed as an accessory use.

**545.620. Accessory uses beginning with T.**

*Telephone, public.* Public telephones shall be allowed as an accessory use, provided that in the urban neighborhood and residential mixed-use districts, public telephones shall be located within an enclosed building. For the purposes of this section, a telephone booth shall not be considered a building.

*Three and two-tenths (3.2) percent malt beverage, off-sale.* Off-sale three and two-tenths (3.2) percent malt beverages shall be allowed accessory to a grocery store or automobile convenience facility located in a zoning district other than an urban neighborhood or residential mixed-use district, provided the use shall comply with all requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.

**545.630. Accessory uses beginning with U.**

**545.640. Accessory uses beginning with V.**

**545.650. Accessory uses beginning with W.**

**545.660. Accessory uses beginning with X.**

**545.670. Accessory uses beginning with Y.**

**545.680. Accessory uses beginning with Z.**

**ARTICLE IV. TEMPORARY USES**

**545.700. Purpose.** Temporary use provisions are established to allow for certain uses and structures which have only a seasonal or temporary duration such as community festivals, fresh produce stands, and temporary promotions by permanent businesses.

**545.710. Temporary use permit required.** (a) *In general.* Any person wishing to establish a temporary use shall obtain a temporary use permit for such use, as specified in Chapter 525, Administration and Procedures.

(b) *Exceptions.* No temporary use permit shall be required if the temporary use is required to obtain a business license issued by the City of Minneapolis.

**545.720. Permitted temporary uses and structures.** (a) *In general.* The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located

and all other applicable regulations of this article. Outdoor temporary uses shall be exempt from the enclosed building requirement.

(1) *Storage of building materials and equipment or temporary buildings.* The indoor or outdoor storage of building materials and equipment and temporary buildings for construction purposes may be allowed as a temporary use, provided that such storage or temporary building shall be located on the site under construction and shall not exceed the duration of such construction or one (1) year, whichever is less. The zoning administrator, upon written request, may for good cause shown grant extensions to this time limit.

(2) *Temporary real estate tract office.* Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which the tract office is located may be allowed as a temporary use, provided such office shall be located on the tract for a period not to exceed one (1) year. The zoning administrator, upon written request, may for good cause shown grant extensions to this time limit.

(3) *Temporary amusement events.* Indoor or outdoor temporary amusement events, including the erection of tents for such event, may be allowed as a temporary use, provided such use shall not exceed a duration of fifteen (15) days in one (1) calendar year. In the urban neighborhood or residential mixed-use districts, such temporary amusement events shall be located on institutional and public uses property only.

(4) *Seasonal outdoor sale of holiday items.* The seasonal outdoor sale of holiday items may be allowed as a temporary use. Such temporary use shall not exceed a duration of thirty-five (35) days in one (1) calendar year. In the urban neighborhood and CM1 districts, such seasonal outdoor sale of holiday items shall be located on institutional and public uses property only.

(5) *Farmers' markets, mini-markets and produce and craft markets.* Farmers' markets, mini-markets and produce and craft markets may be allowed as a temporary use. Such temporary use shall not exceed a duration of seventy-five (75) days in one (1) calendar year. In the urban neighborhood and CM1 districts, farmers' markets, mini-markets and produce and craft markets shall be located on institutional or public use sites or on zoning lots of not less than twenty thousand (20,000) square feet.

(6) *Promotional activities involving outdoor sales and display.* Outdoor sales and display not otherwise allowed, may be allowed as a temporary use, provided such use shall not be located in an urban neighborhood or residential mixed-use district. Such temporary use shall not exceed a duration of fifteen (15) days in one (1) calendar year.

(7) *Searchlights.* Searchlights may be allowed in the commercial mixed-use and downtown districts as a temporary use, provided such use shall not exceed a duration of three (3) consecutive days and no more than fifteen (15) days in one (1) calendar year.

(8) *Exhibition or temporary market.* Exhibition or temporary markets may be allowed as a temporary use. Such temporary use shall not exceed a duration of one hundred eighty (180) days in one (1) calendar year. In the urban neighborhood and RM1 districts, exhibition or temporary markets shall be located on institutional or public use sites.

(9) *Sauna.* In addition to the applicable exceptions to the enclosed building requirement in section 550.420, outdoor saunas shall be allowed as an accessory to any use for a duration of thirty (30) days in one (1) calendar year.

(10) *Additional temporary uses.* In addition to the temporary uses and structures listed above, the zoning administrator may allow other temporary uses and structures, not exceeding fifteen (15) days in one (1) calendar year, provided the zoning administrator determines that the proposed temporary use or structure is substantially similar to a temporary use or structure listed above in the manner provided for in this chapter, governing determination of substantially similar uses.

#### ARTICLE V. HOME OCCUPATIONS

**545.800. Purpose.** Home occupation regulations are established to ensure that employment within residential uses does not adversely affect the livability of the surrounding residents and community, and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood.

**545.810. Home occupation standards.** Home occupations shall be subject to the following standards, except that licensed family day care and licensed group family day care shall be exempt from the provisions of sections (2), (6), (10), (11), (12) and (14):

(1) The home occupation shall be an activity which is customarily associated with the use of a dwelling.

(2) Only the residents of the dwelling unit, and not more than one (1) nonresident employee, shall be employed by or engaged in the conduct of the home occupation on the premises. For the purpose of this section, "nonresident employee" shall include an employee, business partner, independent contractor, or other person affiliated with the home occupation who is not a resident of the dwelling unit, but who visits the site as part of the home occupation. Not more than one (1) nonresident employee shall be permitted per dwelling unit, regardless of the number of home occupations.

(3) Exterior alterations or modifications that change the residential appearance of the dwelling, any accessory buildings, or the zoning lot, shall be prohibited.

(4) Interior alterations or modifications that eliminate the kitchen, living room, all of the bathrooms, or all of the bedrooms of the dwelling, shall be prohibited.

(5) The home occupation shall be conducted only within an enclosed area of the dwelling or accessory structure, except that the growing of food or ornamental crops, to be sold or donated off-site, shall be exempt from this provision. In multiple-family dwellings of four (4) or more units the zoning administrator may allow the home occupation within a specific area of the principal building designated for such home occupation.

(6) Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of a home occupation shall be prohibited, unless associated with the growing of food or ornamental crops to be sold or donated off-site. Any materials associated with the growing of food or ornamental crops shall be located entirely to the rear of the principal structure and shall not be located in a required yard unless stored within a permitted accessory structure.

(7) Signage shall be restricted to one (1) non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one (1) facing each street, shall be allowed.

(8) No equipment, machinery, or materials other than of a type normally found in or compatible with a dwelling shall be allowed.

(9) No retail sale and delivery of products or merchandise to the customer or client shall occur on the premises except where accessory to any services provided (such as hair care products sold accessory to hair cutting).

(10) No home occupation shall be visible from any public right-of-way, except for allowed signage, unless associated with the growing of food or ornamental crops to be sold or donated off-site. Plantings visible from any public right-of-way that do not change the residential character or appearance of the dwelling, any accessory buildings or the zoning lot shall be permitted.

(11) The hours open to the public shall be limited to between 8:00 a.m. and 8:00 p.m.

(12) The home occupation shall not generate excessive customer or client traffic that is detrimental to the residential character of surrounding properties or the neighborhood. For purposes of this provision, more than five (5) customers or clients per day may be determined to be an excessive and detrimental level of traffic. This number shall apply per dwelling unit, regardless of the number of home occupations. The factors to be used for such a determination shall include but not be limited to:

a. The characteristics of the neighborhood, including land uses, lot sizes and lot widths.

b. Street type, width, and traffic volumes.

(13) Shipment and delivery of products, merchandise or supplies shall be limited to between 8:00 a.m. and 8:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

(14) No sound or noise created by the operation of the home occupation shall be audible beyond the boundaries of the zoning lot.

(15) Hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use shall be prohibited.

**545.820. Prohibited home occupations.** Recognizing that there are some uses which have serious objectionable operational characteristics and thereby adversely affect the surrounding neighborhood, the following shall be prohibited as home occupations:

(1) Motor vehicle repair, service, or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws, and other small engines).

(2) A use that is designed to serve more than one (1) client on the site at a time.

(3) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Article VI, Nonconforming Uses and Structures.

(4) Sexually oriented uses, as defined in Chapter 565, Definitions.

(5) Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

(6) Uses first allowed in a production district.

#### ARTICLE VI. NONCONFORMING USES AND STRUCTURES

**545.900. Purpose.** Regulations governing nonconforming uses and structures are established to control the continued existence of legal nonconforming uses and structures by bringing about their gradual elimination, by regulating their enlargement, intensification, expansion, or reconstruction, and by restricting their reestablishment after abandonment or destruction, and to regulate the use of, and construction on, nonconforming lots.

**545.910. General prohibition; authority to continue.** (a) *Uses and structures.* No structure or use, or part thereof, shall hereafter be erected, constructed, altered, enlarged, relocated, used, or intensified in character or operation except in conformity with the provisions of this zoning ordinance. Legal nonconforming uses and structures shall be allowed to continue so long as they remain otherwise lawful, subject to the provisions of this chapter. Nonconforming uses and structures which were not lawfully in existence on the effective date of this ordinance shall be prohibited.

(b) *Nonconforming lots.* No nonconforming lot shall be used, nor any structure erected thereon, except in conformance with section 545.990.

(c) *Interpretation.* This chapter imposes a general prohibition on the enlargement, expansion, relocation, or intensification of nonconforming uses and structures, and on the change of any nonconforming use to a use other than one allowed in the district in which the use is located. Nothing in this chapter shall be construed to provide a property owner with any property right or other legal right to compel the city to grant an exception to this general prohibition.

(d) *Change of tenant or ownership.* A change of tenancy, ownership or management of any nonconforming use or structure shall be allowed, provided there is no change in the nature or character of such nonconforming use or structure, except as otherwise provided by this chapter.

(e) *Nonconforming signs.*

(1) *On-premises signs.* Nonconforming on-premises signs may be maintained and repaired, as specified in Chapter 560, Signs, except as prohibited by the regulations governing signs for sexually oriented uses.

(2) *Off-premises advertising signs and billboards.* Nonconforming off-premises advertising signs and billboards shall be regulated as specified in Chapter 560, Signs, notwithstanding the provisions of this chapter.

(f) *Legal nonconforming residential uses in urban neighborhood districts.* This chapter shall not prevent a legal nonconforming residential use located in a residence district from reducing the number of dwelling or rooming units on the subject property.

**545.920. Establishment of nonconforming rights; certificate of nonconforming use.** (a) *Application.* Any person having a legal or equitable interest in a nonconforming property may apply for a certificate of nonconforming use by complying with the procedure set forth in Chapter 525, Administration and Procedures. Upon issuance, a certificate of nonconforming use shall be evidence that the use or structure designated therein is a legal nonconforming use or structure at that time.

(b) *Nonconforming structures.* Where an application seeks a nonconforming use certificate to establish the legal nonconforming status of a structure only, or a use nonconforming as to parking only, and not to establish the legal nonconforming status of any use, the zoning administrator may issue or deny such certificate upon review of a certified survey, building permits, or other documentation deemed necessary or sufficient by the zoning administrator.

(1) *Single-, two-, and three-family dwellings nonconforming as to yards only.*

a. A single-, two-, or three-family dwelling nonconforming as to front, side, and rear yards only shall have all the rights of a conforming structure, provided the structure is located not closer than three (3) feet from the side and rear lot line, and provided further that the structure shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity. For the purposes of this section, the extension of a single-, two-, or three-family dwelling along the existing setback or the addition of a second story or half-story shall not be considered as increasing its nonconformity, provided the portion of the structure within the required side or rear yard comprises at least sixty (60) percent of the length of the entire structure.

b. If substantial alteration of a single-, two-, or three-family dwelling results in demolition of the structure, the entire structure shall be subject to the yard requirements applicable to a new structure, except as authorized by section 545.930 related to buildings that are damaged or destroyed.

(2) *All other residential buildings nonconforming as to yards only.* A residential building nonconforming as to yards only shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity.

**545.930. Loss of nonconforming rights.** (a) *Discontinuance.*

(1) *In general.* If a nonconforming use or structure is discontinued for a continuous period of more than one (1) year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. Any subsequent use of the land or structure shall conform to the requirements of the district in which it is located.

(2) *Rebuttal of abandonment.* A property owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use or structure for the specified period was due to circumstances beyond the property owner's control. The property owner shall bear the burden of proof.



(b) *Change to conforming use.* When a nonconforming use has been changed to a conforming use, it may not thereafter be reestablished or changed to another nonconforming use. In addition, whenever the degree of nonconformity with the provisions of this ordinance is reduced (e.g., a use nonconforming by three (3) units is reduced to nonconforming by two (2) units or by one (1) unit), the degree of nonconformity shall not thereafter be increased.

(c) *Damage or destruction.*

(1) *Legal nonconforming structure containing a conforming use.* When a legal nonconforming structure is damaged or destroyed by any cause or means, to the extent that the cost of restoration exceeds one-half ( $\frac{1}{2}$ ) of its market value, and no building permit for reconstruction or replacement of nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, or one (1) year for single-, two-, and three-family dwellings, reconstruction of the nonconforming structure shall be prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming structure in its pre-existing conditions and not enlarge, relocate, or expand the nonconforming structure is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, or one (1) year for single-, two-, and three-family dwellings, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(2) *Legal nonconforming use.* When a legal nonconforming use is damaged or destroyed by any cause or means, to the extent that the cost of restoring or reestablishing the nonconforming use, including structural repairs and equipment and fixture replacement, exceeds one-half ( $\frac{1}{2}$ ) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming use in its pre-existing conditions and not enlarge, relocate or expand the nonconforming use is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

**545.940. Expansion or alteration of nonconforming uses and structures.** (a) *Legal nonconforming structure containing a conforming use or a structure containing a use nonconforming as to parking only.* Where a legal nonconforming structure contains a conforming use, or where a structure contains a use nonconforming as to parking only, such structure may be enlarged, altered or relocated so long as such enlargement, alteration or relocation does not increase its nonconformity. Buildings accessory to a conforming use or accessory to a use nonconforming as to parking only may be added, provided such accessory buildings conform in all respects to the requirements of this zoning ordinance.

(b) *Structure (conforming or nonconforming) containing a legal nonconforming use.* Structures containing one (1) or more legal nonconforming uses shall not be moved to a new location on the zoning lot, expanded, enlarged in any way, nor shall such use be intensified, except that the city planning commission may permit the relocation, expansion, enlargement, or intensification of such use or structure or any accessory structure, if it makes the findings specified in Chapter 525, Administration and Procedures. Such

relocation, expansion, enlargement, or intensification shall meet all other applicable regulations of this zoning ordinance. This section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot.

**545.950. Exceptions to enlargement limitations.** (a) *In general.* The addition, alteration or enlargement of a deck, open balcony, open porch, accessible ramp, or entrance vestibule to any nonconforming residential use or structure with four (4) or fewer units shall be allowed and exempted from the provisions of section 545.940, provided the following conditions are met:

(1) The addition, alteration or enlargement of a deck, open balcony, open porch, accessible ramp, or entrance vestibule shall not exceed one hundred (100) square feet for any one (1) or a combination of two (2) or more of said exempted structures.

(2) The addition, alteration or enlargement shall comply with the yard, height, and all other applicable requirements of the district in which the property is located, unless a variance is granted.

(b) *Detached accessory structures.* Detached structures accessory to any nonconforming residential use or structure with four (4) or fewer units shall be allowed and exempted from the provisions of section 545.940 provided all other applicable regulations are met.

**545.960. Equipment replacement.** (a) *Equipment replacement.* Certain nonconforming production uses may complete equipment replacement as follows:

(1) *Permanent equipment replacement.*

a. A legal nonconforming scrap/salvage yard, metal milling facility, or facility for crushing and processing of concrete, asphalt, or rock, may replace existing equipment included on a certified list of shredding, milling, grinding, baling or packing equipment for the handling of scrap or salvage materials, or a certified list of crushing or grinding equipment for the handling of concrete, asphalt, rock or similar materials, properly submitted to the zoning administrator by August 31, 1992, in accordance with the requirements of the zoning code of 1963. With respect to the permanent replacement of such equipment, such facility may increase by up to ten (10) percent the rated compression capacity, shear force capacity or other appropriate power or capacity measurement approved by the zoning administrator for the piece of equipment being replaced. A piece of equipment shall be allowed only one (1) increase of up to ten (10) percent in any ten (10) year period.

b. A legal nonconforming production use with an air emission permit may replace or add equipment that will reduce the emission of any regulated pollutant, subject to compliance with all applicable zoning standards and compliance with other local, state, or federal laws.

(2) *Temporary equipment replacement.*

a. *In general.* Equipment may be temporarily leased and used at such facility during mechanical breakdowns or the overhaul or repair of existing equipment included on the certified list of shredding, milling, grinding, baling or packing equipment, or on the certified list of crushing or grinding equipment, for periods of less than thirty (30) continuous days and not exceeding sixty (60) total days in any one (1) calendar year, subject further to the requirement that the rated compression capacity or other

appropriate power or capacity measurement of the temporary equipment shall not exceed by more than ten (10) percent the rated capacity measurement of the equipment temporarily replaced.

b. *Hardship.* Upon application to the zoning administrator showing that the operation of this section would create a substantial hardship, the period allowed for temporary leasing and use of equipment at the facility may be extended for the time reasonably required to complete the necessary equipment repair or replacement, not exceeding a total additional period of sixty (60) days.

(3) *Drive-through banking facilities.* Any lawfully nonconforming drive-through banking facility may replace teller-served equipment with automatic teller machines, or vice versa, provided the number of drive-through lanes shall not be increased, and subject to all other applicable regulations of this zoning ordinance.

**545.970. Change of use.** A nonconforming use may not be changed to any use other than a use permitted in the district in which the use is located, unless approved by the city planning commission in accordance with the process and findings specified in Chapter 525, Administration and Procedures.

**545.980. Maintenance and repair.** (a) *In general.* Normal maintenance and repair, including cosmetic changes and replacement, restoration and improvement, may be performed on any nonconforming structure or on any conforming structure containing a nonconforming use, provided however, that no such maintenance or repair shall result in an expansion, relocation, or enlargement of the use or structure or increase the extent of the nonconformity, except as otherwise provided by this chapter.

(b) *Replacement.* Following damage or destruction, replacement of a nonconformity shall mean that the structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the pre-existing conditions that preceded damage or destruction. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property. Nonconformities that are completely or substantially reconstructed that include changes to building placement or design shall be subject to section 545.940, Expansion or alteration of nonconforming uses and structures.

(c) *Safety of operation.* Except as governed by section 545.960, for the purpose of this section, maintenance and repair shall include the replacement of above ground storage tanks where safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, indoor machinery or equipment not involving structural alterations which will increase the bulk of the building or structure, and replacement of underground tanks, provided any such replacement of an underground tank complies with the provisions of this ordinance and all other applicable regulations.

(d) *Exceptions.* The zoning administrator may authorize minor changes in the placement and size of improvements provided such changes decrease the extent of the nonconformity.

**545.990. Nonconforming lots.** (a) *General restriction; exception.* No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the board of adjustment, except as otherwise provided in this section. Notwithstanding any other provision to the contrary, in the urban neighborhood and residential mixed-use districts, a single-, two-, or three-family dwelling and a congregate living use serving six (6) or fewer persons shall be permitted on a lot of record existing on the effective date of this ordinance, and in the UN3, residential mixed-use, commercial mixed-use, and downtown zoning districts, a residential building with four (4) or more dwelling units shall be

permitted on a lot of record existing on the effective date of this ordinance, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, shall be met.

*(b) Required merger of common ownership lots in the SH Shoreland Overlay District.* Notwithstanding the provisions of subdivision (a) and maximum lot area requirements, if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width or lot area and is located within the SH Shoreland Overlay District, such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more parcels of land each meeting the full lot width and lot area requirements of this zoning ordinance, and Chapter 598 of the Minneapolis Code of Ordinances, Land Subdivision Regulations.

*(c) Lots nonconforming as to maximum lot area.* Notwithstanding the provisions of subdivision (a), a lot that is nonconforming as to the maximum lot area of the zoning district only shall have all of the rights of a conforming lot. Such lots shall not be enlarged except as allowed in Chapter 540, Built Form Overlay Districts, Article VIII, Lot Dimensions.

**545.1000. Compliance with current standards.** All nonconforming uses and all conforming uses in nonconforming structures shall at all times maintain compliance with all general performance standards and with all landscaping, screening, and curbing requirements applicable in the district in which the use is located, or applicable in the most restrictive district in which the use is first allowed, whichever has the greater requirement. Upon determination by the zoning administrator that strict compliance with applicable standards would be practically or economically infeasible, the zoning administrator shall require compliance with such portion of applicable standards as is practically and economically feasible.

## CHAPTER 550. DEVELOPMENT STANDARDS

### ARTICLE I. GENERAL PROVISIONS

**550.10. Purpose.** This chapter is established to provide regulations of general applicability for property throughout the city to promote the orderly development and use of land, to protect and conserve the natural environment, to minimize conflicts among land uses, and to protect the public health, safety, and welfare. Development standards are typically applicable to more than one (1) use or are not limited to the functions of a specific use.

**550.20. Scope of regulations.** The regulations set forth in this chapter shall apply to all structures and all land uses, except as otherwise provided in this zoning ordinance.

**550.30. Regulations related to built form.** Regulations related to built form, such as floor area, height, yards, and lot controls, shall be governed by Chapter 540, Built Form Overlay Districts, except as otherwise provided in this zoning ordinance.

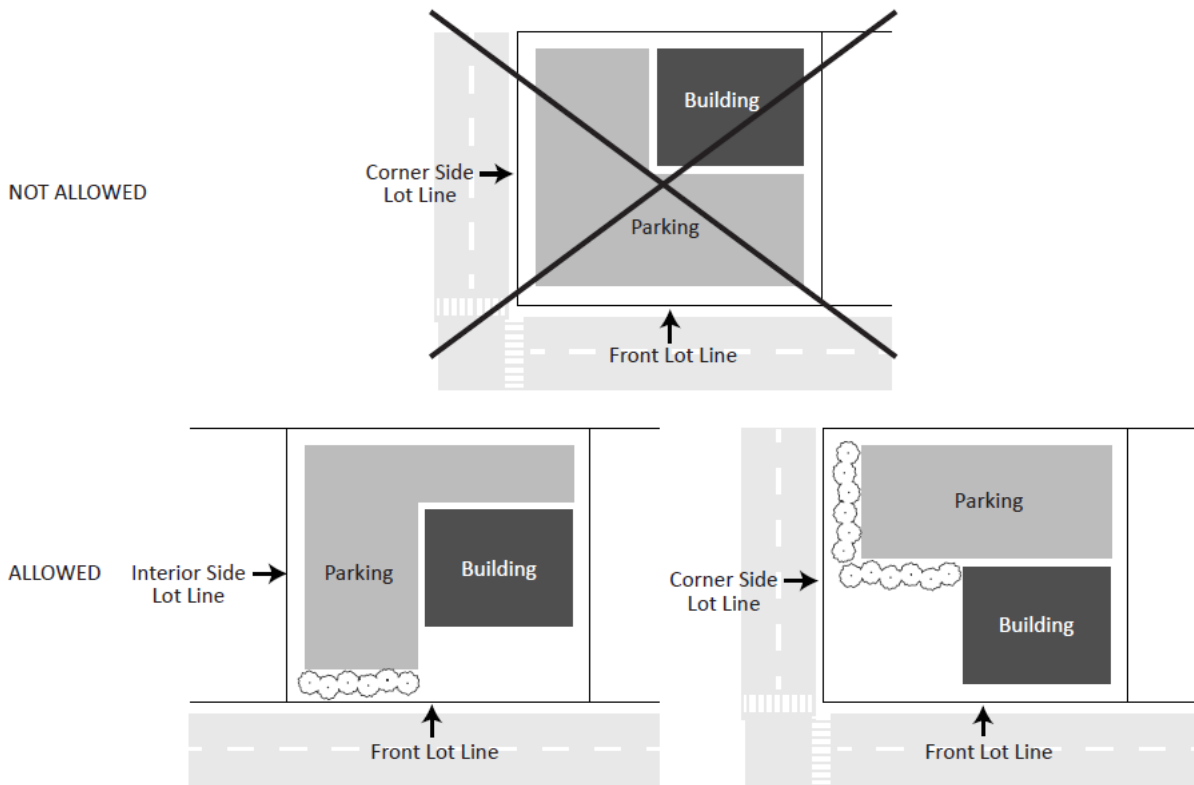
**550.40. Access restricted.** Except in the case of a planned unit development and as provided in Chapter 535, Overlay Districts, no land that is located in an urban neighborhood or residential mixed-use district shall be used for driveway, walkway or access purposes to any land which is located in a commercial mixed-use, downtown, production and transportation district, or used for any purpose not permitted in an urban neighborhood or residential mixed-use district.

**550.50. Separate access required for commercial and residential uses.** Structures containing both nonresidential and residential uses shall be designed so that customers and employees of nonresidential uses do not have unsolicited access to hallways that include doorways serving individual dwelling units.

**550.60. Parking location.** (a) *In general.* Except as otherwise allowed in the zoning ordinance, on-site surface parking facilities shall not be located between a principal structure and a front or corner side lot line as shown in Figure 550-1, Surface Parking Location.

(b) *Existing parking facilities.* Where on-site parking exists between a principal structure and a front or corner side lot line, the zoning administrator may allow the reconfiguration of the parking area, subject to compliance with all other applicable regulations and provided the number of spaces between the building and front or corner side lot line does not increase by more than ten (10) percent.

#### Figure 550-1 Surface Parking Location



**550.70. Ground floor active functions.** Buildings shall maintain compliance with the ground floor active functions requirements of Article V, Site Plan Review Standards in this chapter. A building nonconforming as to these requirements shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements.

**550.80. Screening of mechanical equipment.** (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact on all sides of the equipment from adjacent streets, public paths, and adjacent properties as observed from ground level using one (1) of the following methods. All screening shall be at least sixty (60) percent opaque and shall be at least as tall as the equipment it is intended to screen. All screening shall be kept in good repair and in a proper state of maintenance. Exterior mechanical equipment, including ductwork but not exhaust vents, shall not be located on street-facing building facades.

(1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:

a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.

b. The required screening shall be constructed with materials that are architecturally compatible with the structure.

c. Off-premises advertising signs and billboards shall not be considered required screening.

(2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.

(3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

(4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) *Exceptions.* The following mechanical equipment shall be exempt from the screening requirements of this section:

(1) Minor equipment not exceeding one (1) foot in height.

(2) Mechanical equipment accessory to a single-, two-, or three-family dwelling.

(3) Mechanical equipment located in the PR2 District not less than three hundred (300) feet from an urban neighborhood or residential mixed-use district.

**550.90. Screening of refuse and recycling storage containers.** Refuse, recycling storage, and compost containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in an urban neighborhood or residential mixed-use district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

**550.100. Light poles and flagpoles.** (a) *Light poles.* Light poles accessory to single-, two- or three-family dwellings and cluster developments shall be limited to eight (8) feet in height. Light poles accessory to all other uses shall be limited to thirty-five (35) feet in height, except that light poles designed or intended to illuminate walkways shall be limited to fifteen (15) feet in height. The maximum height of athletic field lights exceeding thirty-five (35) feet shall be as approved by conditional use permit provided the height of the light poles shall not exceed eighty (80) feet in the urban neighborhood, residential mixed-use, and commercial mixed-use districts.

(b) *Flagpoles.* Flagpoles shall be limited to thirty-five (35) feet in height.

## ARTICLE II. LOT CONTROLS

**550.200. Purpose.** Lot controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the use of lots and lot area in order to provide adequate light, air, open space, and separation of uses.

**550.210. Zoning lots.** No part of an existing zoning lot shall be used as a separate zoning lot or for the use of another zoning lot, except as otherwise provided in this zoning ordinance.

**550.220. Division of zoning lot.** No zoning lot shall be divided into two (2) or more zoning lots unless all zoning lots resulting from such division conform to all applicable regulations of this zoning ordinance and Chapter 598 of the Minneapolis Code of Ordinances, Land Subdivision Regulations.

**550.230. Limit of one (1) principal residential structure per zoning lot.** In the urban neighborhood and residential mixed-use districts and in the CM1 Neighborhood Mixed-Use District or CM2 Corridor Mixed-Use District, a principal residential structure shall not be located on the same zoning lot with any other principal structure, except in the case of cluster developments, common lot developments, and planned unit developments. An accessory dwelling unit shall not be considered a separate principal residential structure.

**550.240. Required street frontage.** Each zoning lot shall have frontage on a public street. In the case of cluster developments or planned unit developments, the entire development shall be considered one (1) zoning lot. For the purposes of this section, a limited access roadway shall not be considered a street. In zoning districts other than urban neighborhood or residential mixed-use districts, the requirement of public street frontage may be satisfied by a private easement, subject to the following standards:

(1) The private easement shall be not less than twenty (20) feet in unobstructed width.

(2) The private easement shall not be part of the required lot area or yards of any existing structure or use, nor may it hereafter be used in computing floor area ratio, lot area or yards for any future structure or use. Such private easement shall not be across an urban neighborhood or residential mixed-use district.

(3) If property not having street frontage is more than three hundred (300) feet from the street to which access is to be provided, two (2) such street accesses shall be provided where the city finds it is necessary to provide emergency vehicle access.

(4) The use of the property shall be for nonresidential purposes.

**550.250. Lots containing two (2) or more zoning classifications.** (a) *In general.* The combining of land, lots, parcels, or tracts shall not result in more than one (1) primary or built form overlay zoning classification on a single zoning lot, except when the zoning lot is used for a public park or as allowed by the TP Transitional Parking Overlay District and the SZ Split Zoning Overlay District. Land, lots, parcels, or tracts combined after the effective date of this ordinance, in violation of this ordinance shall be treated as separate zoning lots corresponding with the boundaries of the different zoning classifications. Where the TP Transitional Parking Overlay District is part of the zoning lot served, land in the urban neighborhood or residential mixed-use districts shall not be included as a part of the required yards or minimum lot area for any structures or uses not allowed in the urban neighborhood or residential mixed-use district.

(b) *Split zoning.* Where a zoning lot contains two (2) or more primary zoning classifications on the effective date of this ordinance, or where a zoning lot with two (2) or more primary zoning classifications has not been created by the property owner through combining land, lots, parcels, or tracts after the effective date of this ordinance, or where a zoning lot with two (2) or more built form zoning classifications has not been created by the property owner through combining land, lots, parcels, or tracts, the zoning lot shall be subject to the following:



(1) *Most restrictive provisions shall apply.* For existing and proposed uses and structures, the more restrictive provisions of the primary zoning and built form overlay districts, including but not limited to, use and building bulk regulations, lot area, parking and loading, and yard requirements, shall apply to the entire zoning lot, except where one (1) zoning district occupies at least seventy-five (75) percent of the total lot area and the other zoning district(s) occupies less than five thousand (5,000) square feet of the total lot area, the district regulations of the district occupying the larger portion of the lot shall apply to the entire zoning lot.

(2) *Yard requirements.* Yards shall not be required along split zoning district boundary lines.

### ARTICLE III. GENERAL STANDARDS FOR RESIDENTIAL USES

**550.300. Purpose.** General standards for residential uses are established to promote development that is compatible with nearby properties and urban neighborhood patterns, to promote public safety, to ensure clear and direct connection from the street to a primary building entrance, to visually enhance development, and to distinguish between different types of housing units.

**550.310. Size and width.** The following minimum size requirements shall apply to residential uses:

(1) The minimum gross floor area of a dwelling unit, including accessory dwelling units, shall be three hundred (300) square feet.

(2) The minimum gross floor area of single room occupancy housing units and rooming units allowed in congregate living uses shall be governed by the building code and Chapter 244, Housing Maintenance Code.

(3) Not less than eighty (80) percent of the habitable floor area shall have a minimum width of eighteen (18) feet.

**550.320. Principal entrance and pedestrian access.** (a) *Single-, two-, and three-family dwellings.* Single-, two-, and three-family dwellings shall include a principal entrance facing the front lot line. In dwellings with more than one (1) unit, providing all units access to a shared front facing entrance is encouraged. Subject to Table 540-22, Permitted Obstructions in Required Yards, the principal entrance and at least one (1) entrance for each dwelling unit shall be connected to the public sidewalk by a hard-surfaced walkway not less than three (3) feet in width and shall include stairs where needed. Where no public sidewalk exists, the walkway shall extend to the public street. The principal entrance may face a side lot line when part of a front vestibule or extended portion of the front façade, provided the entrance is located no further than eight (8) feet from the façade closest to the street.

(b) *All other residential uses.* Residential buildings shall be oriented so that at least one (1) principal entrance faces a public street. Clear and well-lighted walkways at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site. In the case of a corner lot, the principal entrance shall face the front lot line.

**550.330. Windows.** (a) *Single-, two-, and three-family dwellings.* Not less than fifteen (15) percent of the walls on each floor of single-, two-, and three-family dwellings that face a public street shall be windows. The bottom of any window used to satisfy the ground floor window requirement facing a public street

shall not be more than four (4) feet above the adjacent first floor elevation. Not less than five (5) percent of the walls on each floor of single-, two-, and three-family dwellings that face a rear or interior side lot line shall be windows. Windows located in a door shall not be counted toward satisfying the minimum window requirement.

(b) *All other residential uses.* Residential buildings shall maintain compliance with the residential window requirements of Article V, Site Plan Review in this chapter.

(c) *Half stories.* Half stories shall not be subject to the minimum window requirement.

(d) *Window area computation.* Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above, except that window area on the topmost story shall be measured on that portion of a building included between the upper surface of the topmost floor and the ceiling.

**550.340. Attached garages.** Attached accessory uses designed or intended for the parking of vehicles accessory to single-, two-, or three-family dwellings shall extend no more than five (5) feet closer to the front lot line than the façade of a habitable portion of the first story of the dwelling when the garage door or doors face the front lot line. In addition, the width of the garage wall facing the front lot line, including basement-level garages, shall not exceed sixty (60) percent of the width of the entire structure.

**550.350. Conversions.** The addition of a dwelling unit or units that result in a two- or three-family dwelling shall be subject to the following standards:

(1) Fire escapes or stairs that provide access above the ground floor shall be enclosed or located entirely to the rear of the principal residential structure.

(2) Mechanical equipment, including utility boxes and panels, shall not be located on the front building façade.

(3) Windows in additions that face a street shall be compatible with the existing windows of the street-facing walls.

(4) Exterior materials that face a street shall be compatible with the existing exterior materials of the street-facing walls.

**550.360. Single kitchen in a dwelling unit.** An individual dwelling unit shall include not more or less than one (1) kitchen. A wet bar shall not be considered a kitchen. Kitchen and wet bar facilities are defined in Chapter 565, Definitions.

**550.370. Nonconformities.** A residential building nonconforming as to the requirements in this article shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements.

#### ARTICLE IV. GENERAL STANDARDS FOR NONRESIDENTIAL USES

**550.400. Purpose.** General standards for nonresidential uses are established to promote development that is compatible with nearby properties and development patterns, to promote public safety, to ensure clear and direct connection from the street to a primary building entrance, and to visually enhance development.

**550.410. Principal entrances, walkways, and windows.** Nonresidential buildings shall be oriented so that at least one (1) principal entrance faces a public street rather than the interior of the site, clear and well-lighted walkways at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site, and shall maintain compliance with the nonresidential windows requirements of Article V, Site Plan Review Standards in this chapter. A nonresidential building nonconforming as to these requirements shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements.

**550.420. Enclosed building requirements.** (a) *In general.* All production, processing, storage, sales, display or other nonresidential activity shall be conducted within a completely enclosed building, except as otherwise provided in this section or elsewhere in this ordinance. This ordinance is not intended to construe that doors or windows opened on a temporary basis shall result in a use that is not enclosed unless the use constitutes a dangerous, injurious or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, cold, dampness, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Art installations.* Art installations shall be allowed, such as a sculpture garden or public art.

(c) *Children's play areas.* Children's play areas shall be allowed provided the play equipment shall not be located in required front, side or rear yards and shall be effectively screened from any adjacent residential use located in an urban neighborhood or residential mixed-use district or from an adjacent ground floor permitted or conditional residential use, as specified in Article V, Site Plan Review Standards in this chapter.

(d) *Outdoor dining.* Outdoor dining shall be allowed in all districts where restaurants are allowed and where accessory to a public park, provided the following conditions are met:

(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent urban neighborhood or residential mixed-use district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Article V, Site Plan Review Standards in this chapter.

(2) Sidewalk cafés shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(e) *Outdoor growing areas.* Outdoor growing associated with community gardens, farmers markets, market gardens, and urban farms shall be allowed, in addition to growing as an accessory use.

(f) *Outdoor production or processing.* Outdoor production or processing shall only be allowed for concrete, stone, clay, or tile production, crushing and processing for recycling or disposal of concrete, asphalt, and rock, waste transfer or disposal facilities, and industrial transportation services uses. These uses and any legally nonconforming uses with existing outdoor production and processing shall be subject to the following conditions:

(1) Such outdoor production or processing areas shall be no closer than three hundred (300) feet from an urban neighborhood boundary or a ground floor permitted or conditional residential use, unless a greater separation is required in Chapter 545, Use Regulations.

(2) Outdoor production and processing areas shall be landscaped and screened from view as follows:

a. *Areas fronting along or visible from public streets or sidewalks.* A landscaped yard at least ten (10) feet wide and screening not less than eight (8) feet in height and not less than ninety-five (95) percent opaque shall be provided along the public street or sidewalk, as specified in Article V, Site Plan Review Standards in this chapter.

b. *All other areas.* Screening not less than eight (8) feet in height and not less than ninety-five (95) percent opaque shall be provided along the property line, as specified in Article V, Site Plan Review Standards in this chapter.

(g) *Outdoor recreation facilities.* Outdoor recreation facilities, including those facilities accessory to food and beverage uses, shall be allowed provided outdoor recreation facilities located in commercial mixed-use, downtown, and production districts shall be effectively screened from any adjacent residential use located in an urban neighborhood or residential mixed-use district or from a ground floor permitted or conditional residential use, as specified in Article V, Site Plan Review Standards in this chapter.

(h) *Outdoor sales and display.* Unless otherwise required, the following may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent urban neighborhood or residential mixed-use district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Article V, Site Plan Review Standards in this chapter:

(1) Direct refueling of motor vehicles.

(2) Lawn and garden supply store sales and hardware stores, provided the outdoor sales and display area shall be included in the maximum gross floor area of such use, as regulated in each district.

(3) Legal nonconforming drive-through facilities.

(4) Building material sales located in the CM2, PR1 and PR2 Districts only. In the CM2 and PR1 Districts and for legal nonconforming outdoor sales in other districts, the following standards shall also apply:

a. The unenclosed building material sales shall only be located on a zoning lot at least five (5) acres or more in area.

b. The unenclosed building material sales shall be no closer than one hundred (100) feet from an urban neighborhood or residential mixed-use district boundary or from an adjacent ground floor permitted or conditional residential use.

(5) Truck, trailer, boat or recreational vehicle sales, service or rental located in the PR2 District only, subject to the regulations governing the outdoor parking of trucks and other commercial vehicles in Chapter 555, Off-Street Parking, Loading and Mobility.

(6) Businesses with merchandise for sale on the premises located in the commercial mixed-use districts, downtown districts and the PR1 District only, provided that the outdoor sales and display complies with the following standards:

a. The outdoor sales and display shall be limited to the following locations:

1. On the public sidewalk adjacent to a ground level retail space, as provided by Title 17, Streets and Sidewalks, of the Minneapolis Code of Ordinances.

2. On property adjacent to the public right-of-way, within the thirty (30) inch wide portion extending from the business's primary building wall along the lineal storefront area, provided that all products are sold within the principal use, all merchandise and related fixtures are removed outside of the business's hours of operation, and the use does not encroach on door openings, drive aisles, parking areas, loading zones, fire lanes, or a sixty (60) inch unobstructed, straight pedestrian way.

b. Merchandise may only be displayed and sold pursuant to section 427.130(b) between the hours of 8:00 a.m. and 10:00 p.m.

c. All merchandise, fixtures, tables, racks, shelving and other related materials must be completely removed when not in use or during restricted hours of operation.

d. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space.

e. Liquor, tobacco, tobacco-related products, and sexually oriented images and merchandise, and any merchandise otherwise prohibited from being sold outdoors shall be prohibited from being displayed and sold under this ordinance.

(7) Food trucks when accessory to a public park, bar, brewery or distillery, provided the food trucks shall not remain permanently parked on the site. Food trucks shall be parked on a surface complying with the surfacing standards of Chapter 555, Off-Street Parking, Loading and Mobility. A food truck may include a smoker provided the smoker shall be no closer than five hundred (500) feet from a permitted or conditional residential use.

(i) *Outdoor speakers.* Outdoor speakers shall only be allowed in the commercial mixed-use, downtown, and production districts and shall not be audible from an urban neighborhood or residential mixed-use district boundary, or a permitted or conditional residential use. Additionally, outdoor speakers may be allowed in public park facilities.

(j) *Outdoor storage.* Outdoor storage shall only be allowed in the PR2 District and as authorized in this zoning ordinance for specific uses. Outdoor storage shall be subject to the following conditions:

(1) Outdoor storage areas shall not exceed fifty (50) percent of the lot area or one hundred thousand (100,000) square feet, whichever is less.

(2) Outdoor storage areas shall be no closer than one hundred (100) feet from an urban neighborhood or residential mixed-use district boundary or from an adjacent ground floor permitted or conditional residential use.

(3) Outdoor storage areas shall be landscaped and screened from view as follows:

a. Areas fronting along or visible from public streets or sidewalks. A landscaped yard at least five (5) feet wide and screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided along the public street or sidewalk, as specified in Article V, Site Plan Review Standards in this chapter.

b. Areas within three hundred (300) feet of an urban neighborhood or residential mixed-use district or a permitted or conditional residential use. Screening not less than six (6) feet in height and not less than ninety-five (95) percent opaque shall be provided between the storage area and the property line, as specified in Article V, Site Plan Review Standards in this chapter.

(k) *Sauna*. Outdoor saunas and sauna activity shall be allowed accessory to an indoor sauna, brewery or distillery, sports and health facility, lodging uses, and social and cultural assembly uses.

**550.430. Exterior security barriers.** Exterior security gates or grills placed on a street-facing façade of a nonresidential building shall be retractable, shall remain open and retracted when the use is open to the public or otherwise in operation, and shall not include signs.

## ARTICLE V. SITE PLAN REVIEW STANDARDS

**550.500. Purpose.** Site plan review standards are established to promote development that is compatible with nearby properties, development patterns, natural features and plans adopted by the city council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development. The regulations recognize the unique character of land and development throughout the city and the need for flexibility in site plan review.

**550.510. Buildings and uses subject to site plan review.** (a) *In general.* Table 550-1, Buildings and Uses Subject to Site Plan Review, lists all buildings and uses subject to site plan review. The site plan review requirements of this article shall apply to the establishment or expansion of any building, principal use or freestanding accessory parking garage listed on the table, except as otherwise provided by this section. Site plan review shall not be required where the property has received site plan approval and is in full compliance with such approval, and the establishment or expansion of the use does not alter the approved site plan. Any person with a legal or equitable interest in a property may choose to voluntarily file an application for site plan review for any building or use not listed in Table 550-1, Buildings and Uses Subject to Site Plan Review. Voluntary applications shall be subject to administrative site plan review.

(b) *Downtown districts.* Any building containing fifty thousand (50,000) square feet or more of gross floor area located in the downtown districts shall be exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements shall apply.

**Table 550-1 Buildings and Uses Subject to Site Plan Review**

<p>Any new principal nonresidential or mixed-use building.                  The site plan review application may be reviewed administratively if both of the following apply:                  (1) The project or proposal does not include any other land use application requiring a public hearing.                  (2) The building contains less than twenty thousand (20,000) square feet of gross floor area.</p>
<p>Any addition to a nonresidential or mixed-use building that would increase its gross floor area by two thousand five hundred (2,500) square feet or more.                  The site plan review application may be reviewed administratively if each of the following apply:                  (1) The project or proposal does not include any other land use application requiring a public hearing.                  (2) The building addition contains less than twenty thousand (20,000) square feet of gross floor area.<sup>1</sup></p>
<p>Any building or use containing four (4) or more new or additional dwelling units or rooming units.<sup>2</sup>                  The site plan review application may be reviewed administratively if both of the following apply:                  (1) The project or proposal does not include any other land use application requiring a public hearing.                  (2) The proposal includes fewer than twenty (20) new or additional dwelling units or rooming units.</p>
<p>Any use that includes the intensification, expansion, or reconstruction of a legal nonconforming drive-through facility.</p>
<p>Freestanding accessory parking garages containing thirty (30) or more new or additional parking spaces<sup>3</sup></p>
<p>Principal parking facilities containing ten (10) or more new or additional parking spaces<sup>4</sup></p>
<p>Public services and utilities uses.</p>
<p>Recycling facility.</p>
<p>Transportation, vehicle services, and parking uses, except as otherwise required for principal parking facilities above.</p>
<p>Any new single-, two-, or three-family dwellings                  The site plan review application shall be reviewed administratively and shall be subject to the standards of section 550.790, Site plan review for Single-, Two-, and Three-family Dwellings.</p>

<sup>1</sup> Additions that total two thousand five hundred (2,500) square feet or more in any three (3) year period shall be subject to site plan review.

<sup>2</sup> Additions that total four (4) or more dwelling or rooming units in any three (3) year period shall be subject to site plan review and additions that total twenty (20) or more dwelling or rooming units in any three (3) year period shall require a public hearing and shall not be eligible for administrative review.

<sup>3</sup> Additions that total thirty (30) or more parking spaces in any three (3) year period shall be subject to site plan review.

<sup>4</sup> Additions that total ten (10) or more parking spaces in any three (3) year period shall be subject to site plan review.

**550.520. Application for site plan review.** The application procedures and review criteria for site plan review applications are specified in section 525.210. The zoning administrator shall determine whether the application will be reviewed through a public hearing or administratively pursuant to Table 550-1, Buildings and Uses Subject to Site Plan Review.

**550.530. Alternative compliance.** The city planning commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following and as required elsewhere in this article:

(1) The alternative meets the intent of this article and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural features, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

(2) Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this article.

(3) The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this article.

**550.540. Conditions and guarantees for site plan review.** (a) *In general.* The city planning commission or zoning administrator may impose such conditions on any proposed site plan and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and the applicable policies of the comprehensive plan.

(b) *Performance bond or letter of credit.* The city planning commission or zoning administrator may require a performance bond or letter of credit to be supplied by the applicant guaranteeing completion of required site improvements as a condition of site plan approval. The amount of such bond shall be set at one hundred twenty-five (125) percent of the estimated cost of the improvements.

(c) *Inclusionary housing.* Approval of a site plan review application for any building or use subject to the inclusionary housing requirements of Article VI, Inclusionary Housing in this chapter, shall be conditioned upon compliance with the inclusionary housing requirements specified in the city's Unified Housing Policy in effect on the date a complete site plan review application is submitted.

**550.550. Changes in approved site plan.** (a) *Minor changes.* The zoning administrator may authorize minor changes to an approved site plan upon determining each of the following:

(1) The proposed changes would not represent a substantial redesign of the project and are consistent with the intent of this article and the findings made by the city planning commission or zoning administrator in connection with the approval of the site plan.

(2) The proposed changes would not create the need for additional alternative compliance or land use applications not previously considered and approved by the city planning commission or zoning administrator.



(3) Where the proposed changes would result in additional building bulk, the increase would not exceed ten (10) percent of the gross floor area of the approved increase, or an additional two thousand five hundred (2,500) square feet, whichever is less. A proposed reduction of floor area compared to the approved site plan may also be considered a substantial change based on criteria (1) and (2) above.

(4) Compared to the approved plan, the changes would not increase the proposed building height greater than five (5) feet or five (5) percent, whichever is less.

(5) Additional building bulk or height shall not be considered a minor change if the approved building bulk or height was authorized through a variance or conditional use permit to exceed maximum floor area or height limitations.

(b) *Other changes.* Changes to the site plan or components of the site plan other than minor changes shall require amendment to the site plan. The requirements for application and approval of a site plan amendment shall be the same as the requirements for original application and approval. However, an amendment to an approved site plan filed within two (2) years of approval shall be subject to a reduced application fee as authorized by Chapter 525, Administration and Procedures.

**550.560. Building placement.** (a) *In general.* The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The first floor of buildings shall be located not more than fifteen (15) feet from the front lot line, except where a greater yard is required by this zoning ordinance. In the case of a corner lot, the building wall abutting each street shall be located not more than fifteen (15) from the lot line, except where a greater yard is required by this zoning ordinance. The area between the building and the lot line shall include amenities such as landscaping, tables and seating, but shall not include vehicle parking.

(b) *Exceptions.* The city planning commission or zoning administrator may approve alternatives to these requirements, subject to section 550.530, provided that where applicable, any adverse effects shall be mitigated by a decorative fence, masonry wall, or planted materials that reinforce the street wall.

**550.570. Building walls.** In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length.

**550.580. Entrances.** Buildings shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site. In the case of a corner lot, the principal entrance shall face the front lot line. Principal entrances shall be clearly defined and emphasized through the use of architectural features or other details that express the importance of the entrance. Multiple entrances are encouraged.

**550.590. Windows.** (a) *In general.* Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above, except that window area on the topmost story shall be measured on that portion of a building included between the upper surface of the topmost floor and the ceiling. Windows are required on any portion of wall that extends more than six (6) feet above the adjacent grade.

(b) *Residential uses.* Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, or public pathway, shall be windows. Ten (10) percent of the walls on each floor facing an on-site parking lot shall be windows, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

(c) *Nonresidential uses.* Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, or public pathway, shall be windows. The required window area shall increase to forty (40) percent on the first-floor wall facing a public street designated as a goods and services corridor. Ten (10) percent of the walls on each floor facing an on-site parking lot shall be windows, provided the parking lot is not located between the building and a public street, public sidewalk, or public pathway. Required windows shall be as follows:

(1) Windows shall be vertical in proportion.

(2) Windows shall be distributed in a more or less even manner.

(3) The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.

(4) First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.

(5) First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

(6) In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, or public pathway, shall comply with the minimum window requirements of this section.

**550.600. Ground floor active functions.** Except for production and processing uses in production districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

**550.610. Roof lines.** The form and pitch of roof lines shall be similar to surrounding buildings.

**550.620. Parking garages.** (a) *Design.* In addition to compliance with the other standards of this article, parking garages shall comply with the following:

(1) In the downtown districts, requirements for active uses between the ground floor of principal and accessory parking garages and any public sidewalk, as required by Chapter 530, Zoning Districts, shall

apply. In all other districts, parking garages shall comply with provisions of this article requiring active functions on the ground floor.

(2) Above the ground floor, in any structure that includes a principal or accessory parking garage, parking and loading shall be limited to no more than thirty (30) percent of the linear frontage of each floor facing a public street, public sidewalk, or public pathway.

(3) Vehicles and internal garage lighting shall be screened as viewed from the public right-of-way and nearby properties.

(4) Where two (2) or more levels of parking are provided above ground, the top level of parking garages shall be enclosed or screened as viewed from above.

(5) All garage elevations shall use exterior materials to cover and diminish the visibility of any sloping floor.

(6) Design features that facilitate future conversion of parking garages to other uses, including flat floors, are encouraged.

(b) *Floor area in downtown districts.* The combined, above-grade floor area of principal and accessory parking garages in the downtown districts shall not exceed the gross floor area of all other uses located on the same zoning lot.

**550.630. Alternatives to building design standards.** The city planning commission or zoning administrator may approve alternatives to the building design requirements, subject to section 550.530, provided that the security of the surrounding area is considered and that any adverse effects are mitigated through the use of wall enhancements or architectural features, including display windows, that create visual interest.

**550.640. Pedestrian access.** Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site. Such walkways shall be a minimum of four (4) feet in width.

**550.650. Transit access.** Where transit shelters are provided, such shelters shall be well lighted and weather protected, and shall be placed in locations that promote security through natural surveillance and visibility.

**550.660. Vehicular access.** (a) *In general.* Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts for vehicles shall be consolidated wherever possible.

(b) *Vehicular access on corner lots.* On a corner lot, curb cuts are prohibited along a goods and services corridor. Where a zoning lot is adjacent to two (2) goods and services corridors, a curb cut may be allowed.

(c) *Vehicular alley access.*

(1) *In general.* Vehicular alley access shall be prohibited for the following uses when located on a block containing any urban neighborhood or residential mixed-use zoning to minimize impact upon residential properties:

- a. Transportation, vehicle services, and parking uses.
- b. Any use with a drive-through facility.
- c. Any nonresidential use over four thousand (4,000) square feet.

(2) *Exceptions.* The city planning commission or zoning administrator may approve exceptions to allow alley access where strict adherence is impractical because of site location or conditions and the exception meets the intent of this section. The city planning commission or zoning administrator shall accept input from the fire, police, and public works departments and shall consider, but not be limited to, the following factors when determining whether to approve an exception:

- a. The number of residential uses on the block and their use of the alley.
- b. The number of commercial uses on the block and their use of the alley.
- c. The location of the site on the block and its proximity to the end of the block.
- d. Other access to/from the site.
- e. The nature of the use and the number of vehicle trips the site is expected to generate.
- f. Public safety and crime prevention.
- g. The hours and days of operation of the use.
- h. Alley design and traffic safety impacts.

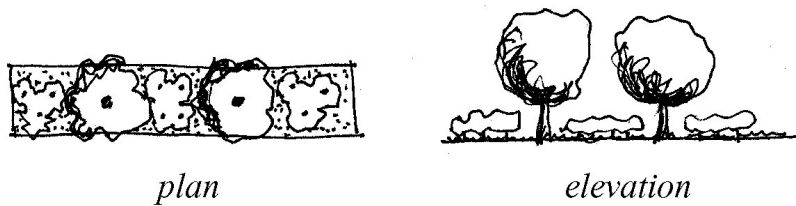
(d) *Service access.* Access for service vehicles shall be provided which does not conflict with pedestrian traffic. Where practical, truck loading areas shall be located away from urban neighborhood or residential mixed-use districts.

(e) *Reduction of impervious surface.* To the extent possible, site plans shall minimize the use of impervious surfaces. The use of interlocking pavers capable of carrying a wheel load of four thousand (4,000) pounds is encouraged for areas that serve low impact parking needs such as remote parking lots, parking facilities for periodic uses and parking in natural amenity areas.

**550.670. Residential developments without off-street parking or loading.** Where a newly constructed development with four (4) or more residential units provides zero (0) off-street parking or loading spaces, at least one (1) temporary drop-off and pick-space shall be provided and shall be clearly labeled as such. An accessible route shall be provided between the drop-off and pick-up space and the building. This provision shall not mandate a vehicle curb cut to a street where a curb cut wouldn't otherwise be provided.

**550.680. General landscaping and screening.** (a) *Required landscaping.* Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Not less than twenty (20) percent of the site not occupied by buildings including all required landscaped yards shall be landscaped as follows (for purposes of this provision, a canopy or service area canopy shall not be considered a building):

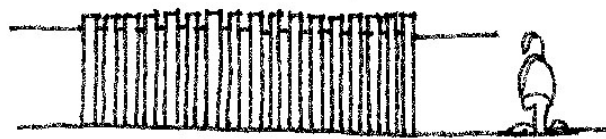
- (1) Not less than one (1) canopy tree for each five hundred (500) square feet, or fraction thereof.
- (2) Not less than one (1) shrub for each one hundred (100) square feet, or fraction thereof.
- (3) The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.



General Landscaping: Plan/Elevation

(b) *Required screening.* Where screening is required by this zoning ordinance, such screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height. Required screening shall be at least ninety-five (95) percent opaque throughout the year, unless otherwise specified. All screening shall be subject to the regulations of Article X, Fences in this chapter. Required screening shall be satisfied by one (1) or a combination of the following:

- (1) A decorative fence.



Required Screening: Decorative fence

- (2) A masonry wall.



Required Screening: Masonry wall

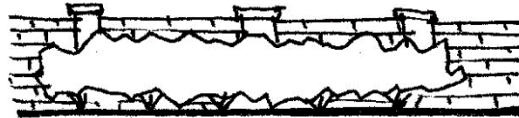
- (3) A hedge.



Required Screening: Hedge

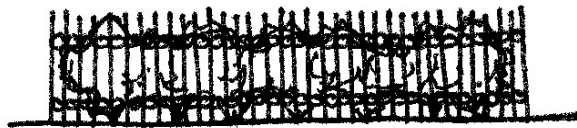
(c) *Required landscaped yard and screening.* Where both a landscaped yard and screening is required by this zoning ordinance, such required landscaped yard shall be satisfied by one (1) of the following:

(1) Along a rear or interior side lot line, locate the required landscaped yard inside or outside the required screen.



Required Landscaped Yard and Screening: Yard outside the required screen

(2) Along a public street, public sidewalk or public pathway, locate the required landscaped yard outside the required screen unless such screen is highly decorative and is less than sixty (60) percent opaque, such as a wrought iron fence.



Required Landscaped Yard and Screening: Yard inside or outside the required screen

**550.690. Parking and loading landscaping and screening.** (a) *In general.* Parking and loading facilities, and all other areas upon which motor vehicles may be located, including but not limited to drive-through facilities, pump island service areas and stacking spaces, shall comply with the standards of this chapter and the applicable regulations of this zoning ordinance. Where this section requires a landscaped yard, such yard shall remain unobstructed from the ground level to the sky, except that fencing shall be allowed.

(b) *Parking and loading fronting along a public street, public sidewalk or public pathway.* Parking and loading facilities, and all other areas upon which motor vehicles may be located fronting along a public street, public sidewalk or public pathway shall comply with the following standards:

(1) A landscaped yard at least seven (7) feet wide shall be provided along the public street, sidewalk or pathway, except where a greater yard is required. If a parking facility contains over one hundred (100) parking spaces, the minimum required landscaped yard shall be increased to nine (9) feet in width.

(2) Screening consisting of either a masonry wall, fence, berm or hedge or combination thereof that forms a screen three (3) feet in height and not less than sixty (60) percent opaque shall be provided, except that where areas are devoted principally to the parking or loading of trucks or commercial vehicles of more than fifteen thousand (15,000) pounds screening six (6) feet in height and not less than sixty (60) percent opaque shall be required.

(3) Not less than one (1) tree shall be provided for each twenty-five (25) linear feet or fraction thereof of parking or loading area lot frontage.

*(c) Parking and loading abutting or across an alley from an urban neighborhood or residential mixed-use district, or any permitted or conditional residential use.* Parking and loading facilities and all other areas upon which motor vehicles may be located that abut or are across an alley from an urban neighborhood or residential mixed-use district or a permitted or conditional residential use shall comply with the following standards:

(1) A landscaped yard at least seven (7) feet wide shall be provided along the property line or alley, except where a greater yard is required. If a parking facility contains over one hundred (100) parking spaces, the minimum required landscaped yard shall be increased to nine (9) feet in width.

(2) Screening at least ninety-five (95) percent opaque shall be provided as specified in section 550.680(b).

*(d) Interior landscaping of parking lots.* The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

*(e) Distance to trees.* In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.

**550.700. Landscaping of other areas.** All other areas not governed by sections 550.680 and 550.690 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs, trees or edible landscaping. Wood mulch, other organic mulches and landscape rock may be used in planting beds and in maintenance strips adjacent to a building, but are not a suitable alternative to plant cover. Areas wider than two (2) feet with wood mulch, other organic mulches or landscape rock shall contain plantings spaced not less than two (2) feet apart or as specified per the planting instructions. Landscape rock that is easily disturbed shall be at least five (5) feet or more from a public sidewalk or a shared property line.

**550.710. Ecological function.** In its review of landscaped areas, the city planning commission shall include consideration of the following:

(1) Interception and filtration of precipitation and stormwater through maximizing multiple-layered vegetative cover.

(2) Reduction of reflectance and urban heat island effects through increasing canopy cover.

(3) Conservation of energy through strategic shading and the use of windbreaks.

(4) Selection and placement of plant materials to limit required maintenance of landscaped areas.

(5) Preservation or restoration of natural amenities.

**550.720. Plant material standards.** Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species. Plant materials shall comply with the following standards:

- (1) All required trees shall be a minimum of two and one-half (2.5) inches caliper in size, except cluster or multiple trunk specimens, which shall be a minimum of one (1) inch caliper in size.
- (2) All required shrubs shall be a minimum of one (1) gallon container size.
- (3) All landscape materials shall be tolerant of specific site conditions, including but not limited to heat, cold, drought and salt.
- (4) Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two (2) years.

**550.730. Installation and maintenance of landscape materials.** Installation and maintenance of all landscape materials shall comply with the following standards:

- (1) Areas to be landscaped shall be prepared and improved as specified by current Minnesota Department of Transportation standards for soil preparation and drainage.
- (2) All landscape materials shall be installed to current industry standards.
- (3) Maintenance and replacement of landscape materials shall be the responsibility of the applicant or property owner including the maintenance of any trees planted in the public right-of-way. An adequate water supply shall be indicated in the site plan. Landscape maintenance should incorporate environmentally sound management practices, including the following:
  - a. The use of water and energy efficient systems such as drip irrigation.
  - b. Pruning primarily for plant health and replacing dead materials annually.
  - c. Anticipating and allowing plant community succession.

**550.740. Alternatives to landscaping and screening requirements.** The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 550.530, provided one (1) or more of the following exists:

- (1) The proposal will allow a site plan of exceptional design that includes amenities such as public seating, an outdoor plaza or transit shelter that will enhance the area or that is more consistent with the design of the site or the surrounding area.
- (2) The proposal will allow a site plan that is more consistent with the character of the area.
- (3) Existing plant materials, walls, fences or the topography of the site and its surroundings make the required landscaping or screening less necessary.



(4) The required landscaping or screening will hinder truck access and service necessary to the operation of the use.

(5) The required landscaping and screening may obstruct views of traffic or reduce natural surveillance of the site.

**550.750. Concrete curbs and wheel stops.** All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.

**550.760. Site context.** (a) *In general.* To the extent practical, site plans shall minimize the blocking of views of important elements of the city such as parks and greenways, significant buildings and water bodies.

(b) *Shadowing.* To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties. A shadow analysis may be required that demonstrates the impact that the proposed building would have on shadowing of public spaces and adjacent properties.

(c) *Wind.* To the extent practical, buildings shall be designed to minimize the generation of wind currents at ground level.

**550.770. Crime prevention through environmental design.** Site plans shall employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. Site plans shall include the following crime prevention design elements:

(1) *Natural surveillance and visibility.* Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

(2) *Lighting levels.* Provide lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.

(3) *Territorial reinforcement and space delineation.* Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

(4) *Natural access control.* Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

**550.780. Historic preservation.** To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated as historic structures. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

**550.790. Site plan review for single-, two-, and three-family dwellings.** (a) *Design standards.* New single-, two-, and three-family dwellings shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Article III, General Residential Standards in this chapter, related to front entrance, window area, and walkway requirements, and limitations on attached

garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of seventeen (17) points from Table 550-2, Single-, Two-, and Three-Family Dwellings.

**Table 550-2 Standards for Single-, Two-, and Three-Family Dwellings**

<b>Points</b>	<b>Design Standard</b>
6	The exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass.
4	The height of the structure is within one-half (½) story of the predominant height of residential buildings within one hundred (100) feet of the site.
4	The total diameter of trees retained or planted equals not less than three (3) inches per one thousand (1,000) square feet of total lot area, or fraction thereof. The diameter of each tree shall be at least two and one-half (2.5) inches. Tree diameter shall be measured at four (4) feet above grade.
3	Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows.
3	Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure and is located entirely in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater, and the accessory structure is not less than twenty (20) feet from any habitable portion of the principal structure.
3	The structure includes a basement as defined by the building code.
2	Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows.
1	Not less than one (1) Level 2 or greater electric vehicle charging station, as defined in Chapter 555, Off-Street Parking, Loading and Mobility, is provided serving an off-street parking space.
1	The development qualifies for and, following construction, provides proof of receipt of a City of Minneapolis Stormwater Quality Credit.
1	The structure includes an open, covered front porch of at least one hundred (100) square feet in area and at least six (6) feet deep that is not enclosed with windows, screens, or walls. The porch may include guardrails not more than three (3) feet in height and not more than fifty (50) percent opaque. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling. For the purpose of this section, raw or unfinished lumber shall not be permitted on an open front porch.

(b) *Accessibility.* Structures that provide certain accessible features shall be awarded nine (9) points. Such structures shall obtain the remainder of the required minimum point total from the remaining categories. For the purpose of this section, a dwelling unit shall include, at a minimum, a ground-level accessible entrance, interior doorways not less than three (3) feet in width, and a ground-level restroom.

(c) *Trees.* At least one (1) tree for each three thousand (3,000) square feet of lot area not occupied by buildings, or fraction thereof, shall be provided on-site. Required trees shall comply with the following standards:

(1) At least one (1) tree shall be a canopy tree.

(2) Trees shall be a minimum of two (2) inches caliper in size, except cluster or multiple trunk specimens, which shall be a minimum of three-quarter (¾) inches caliper in size, measured four (4) feet above grade.

(3) Trees shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species.

(4) Trees shall be tolerant of specific site conditions, including but not limited to heat, cold, drought, and salt.

(d) *Enclosed storage.* New single-, two-, and three-family dwellings shall provide an enclosed storage area not less than two hundred (200) square feet in area. If attached, the enclosed storage area shall open directly to the outside of the habitable portion of the principal structure and shall be accessible without use of stairs or elevator. If detached, the enclosed storage area shall be located entirely to the rear of the principal residential structure. The required storage area may be occupied by vehicle parking.

(e) *Alternative compliance.*

(1) *In general.* Notwithstanding any other provision to the contrary, the zoning administrator may grant alternatives to the standards of this section by allowing a new structure to obtain fewer than the minimum number of points from Table 550-2, Single-, Two-, and Three-Family Dwellings, upon finding each of the following:

a. The structure is consistent with the predominant scale of existing residential structures in the same zoning district in the immediate area. In comparing the scale of the proposed structure to existing structures, the zoning administrator shall consider floor area, building height, façade width, and consistency with an established pattern of front, side, and rear yards in the vicinity.

b. The structure achieves at least one (1) of the following:

1. The design incorporates traditional features and proportions found in the immediate area, which may include but shall not be limited to an examination of features such as windows, doors, roof lines, trim, gables, dormers, porches, or entry canopies; or

2. The design demonstrates exceptional creativity and incorporates high-quality, durable exterior materials.

c. On sloped sites, the design responds to the topography of the site by following existing patterns in the vicinity and minimizing the apparent mass of the structure when viewed from lower elevations.

d. The proposal is consistent with the applicable urban design policies of the comprehensive plan.

(2) *Notification.* In conducting the review of requests for alternative compliance from this section, the zoning administrator shall mail notice of the request to property owners within one hundred (100) feet of the property and shall allow a public comment period of not less than ten (10) calendar days between the date of notification and the final decision. The zoning administrator's decision may be appealed in accordance with the standards of Chapter 525, Administration and Procedures.

## ARTICLE VI. INCLUSIONARY HOUSING

**550.800. Purpose.** Regulations governing inclusionary housing are intended to promote affordable housing and to fulfill the goals of the city's housing policies, including increasing access to affordable housing and promoting mixed income communities throughout the city.

**550.810. Applicability.** (a) *In general.* Approval of any site plan review application to allow a building or use containing twenty (20) or more new or additional dwelling units, including multiple-family dwellings, cluster developments, common lot developments, and planned unit developments, shall be conditioned upon compliance with the inclusionary housing requirements specified in the city's Unified Housing Policy in effect on the date a complete site plan review application is submitted.

(b) *Exceptions.*

(1) *In general.* Any residential uses exempt as specified in the Unified Housing Policy.

(2) *Extraordinary circumstances.* The city council shall have the authority to grant exemptions from inclusionary housing requirements where it finds extraordinary circumstances and sufficient public benefit to justify the exemption.

(c) *Phased implementation.*

(1) *Residential uses with twenty (20) to forty-nine (49) units.* The applicability of inclusionary housing requirements to developments with not less than twenty (20) but no more than forty-nine (49) dwelling units shall be delayed in a manner specified in the Unified Housing Policy.

(2) *Residential condominiums.* The applicability of inclusionary housing requirements to individually-owned dwelling units, such as condominiums or for-sale townhomes, shall be delayed in a manner specified in the Unified Housing Policy.

**550.820. Effective date.** The effective date of these ordinance amendments herein described shall remain January 1, 2020. Any application for land use or preservation approval that is deemed complete prior to the effective date of this ordinance shall be subject to the applicable inclusionary housing regulations in effect at the time of application.

## ARTICLE VII. PLANNED UNIT DEVELOPMENT STANDARDS

**550.900. Purpose.** This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance, and the applicable policies of the comprehensive plan. The provisions of this article provide for flexibility in the use of land and the placement and size of buildings in order to better utilize the special features of sites and to obtain a higher quality of development that incorporates high levels of amenities than might otherwise occur under the strict application of zoning regulations for the users of the site, the neighborhood, or the city as a whole, and which meets public objectives for protection and preservation of natural and historic features. The regulations are intended to:

(1) Encourage innovation in housing design in order to meet the housing needs of the city's diverse population.

(2) Encourage a compatible mixture of commercial, institutional, and residential development that is both attractive and highly functional.

(3) Encourage the reuse of underutilized industrial land through development which is responsive to surrounding development.

(4) Promote the efficient use of land, innovation in site design, and sustainable development.

(5) Protect the natural environment.

**550.910. Application procedure.** An application for planned unit development shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Procedures.

**550.920. Public hearing.** The city planning commission shall hold a public hearing on each complete application for planned unit development as specified in Chapter 525, Administration and Procedures, for conditional use permit.

**550.930. Approval of planned unit development.** The city planning commission may approve, deny or approve with modifications an application for planned unit development. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the city planning commission may require a lower intensity of development or more restricted development on portions of a site than specified in this zoning ordinance.

**550.940. Required findings.** In addition to the conditional use permit standards contained in Chapter 525, Administration and Procedures, before approval of a planned unit development the city planning commission also shall find:

(1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, vehicle access, parking and loading areas, pedestrian access, bicycle facilities, and availability of transit alternatives.

b. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability, and urban design.

c. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements, including but not limited to building scale and massing, and protection of views and corridors.

d. An appropriate transition area shall be provided adjacent to any lower-intensity residential uses or residential zoning through the use of landscaping, screening, access to light and air, building massing, and that considers applicable policies of the comprehensive plan.

e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

f. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.

(2) That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

(3) That a planned unit development of five (5) acres or greater, located in the MR Mississippi River Corridor Critical Area Overlay District, comply with the applicable design standards in section 535.1710.

**550.950. Relationship to other applicable regulations.** A planned unit development shall be subject to all applicable standards, procedures, and regulations of this zoning ordinance and the zoning district in which it is located, including applicable site plan review standards contained in Article V, Site Plan Review Standards of this chapter, for the individual uses within the development, except as otherwise provided in this article.

**550.960. Minimum area.** A planned unit development shall contain a minimum contiguous area of one-half (½) acre, which may be separated by a public right-of-way, railroad right-of-way, or stream, except the Mississippi River, unless otherwise noted below.

**550.970. Ownership or control.** All parcels proposed for planned unit development shall be under the ownership or control of the applicant at the time of application. Control may include a purchase agreement. Where amendments are necessary and the parcels are under different ownership or control than the original application, the application for an amendment may be made by the owner of the parcel on which the amendment will occur. Where the ownership of the parcel is part of a common interest community, the applicant shall obtain the permission of the association board for the parcel where the amendment will occur. The applicant shall notify in writing all other owners of parcels within the boundary of the original planned unit development, or in the case of a common interest community the association board, and shall submit evidence of such notification to the zoning administrator before any application shall be deemed complete.

**550.980. Platting requirement.** As part of any application for planned unit development approval, any land proposed for planned unit development shall be platted or replatted into one (1) or more lots suitable for the planned unit development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations, except as otherwise provided in this chapter.

**550.990. Development plan.** (a) *Submission.* As part of any application for planned unit development approval, the applicant shall submit a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the planned unit development, a master sign plan, and a site plan showing all existing and proposed development including the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards and similar matters, as well as the location of existing public facilities and services.

(b) *Conditions.* In addition to other conditions of approval, the city planning commission may require the applicant to revise the development plan to conform to the requirements of this article, the land subdivision regulations, the zoning ordinance, the applicable policies of the comprehensive plan and any other regulations affecting the design and improvement of the planned unit development.

**550.1000. Plan consistency.** The city shall withhold any building permit, demolition permit, grading permit, utility connection, license or other approval required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as otherwise provided in this chapter.

**550.1010. Changes in approved plan.** (a) *Minor changes.* Notwithstanding section 550.1000, the zoning administrator may authorize minor changes in the placement and size of improvements, or may authorize the substitution of a substantially similar amenity for an approved amenity, within an approved planned unit development if the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission in connection with the approval of the planned unit development.

(b) *Other changes.* Changes to the development plan other than minor changes in the placement and size of improvements shall require amendment to the planned unit development by the city planning commission. The elimination of any amenity, or substitution of any amenity that is not substantially similar to an approved amenity provided for an alternative to the zoning code, as allowed in section 550.1050, shall require an amendment to the planned unit development by the city planning commission. The requirements for application and approval of a planned unit development amendment shall be the same as the requirements for original approval. Where only one (1) change to the development is made that is deemed an amendment to the planned unit development, including the addition of a use that is a conditional use permit in the zoning district in which the planned unit development is located, or revisions to the master sign plan, and where staff determines that the change will not require substantial staff time or reevaluation of the planned unit development, then the applicant may be charged the application fee for a conditional use permit, rather than the fee for a conditional use permit for planned unit developments, as listed in Table 525-1, Fees.

(c) *Planned unit developments existing before the adoption of the ordinance.* Notwithstanding the provisions of this chapter, planned unit developments approved before the adoption of this ordinance shall only be required to provide amenities for any alternatives requested as a part of the amendment, or as required as a part of previous approvals.

**550.1020. Time of completion.** (a) *In general.* All planned unit developments shall be completed within two (2) years of the effective date of the planned unit development approval, or such later date established by the city planning commission unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a two-year extension to this time limit. If any one (1) phase is deemed expired, then all successive phases not completed or under construction shall be deemed expired.

(b) *Partial completion.* For partially completed phases of a planned unit development that expires, the applicant shall submit a maintenance plan for the area not completed that shall include, but not be limited to, the following:

- (1) Right-of-way access and maintenance plan.
- (2) Stormwater management and erosion control plans addressing the temporary or unfinished condition.
- (3) Ground cover and/or landscaping.
- (4) Site security.
- (5) Fences and walls.
- (6) Equipment storage.

**550.1030. Phasing of development.** Phasing of development shall be permitted. If phasing is used, each phase of the planned unit development shall be designed and developed to be able to exist as an independent unit. A phasing timeline shall be submitted as a part of the application for planned unit development approval. If a project is approved as phased development, the two-year time of completion requirement, and extensions granted by the zoning administrator, specified in section 550.1020 shall apply for each phase.

**550.1040. Limitation on the size of individual buildings.** The maximum gross floor area of individual buildings within a planned unit development shall be limited in the BFI1, BFI2, BFI3, BFC3, BFC4, and BFC6 built form overlay districts as required by Table 550-3, Maximum Floor Area of Individual Buildings in Planned Unit Developments. Planned unit developments are subject to the maximum floor area ratio of each built form overlay district, and exceptions may only be approved as authorized through floor area premiums or a variance. The maximum gross floor area of individual buildings will not be attainable within every planned unit development. Conversely, in larger planned unit developments, the maximum floor area ratio may be achieved only by including multiple principal buildings except as otherwise authorized by the city planning commission.

**Table 550-3 Maximum Floor Area of Individual Buildings in Planned Unit Developments**

<b><i>Built Form Overlay District</i></b>	<b><i>Structure Type*</i></b>	<b><i>Maximum Floor Area of Individual Buildings (Square Feet)</i></b>
Interior 1 Interior 2	Residential buildings with three or fewer units	4,000
	Residential buildings with four or more units	11,200
	Nonresidential and mixed-use buildings	19,600
Interior 3	Residential buildings with three or fewer units	5,600
	Residential buildings with four or more units	25,200



	Nonresidential and mixed-use buildings	28,800
Corridor 3	All structures	58,800
Corridor 4	All structures	89,600
Corridor 6	All structures	215,622

\*Where the use is allowed in the applicable zoning district or through the additional uses allowed in a planned unit development.

**550.1050. Alternatives to zoning ordinance standards.** (a) *In general.* The city planning commission may approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located, as authorized in this article and as listed in Table 550-5, Authorized Alternatives, where the planned unit development includes site amenities. Nothing in this article shall be construed to provide a property owner with any property right or other legal right to compel the city to grant alternatives to this zoning ordinance.

(b) *Site amenities.* Site amenities are listed in Table 550-4, Amenities, and are subject to the following standards:

(1) All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.

(2) For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 550.1050(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives, except for revisions made to an already approved planned unit development as an amendment to the planned unit development.

(3) Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.

(4) In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a floor area ratio or height incentive in the built form overlay districts or any other amenity in Table 550-4, Amenities.

(5) Where an amenity is provided that meets the standards required in Table 550-4, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 550-4, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 550-4, Amenities. For purposes of Table 550-4, "CUP" shall mean conditional use permit.

**Table 550-4 Amenities**

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
10	Active liner uses as part of a parking garage	Inclusion of housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway. In any district where liner uses are already

		required on the first floor, points shall only be awarded for liner uses on all other floors above the first where parking is located. False or display windows shall not qualify.
10	Environmental sustainability— Ecological function	<p>a. Installation of an extensive, intensive, semi-intensive, modular or integrated green roof system that covers a minimum of fifty (50) percent of the total roof area proposed for the development.</p> <p>b. Not less than fifty (50) percent of the site not occupied by buildings including all required landscaped yards shall be landscaped per the standards in Article V, Site Plan Review Standards of this chapter.</p> <p>c. Native species plantings shall be prioritized on the landscaping plan, including plantings that support pollinators.</p>
10	Historic preservation	<p>a. The structure shall be a locally designated historic structure or shall be determined to be eligible to be locally designated as a historic structure, as provided in Chapter 599 of the Minneapolis Code of Ordinances, Heritage Preservation.</p> <p>b. The historic structure, if undesignated, shall be subject to the same restrictions that are applicable to locally designated historic structures and the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation.</p> <p>c. The historic structure shall be rehabilitated pursuant to the applicable guidelines of the heritage preservation ordinance and the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation, if necessary.</p>
10	Environmental sustainability— Climate resiliency	Any performance standard (LEED, PHIUS, EGC, etc.) that achieves the Minnesota Sustainable Building 2030 (SB 2030) 2010-2014 Energy Standard, a sixty (60) percent energy/carbon reduction from the 2003 Average Building Baseline. The evaluation shall be submitted by a certified architect. Building utility energy and water information shall be submitted annually as part of the Minneapolis Energy Benchmarking program.
10	Public right-of-way dedication	Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved City plan or that restores the city's traditional street grid subject to the approval of the applicable agencies or departments. Right-of-way improvements should be designed in accordance with Chapter 598, Land Subdivision Regulations. Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.
10	Underground parking	All parking shall be located underground. Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story. Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level. Electric vehicle charging infrastructure must be provided in accordance with section 555.320, Specific electric vehicle charging infrastructure standards.
5	Conservation of the built environment	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.

5	Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.
5	Renewable energy	Not less than forty (40) percent of electricity usage shall be derived from renewable energy sources through on-site generation and/or renewable energy credits (RECs).
5	Outdoor open space	Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials. A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.
5	Outdoor children's play area	An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet. The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision. The play area shall include play equipment, installed to the manufacturer's specifications, or natural features suitable for children in both preschool and elementary school. Play equipment shall not be located in a required yard and not more than twenty-five (25) percent of the required square footage of the play area may be located in a required yard. Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.
5	Plaza	Plazas shall have a minimum area equivalent to ten (10) percent of the site not occupied by buildings, but not less than two thousand (2,000) square feet and shall comply with all provisions in Article XIV, Plazas in this chapter. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
3	Art feature	Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for

		<p>artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.</p>
3	Decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways.	<p>Provide decorative pavers, pervious pavers, stamped concrete, colored concrete, pervious concrete, brick or other decorative or durable materials for a minimum of seventy-five (75) percent of surface parking and/or loading areas, drives aisles, driveways and walkways that comply with the Americans with Disabilities Act accessibility requirements.</p>
3	Energy efficiency	<p>Utilization of energy design assistance programs or commissioning to ensure that building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least thirty (30) percent of the annual energy costs. The developer must submit documentation to the City including a letter signed by the owner or a licensed design professional, that shows the project will comply with this standard.</p>
3	Living wall system	<p>Provide a living wall system on at least one (1) building elevation. The living wall shall be composed of panels that total a minimum of sixty (60) percent of the wall area on the building elevation, or five hundred (500) square feet, whichever is greater. Window area is included in the calculation of the wall area, but in no case shall the living wall cover windows. Not less than twenty (20) percent of the plantings shall provide greenery year-round.</p>
3	Natural features	<p>Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.</p>
3	Pedestrian improvements	<p>A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Article V, Site Plan Review Standards in this chapter. The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.</p>
3	Reflective Roof	<p>Utilize roofing materials for seventy-five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.</p>

3	Shared bicycles	Public access to shared bicycles available for short-term use. Applies to mixed-use and nonresidential uses only. A minimum of ten (10) shared bicycles per one (1) commercial use must be provided to qualify as an amenity. Bicycle parking spaces and racks shall be located in an area that is convenient and visible from the principal entrance of the building.
3	Shared vehicles	Access to a shared passenger automobile available for short-term use. For residential uses, a minimum of one (1) car per one hundred (100) dwelling units is required.
1	Decorative fencing	Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.
1	Enhanced exterior lighting	Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of section 550.2230, Lighting.
1	Enhanced landscaping	A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Article V, Site Plan Review Standards in this chapter. The landscaped areas shall have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect.
1	Enhanced stormwater management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design, or subterranean stormwater collection and filtration system, that serves as a visible and/or visually appealing amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to requirements of the stormwater management plan approved by public works.
1	Heated drives or sidewalks	Heated drives or sidewalks that are designed to provide snow and ice-free surfaces.
1	Pet Exercise Area	A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet. It shall be enclosed with decorative fencing, include lighting in compliance with section 550.2230, Lighting and provide accommodations for proper disposal of animal waste. The pet exercise area shall not be located in a required yard.
1	Recycling storage area	Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.

1	Tree islands	The inclusion of additional or larger tree islands in the interior of parking lots that exceed the requirements of Article V, Site Plan Review Standards in this chapter. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.
1	Water feature	A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.
As determined by CUP	Amenities proposed by the applicant or others	The city planning commission may consider other amenities not listed in Table 550-4, Amenities, that are proportionally related to the alternative requested. The commission may assign one (1), three (3), five (5), or ten (10) points based on the proportionality.
As determined by CUP	Amenities that significantly exceed standards	The city planning commission may consider up to five (5) additional points to the point value listed for any amenity in Table 550-4, Amenities, where the commission finds the proposed amenity substantially exceeds the standards required in Table 550-4, Amenities, for the amenity.

**550.1060. Authorized alternatives.** (a) *Number of principal residential structures.* The city planning commission may authorize residential uses in a planned unit development that includes multiple principal structures on one (1) platted or recorded lot where not allowed by the primary zoning district. The appearance and compatibility of individual buildings to other site elements and to surrounding development shall be given primary consideration in reviewing and approving the placement and spacing of structures. The city planning commission may consider this alternative without the addition of amenities beyond those required for a planned unit development in section 550.1050(1).

(b) *Maximum floor area of individual buildings.* The city planning commission may authorize an increase in the maximum allowed gross floor area of individual buildings within a planned unit development upon finding that the development's layout, amenities, and building scale are consistent with the intent of the built form policies of the comprehensive plan.

(c) *Lot area requirements.* The city planning commission may authorize reductions in the area of individual lots within a planned unit development from the required lot area for the zoning district, provided any such reductions shall be compensated for by an equivalent amount of lot area elsewhere in the planned unit development for the purpose of promoting an integrated project that provides additional site amenities. Lot area shall not include areas designated as public or private streets.

(d) *Yards.* The city planning commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along property lines abutting a side or rear lot line of an urban neighborhood or residential mixed-use zoning district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes.

(e) *On-premises signs.*

(1) *In general.* All signs in a planned unit development shall conform to a master sign plan that shall be considered and approved with the development plan. All signs shall conform to the requirements of Chapter 560, Signs, except as otherwise authorized by the city planning commission.

(2) *Alternatives.* The city planning commission may authorize alternatives to the sign standards for the purpose of promoting an integrated master sign plan provided the required amenities are provided and a master sign plan meets the following criteria:

- a. The sign plan may not allow a sign that is otherwise prohibited by the zoning ordinance.
- b. The alternative will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.
- c. The alternative will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

(f) *Off-street parking and loading.*

(1) *In general.* The required amount of off-street loading and bicycle parking spaces for the planned unit development shall be determined by the city planning commission and shall comply with the requirements of Chapter 555, Off-Street Parking, Loading, and Mobility, including Article XII, Travel Demand Management, except as otherwise allowed by this chapter. In determining the number of off-street loading and bicycle parking spaces required, the city planning commission shall consider, but not be limited to, the loading and bicycle parking requirements for the individual uses within the planned unit development as specified in Chapter 555, Off-Street Parking, Loading, and Mobility, the nature of the uses and population served, documentation supplied by the applicant regarding the actual parking and loading demand for the proposed use, the potential for shared parking and loading, and the use of alternative forms of transportation.

(2) *Other standards.* The city planning commission may consider alternatives to the minimum width of parking aisles and the minimum and maximum width of driveways where it is demonstrated that the parking area, aisles, and driveways will still allow for reasonable, functional, and safe vehicular access to and within the site. Where the alternative is to allow an increase in driveway width, the city planning commission shall also consider, but not be limited to, turning templates or other similar documentation demonstrating the need for the increase. The city planning commission may consider this alternative without the addition of amenities beyond those required for a planned unit development in section 550.1050(1).

**Table 550-5 Authorized Alternatives**

<b>Zoning Code Standard</b>	<b>Authorized Alternative</b>	<b>Amenity Required</b>
Section 550.1060(a). Number of principal residential structures.	To allow residential uses in a planned unit development that includes multiple principal structures on one (1) platted or recorded lot where not allowed by the primary zoning district.	No

Section 550.1060(b). Maximum floor area of individual buildings.	To increase the maximum gross floor area of individual buildings within a planned unit development.	Yes
Section 550.1060(c). Lot area requirements.	To allow reductions in the area of individual lots within the planned unit development from the required lot area of the zoning district.	Yes
Section 550.1060(d). Yards.	1) To allow a reduction or elimination of required yards within the planned unit development.	Yes
	2) To allow a reduction or elimination of required yards along the periphery of the planned unit development, except along property lines abutting a side or rear lot line of an urban neighborhood or residential mixed-use zoning district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes.	Yes
Section 550.1060(e). On-premises signs.	To allow alternatives to the sign standards.	Yes
Section 550.1060(f). Off-street parking and loading.	To allow alternatives to the following:	
	1) Maximum amount of required off-street parking and minimum amount of required loading.	Yes
	2) Minimum amount of required bicycle parking.	Yes
	3) Minimum width of parking aisles.	Yes
	4) Minimum and maximum width of driveways.	Yes

**550.1070. Permitted uses.** Any use allowed in the zoning district in which the planned unit development is located may be included within a planned unit development. If a planned unit development includes more than one (1) zoning classification, the uses allowed within each zoning classification of the development shall be limited by the applicable zoning district regulations, except as otherwise provided in this section.

**550.1080. Additional uses.** (a) *In general.* The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 550.1090. An amenity is not required in order to allow an additional use.

(b) *Urban neighborhood districts.* The city planning commission may authorize additional residential uses, general retail sales and services uses and food and beverage uses as allowed in the RM2 and RM3 Districts, child care centers, offices, and clinics within a planned unit development located in the urban neighborhood districts. The additional general retail sales and services uses and food and beverage uses as allowed in the RM2 and RM3 Districts, child care centers, offices and clinics shall not exceed four thousand (4,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.

**550.1090. Additional use standards.** The city planning commission may authorize additional uses, as provided in section 550.1080, subject to the following standards:

(1) Such uses are designed primarily for the residents or users of the planned unit development and of adjacent areas which are within convenient walking distance of the use.



(2) All additional uses, except residential and office uses, shall be located on the ground or first floor.

(3) The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned unit development.

(4) Not more than twenty (20) percent of the gross floor area of the planned unit development shall be devoted to such additional uses.

(5) The use is consistent with the applicable policies of the comprehensive plan.

**550.1100. Conditional uses.** (a) *In general.* Any conditional use allowed in the zoning district in which the planned unit development is located may be included within a planned unit development, upon making each of the required findings for conditional use permits in Chapter 525, Administration and Procedures.

(b) *Dwelling units.* Dwelling units that require a conditional use permit in the zoning district in which the planned unit development is located shall not be required to submit a separate conditional use permit and shall be considered as a part of the findings and review of the planned unit development.

(c) *Nonresidential uses.* Nonresidential uses that require a conditional use permit in the zoning district in which the planned unit development is located, shall submit a separate conditional use permit application and findings as a part of the planned unit development review.

(d) *Signs.* Signs that require a conditional use permit in the zoning district in which the planned unit development is located shall not be required to submit a separate conditional use permit and shall be considered as a part of the findings and review of the planned unit development.

## ARTICLE VIII. CLUSTER DEVELOPMENT STANDARDS

**550.1200. Purpose.** This article establishes the procedures and standards for the development of areas as unified, cluster developments in accordance with the intent and purpose of this zoning ordinance, and the applicable policies of the comprehensive plan. The regulations are intended to encourage innovation in housing design in order to meet the housing needs of the city's diverse population; to allow flexibility in the location of structures and the size of individual lots to promote the efficient use of land, innovation in site design, and sustainable development and to preserve common space for the benefit of the residents of the development; and to limit the scale of development in a manner that aligns with the small to medium-scale planned development patterns of each built form overlay district.

**550.1210. Application procedure.** An application for cluster development shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Procedures.

**550.1220. Public hearing.** The city planning commission shall hold a public hearing on each complete application for cluster development as specified in Chapter 525, Administration and Procedures, for conditional use permit.

**550.1230. Approval of cluster development.** The city planning commission may approve, deny or approve with modifications an application for cluster development.

**550.1240. Relationship to other applicable regulations.** A cluster development shall be subject to all applicable standards, procedures, and regulations of this zoning ordinance and the zoning district in which it is located, including applicable site plan review standards contained in Article V, Site Plan Review Standards of this chapter, for the individual uses within the development, except as otherwise provided in this article.

**550.1250. Development plan.** As part of any application for cluster development approval, the applicant shall submit a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

**550.1260. Platting requirement.** As part of any application for cluster development approval, all land proposed for cluster development shall be platted or replatted into one (1) or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations. Where only one (1) lot is proposed, a tax parcel combination may be completed in lieu of a plat.

**550.1270. Locations prohibited.** Notwithstanding Table 545-1, Uses Allowed in Chapter 545, Use Regulations, cluster developments shall not be allowed on any property within the BFC6, BFT10, BFT15, BFT20 or BFT30 Overlay districts.

**550.1280. Lot dimension requirements.** (a) *Minimum requirements.* The cluster development shall meet the applicable minimum lot area and lot width requirements of the built form overlay district, except as otherwise required in this ordinance. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.

(b) *Maximum lot size requirements.* The maximum lot area requirement shall be as approved by conditional use permit.

**550.1290. Yard requirements.** Yards of at least such minimum width as required by the built form overlay district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet. The planning commission may approve alternatives to this requirement provided the following requirements are met:

(1) The cluster development is not located in the UN1 or UN2 Districts.

(2) The applicant has demonstrated that the reduced separation will not impede access to each principal entrance from a public street and will not impede the ability to perform building maintenance.

**550.1300. Permitted uses.** (a) *Residential uses.* Dwellings or intentional communities are allowed in a cluster development.

(b) *Nonresidential uses.* In the residential mixed-use districts and commercial mixed-use districts, nonresidential uses allowed by the primary zoning district may also be allowed in a cluster development, subject to the following standards:

(1) Nonresidential uses that have a minimum lot area requirement of more than five thousand (5,000) square feet shall not be allowed.

(2) The gross floor area occupied by nonresidential uses shall not exceed the gross floor area occupied by residential uses, excluding enclosed parking.

**550.1310. Development standards for all cluster developments.** All cluster developments shall be subject to the following standards:

(1) Not less than twenty (20) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient Common space shall not include areas used for parking facilities, driveways, and required interior side yards. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

(2) New construction shall comply with the applicable requirements of Article V, Site Plan Review Standards in this chapter. Principal structures with one (1), two (2), or three (3) dwelling units shall comply with the site plan design standards for single-, two-, and three-family dwellings and shall be subject to the applicable general standards for residential uses of Article V, General Standards for Residential Uses in this chapter. In addition to the site plan review and general design standards, walls facing the designated common space shall be subject to the minimum window requirements for walls facing a public street, public sidewalk, public pathway, or on-site parking lot. The city planning commission may approve alternatives to any requirement referenced in this development standard where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

(3) The following limits on number of units and size limits shall apply to principal structures in addition to the built form regulations in Chapter 540, Built Form Overlay Districts:

- a. Not more than three (3) dwelling units shall be allowed in each principal structure in the UN1 District.
- b. Not more than three (3) dwelling units shall be allowed in a cluster development in the UN1 and UN2 Districts on lots seven thousand five hundred (7,500) square feet or less in area.
- c. The gross floor area of each principal structure containing one (1) to three (3) dwelling units shall not exceed four thousand (4,000) square feet.
- d. The maximum gross floor area of all other individual buildings within a cluster development shall be limited in the built form overlay districts as required by Table 550-6, Maximum Floor Area of Individual Buildings in Cluster Developments.

The city planning commission may approve exceptions to subparts a., b. and c. of this standard for existing principal structures. The city planning commission may approve alternatives to subpart d. upon finding that the development's layout, amenities, and building scale are consistent with the intent of the built form policies of the comprehensive plan.

**Table 550-6 Maximum Floor Area of Individual Buildings in Cluster Developments**

<i>Built Form Overlay District</i>	<i>Structure Type</i>	<i>Maximum Floor Area of Individual Buildings (Square Feet)</i>
Interior 1 Interior 2	Residential buildings with three (3) or fewer units	4,000
	Residential buildings with four (4) or more units	7,000
Interior 3	Residential buildings with three (3) or fewer units	4,000
	Residential buildings with four (4) or more units	12,600
	Nonresidential and mixed-use buildings	12,600
Corridor 3 Corridor 4	Residential buildings with three (3) or fewer units	4,000
	Residential buildings with four (4) or more units	19,600
	Nonresidential and mixed-use buildings	19,600

**550.1320. Additional development standards for intentional community cluster developments.**

Notwithstanding any provision to the contrary, intentional community cluster developments shall be subject to the following additional development standards. Where these standards conflict with the standards in this article, the more specific standards below shall apply to intentional community cluster developments.

(1) Intentional community cluster developments shall be allowed as a conditional use the urban neighborhood, residential mixed-use, and commercial mixed-use districts.

(2) All structures in an intentional community cluster development shall be subject to site plan review standards when any building or the use contains four (4) or more new additional dwelling units or rooming units.

(3) An intentional community cluster development that includes rooming units without kitchens or restrooms shall provide a common building on the same zoning lot that provides a shared kitchen, toilets, showers, and gathering space. The common building shall be the nearest structure to the front lot line and shall not count toward the common space requirement for cluster developments. Safe and convenient pedestrian access shall be provided to the common building for dwellings and rooming units not adjoining such space. Such access shall not exceed two hundred (200) feet as measured from the door of each unit within the development.

(4) Where required, the common building shall have a minimum gross floor area of five hundred (500) square feet and a minimum width of eighteen (18) feet.

(5) The minimum gross floor area and minimum width of an individual dwelling unit or rooming unit in an intentional community cluster development shall be as approved by the conditional use permit authorizing the use, subject to requirements in the building code.

(6) A minimum lot area of six hundred fifty (650) square feet per bed shall be provided in the UN1 and UN2 Districts and a minimum lot area of three hundred twenty-five (325) square feet per bed shall be provided in all other districts where intentional community cluster developments are allowed, provided that in no instance shall the minimum lot area be less than ten thousand (10,000) square feet.

(7) The operator shall submit a management plan for the facility and a floor plan and site plan showing sleeping areas, emergency exits, bathing and restrooms, storage, security, and crime prevention through environmental design.

(8) Intentional community cluster developments shall not be required to provide off-street vehicle parking or loading. One (1) bicycle parking space per four (4) beds shall be provided. Not less than ninety (90) percent of the required bicycle parking shall meet the standards for long term bicycle parking.

(9) Sufficient storage shall be provided for each dwelling unit or rooming unit. Such storage shall be separate and distinct from the habitable area of the units to prevent outdoor storage of personal belongings.

(10) Except for minimum lot area, the city planning commission may approve alternatives to requirements for intentional community cluster developments where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of the requirements.

#### **ARTICLE IX. ACCESSORY DWELLING UNIT STANDARDS**

**550.1400. Purpose.** Standards governing accessory dwelling units are established to encourage innovation in housing design in order to meet the housing needs of the city's diverse population at a small scale.

**550.1410. Administrative review process.** An application for an accessory dwelling unit shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Procedures. The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Procedures.

**550.1420. Permitted accessory dwelling units.** Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure. The principal residential structure shall be a permitted or conditional single-family or two-family dwelling. Accessory dwelling units shall be prohibited accessory to all other uses.

**550.1430. Development standards for all accessory dwelling units.** All accessory dwelling units shall be subject to the following standards:

- (1) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.
- (2) The creation of an accessory dwelling unit shall not create a separate tax parcel.
- (3) Balconies shall not face an interior side yard. Decks attached to accessory dwelling units, including rooftop decks, shall be located not less than five (5) feet from an interior side property line.

**550.1440. Additional development standards for accessory dwelling units that are internal to a principal residential structure.** Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:

- (1) Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the principal residential structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the principal residential structure.
- (2) The entire internal accessory dwelling unit shall be located on one (1) level.
- (3) The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the principal residential structure.
- (4) Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.
- (5) The owner(s) of the property that includes an accessory dwelling unit that is internal to a principal residential structure, and where the accessory dwelling unit is not a separate dwelling unit under the Minnesota State Building Code, must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.
  - a. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.
  - b. The covenant shall run with the land and be binding upon the property owner(s), their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

c. At the request of a property owner(s) and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

**550.1450. Additional development standards for accessory dwelling units that are attached to a principal residential structure.** Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:

(1) The maximum gross floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.

(2) The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the principal residential structure.

(3) Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

(4) The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal residential structure.

(5) Accessory dwelling units that are attached to a principal residential structure and established prior to March 6, 2021, and subject to a covenant of owner-occupancy shall remain subject to such covenant. At the request of the property owner and upon inspection by the building official verifying that the accessory dwelling unit meets the requirements for a dwelling unit under the Minnesota State Building Code, the zoning administrator shall record a release of such covenant.

**550.1460. Additional development standards for detached accessory dwelling units.** Detached accessory dwelling units shall also comply with the following requirements:

(1) Except as authorized by variance, a detached accessory dwelling unit shall not exceed twenty-one (21) feet in height.

(2) The gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed one thousand three hundred (1,300) square feet or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal residential structure, whichever is less.

(3) The combined footprint of a detached accessory dwelling unit, all other detached accessory structures, and any attached uses designed or intended to be used for the parking of vehicles, shall not exceed a total of eight hundred (800) square feet or ten (10) percent of the lot area, whichever is greater. For the purposes of this section, all other structures connected to or abutting the detached accessory dwelling unit shall count toward the maximum combined footprint including, but not limited to, decks, stairs, landings, awnings, canopies, cantilevers, eave overhangs extending more than two feet from the building wall, and roofs covering any other connected structure or adjacent impervious surface.

(4) The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet except where vehicle access doors face the interior side lot line, in which case no reduction of the required yard is permitted.

(5) The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted on the side with the vehicle access doors.

(6) A detached accessory dwelling unit on a reverse corner lot shall be no closer to the corner side lot line than a distance equal to two-thirds ( $\frac{2}{3}$ ) of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in an urban neighborhood or residential mixed-use district.

(7) The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of ten (10) feet.

(8) The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

(9) Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

(10) Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

(11) Detached accessory dwelling units established prior to March 6, 2021, and subject to a covenant of owner-occupancy shall remain subject to such covenant. At the request of the property owner and upon an inspection by the building official verifying that the accessory dwelling unit meets the requirements for a dwelling unit under the Minnesota State Building Code, the zoning administrator shall record a release of such covenant.

## ARTICLE X. FENCES

**550.1500. Purpose.** Standards governing fences are established to promote the public health, safety, and welfare, and allow for privacy, while maintaining access to light and air.

**550.1510. Fence location on a zoning lot.** Fences may be erected, placed, or maintained along or adjacent to a lot line. The fence owner shall be responsible for properly locating all property lines before construction of any fence.

**550.1520. Fence encroachment onto public property.** No portion of any fence shall encroach upon or project into any public right-of-way or other public property without the fence owner first obtaining an encroachment permit.

**550.1530. Prohibited fence locations.** No person shall place, construct, maintain, or cause to be placed any fence that may endanger the public safety, including but not limited to the following:



(1) *Fire hydrant access.* No fence shall obstruct free access to any fire hydrant.

(2) *Sight triangle.* No fence shall be constructed or maintained within a distance of fifteen (15) feet from any street or alley intersection.

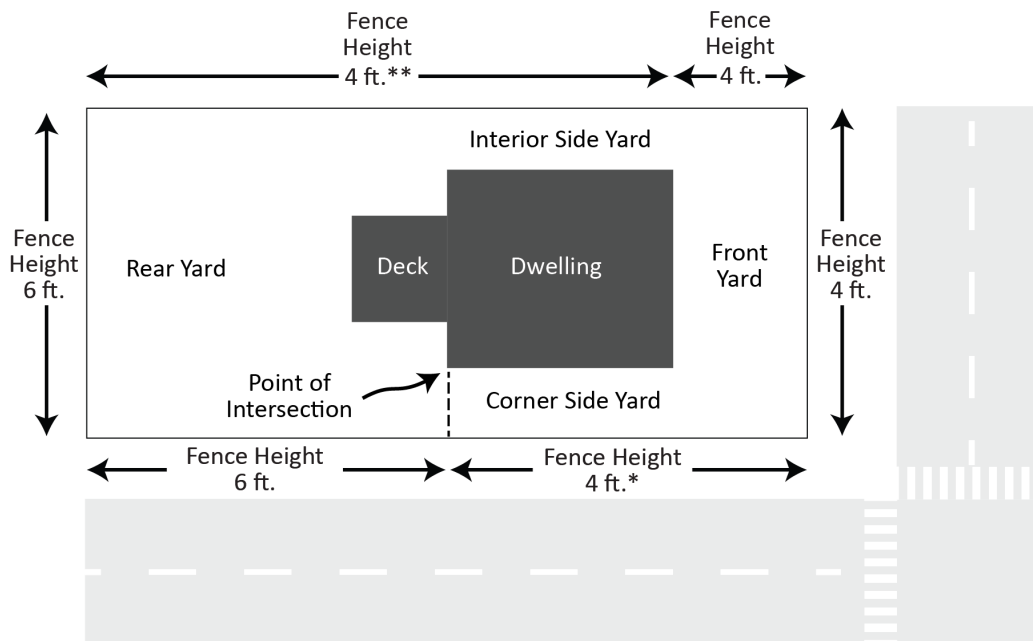
**550.1540. Fence maintenance.** Every fence shall be kept in good repair, consistent with the design thereof. The property owner shall be responsible for maintaining the area between the property line and the owner's fence.

**550.1550. Fence height.** Fence height shall be limited by its location as specified below. In no case shall a fence exceed eight (8) feet in height, regardless of location.

(1) *Front yard.* Fences located in the required front yard shall not exceed four (4) feet in height. Fences located in a required front yard shall be constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque.

(2) *Corner side yard.* Fences located in the required corner side yard shall not exceed four (4) feet in height. In addition, the maximum height may be increased to six (6) feet beginning at the point of intersection of the corner side wall and the rear wall of the principal structure to the rear lot line. For the purpose of this section, open decks and porches shall not be considered part of the principal structure. Where the structure includes an entrance facing the corner side yard, the zoning administrator may further authorize a fence up to six (6) feet in height between the structure and the corner side property line, extending as far toward the front of the lot as reasonably necessary to incorporate the entrance within the fenced area.

**Figure 550-2 Maximum Fence Height**



\*Except as allowed in section 550.1550(2)

\*\*Except as allowed in section 550.1550(3)

(3) *Interior side yard.* Fences located in the required interior side yard shall not exceed four (4) feet in height. The maximum height may be increased to six (6) feet if the fence is located not less than five (5) feet from the structure on the adjoining property or if the entire fence is constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque. In addition, the maximum height may be increased to six (6) feet between the rear wall of the principal structure on the adjoining property and the rear lot line.

(4) *Rear yard.* Fences located in the required rear or side yard and extending along the rear lot line shall not exceed six (6) feet in height, except that a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the regulations for interior side yards.

(5) *Along public streets.* Fences not located in required yards, but located within five (5) feet of a public street or public sidewalk, shall not exceed six (6) feet in height.

**550.1560. Fence design.** Fences shall be constructed, designed and maintained as follows:

(1) *Permitted materials.* Fences shall be constructed of wood, metal, bricks, masonry or other permanent materials designed for permanent fencing. No more than two types of related fencing materials shall be used in any fence and wall. Fences constructed of wood shall be resistant to decay.

(2) *Hazardous and prohibited materials.* Fences shall not be constructed of electrically charged wire, razor wire, chain link with slats, chicken wire, rope, cable, railroad ties, landscape timbers, utility poles or any other similar materials or materials not specifically manufactured for permanent fencing. The cut or salvage end of wire or metal fencing materials may not be exposed at the top of a fence if the height of the fence is less than six and one-half (6½) feet. Barbed wire may be permitted at the top of a fence if the

height of the barbed wire is not less than six and one-half (6½) feet and the fence is located in a production district not less than one hundred (100) feet from an urban neighborhood or residential mixed-use district.

(3) *Posts and supporting members.* All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall be facing the adjacent property or public right-of-way.

(4) *Snow fences.* Institutional and civic uses may erect snow fences exclusively for control of snow between November 1 and April 15.

## ARTICLE XI. COMMUNICATION TOWERS, ANTENNAS, AND BASE UNITS

**550.1600. Purpose.** Regulations governing communication towers, antennas, and base units are established to provide for appropriate locations for communication towers, antennas, and base units, to ensure compatibility with surrounding uses, to promote the co-location of communication antennas, and to preserve the city's ability to provide a public safety communication system.

**550.1610. Definitions.** As used in this article, the following words shall mean:

*Base unit.* An unstaffed single-story structure or weatherproofed cabinet used to house radio frequency transmitters, receivers, power amplifiers, signal processing hardware and related equipment.

*Communication antenna.* A device intended for receiving or transmitting television, radio, digital, microwave, cellular, personal communication service (PCS), paging or similar forms of wireless electronic communication, including but not limited to directional antennas such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.

*Communication antenna, façade mounted.* A communication antenna mounted on the façade of a structure such as a building, water tower, clock tower, steeple, stack, light pole, traffic signal davit or communication tower.

*Communication tower or antenna, rooftop mounted.* A communication tower or antenna located on the roof of a structure such as a building, water tower, clock tower, penthouse or similar structure.

*Communication tower.* Any pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and mast, used for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guyed towers or monopole towers. A communication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and personal communication service towers.

*Communication tower, monopole.* A communication tower consisting of a single pole, constructed without guyed wires and anchors.

*Communication tower and antenna height.* The height of a freestanding communication tower and antenna shall be measured as the distance from ground level to the highest point on the tower, including the antenna. The height of a rooftop communication antenna shall be measured as the distance from the point where the base of the tower and antenna is attached to the roof, to the highest point on the supporting structure, including the antenna.

*Institutional use.* Educational facilities, parks, cemeteries, golf courses, sport arenas, religious institutions, athletic fields and publicly owned property.

*Public safety communication system.* A communication system owned or operated by a governmental entity such as a law enforcement agency, public works department, municipal transit authority or medical facility.

*Publicly owned property.* Land, buildings or structures owned by any governmental body or public agency including city, county, state or federally owned properties, other than public rights-of-way.

*Transmission equipment.* Any equipment that facilitates transmission for wireless communication, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

**550.1620. Permitted uses exempt from administrative review and approval.** Notwithstanding any other provisions to the contrary, communication towers and antennas designed for private reception of television and radio signals, used for amateur or recreational purposes, shall be permitted in all districts, provided such antennas and towers comply with the standards of section 550.1670 of the Minneapolis Code of Ordinances, and the following:

(1) Notwithstanding the height limitations of the built form overlay district, freestanding towers and antennas shall not exceed thirty-five (35) feet in height and rooftop mounted antennas shall not exceed fifteen (15) feet in height.

(2) Antennas shall not exceed one (1) meter in diameter in the urban neighborhood and residential mixed-use districts and two (2) meters in diameter in all other districts.

(3) Towers and antennas shall not be located in any required front, side or rear yard, nor shall they be located between a principal building and a required front or side yard.

(4) Only one (1) freestanding tower and antenna shall be allowed per residential zoning lot.

(5) Antennas mounted to infrastructure in the public right-of-way shall be regulated by the relevant division of the Minneapolis Department of Public Works.

**550.1630. Permitted uses subject to administrative review and approval.** (a) *Uses.* Notwithstanding the height limitations of the built form overlay zoning district, the following uses shall be permitted in all zoning districts, subject to administrative review and approval by the zoning administrator, as specified in section 550.1640, and the standards of this section:

(1) Rooftop communication towers and antennas not exceeding fifteen (15) feet in height.

(2) Façade mounted communication antennas, except the construction of a new communication tower or the conversion of an existing structure to a communication tower.

(3) Extension of the height of existing communication towers of not more than fifteen (15) feet, provided the total height of the communication tower and all antennas shall not exceed the total allowable height, as provided in section 550.1660.

(b) *Standards.* Permitted uses subject to administrative review and approval shall comply with the standards of section 550.1670 and the following:

(1) The antenna and its supporting structure shall be aesthetically compatible with the structure upon which the proposed antenna is to be mounted and with surrounding uses. Façade mounted communication antennas shall be camouflaged, and rooftop mounted communication antennas and towers shall be camouflaged where it is determined to be necessary.

(2) The structure upon which the proposed antenna is to be mounted shall have the structural integrity to carry the weight of the antenna and its supporting structure.

(3) The base unit shall be aesthetically compatible with the structure upon which the proposed antenna is to be mounted and with surrounding uses.

(4) An existing communication tower shall be allowed only one (1) height extension of not more than fifteen (15) feet by administrative review. Additional extensions may be applied for as a conditional use.

**550.1640. Administrative review process.** (a) *In general.* The zoning administrator, in consultation with the planning director, shall approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) *Submittal requirements.* In addition to the general application requirements of Chapter 525, Administration and Procedures, the applicant shall submit the following:

(1) Scaled schematic drawings and photographic perspectives showing the structure and the placement of the tower and antenna on the structure.

(2) A written certification from a registered engineer that the structure has the structural integrity to carry the weight of the tower and antenna.

(3) A scaled drawing showing the size, location, construction materials and screening of the base unit.

(4) A scaled drawing showing how the tower and antenna will be camouflaged.

(5) A letter from the director of the property services division of the finance department stating that the proposed site, if located on publicly owned property, is not needed for the public safety communication system or stating that co-location is acceptable. The director of the property services division of the finance department shall have ten (10) working days after receipt of a written request to make such determination.

(c) *Appeals.* Notwithstanding the provisions of Chapter 525, Administration and Procedures, decisions of the zoning administrator regarding the administrative review of permitted telecommunication towers, antennas, and base units shall be subject to appeal to the city planning commission.

**550.1650. Conditional uses.** (a) *In general.* The following communication towers, antennas, and base units may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Procedures, and sections 550.1660 and 550.1670.

(1) Freestanding communication towers and antennas, including antennas mounted on light poles and similar structures, provided that towers and antennas located in the urban neighborhood and residential mixed-use districts shall be located on institutional use sites of not less than twenty thousand (20,000) square feet. Freestanding communication towers and antennas shall be prohibited in the downtown area bounded by the Mississippi River, I-35W, I-94, and I-394/Third Avenue North (extended to the river) except that antennas may be mounted to light poles existing on the effective date of this ordinance.

(2) Rooftop mounted communication towers and antennas exceeding fifteen (15) feet in height.

(3) Communication towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes which exceed thirty-five (35) feet in height if freestanding or fifteen (15) feet in height if rooftop mounted, or antennas which exceed one (1) meter in diameter in the urban neighborhood and residential mixed-use districts or two (2) meters in diameter in all other districts.

(4) Communication towers and antennas that use any portion of a structure, other than the roof or penthouse, for structural support and do not meet the definition of a façade mounted communication antenna.

(b) *Exceptions.* The uses listed below shall be exempt from the provisions of this section as follows:

(1) Communication antennas in the public right-of-way, as permitted by the Minneapolis Department of Public Works.

**550.1660. Specific standards for conditional uses.** All communication towers and antennas requiring a conditional use permit shall be subject to the provisions of Chapter 525, Administration and Procedures, and the submittal requirements of section 550.1640(b). In addition, the applicant shall comply with the following standards and submit written documentation indicating such compliance:

(1) *Tower type.* Communication towers shall be of a monopole design. The city planning commission may consider the substitution of alternative tower types in cases where structural, radio frequency, and design considerations, location or the number of co-locators suggests a tower other than a monopole.

(2) *Co-location of communication antennas.* Shared use of existing communication towers shall be preferred to the construction of a new tower.

(3) *Height of freestanding towers and antennas.*

a. *Urban neighborhood, residential mixed-use and commercial mixed-use districts.* The height of freestanding communication towers and antennas located in the urban neighborhood, residential mixed-use and commercial mixed-use districts shall not exceed seventy-five (75) feet.

b. *Production districts.* The height of freestanding communication towers and antennas located in the production districts shall not exceed one hundred (100) feet.

c. *Excess height.* The city planning commission may increase the height of freestanding towers and antennas, provided that in the urban neighborhood, residential mixed-use and commercial mixed-use districts such increase shall not exceed the maximum height by more than fifty (50) percent. The applicant shall submit an inventory of existing and approved communication towers within a one (1) mile radius of the proposed site outlining opportunities for shared use as an alternative to the construction of a new tower, and shall demonstrate to the satisfaction of the city planning commission the following:

1. The proposed antenna cannot be accommodated on an existing or approved tower due to one (1) or more of the following reasons: the unwillingness of the owner of the existing or approved tower to co-locate an additional antenna; the planned antenna would exceed the structural capacity of existing or approved tower; the planned antenna would cause radio frequency interference with other existing or planned equipment, which cannot reasonably be prevented; other reasons affecting technical performance, system coverage and system capacity make it impractical to place the proposed equipment on existing or approved towers; or the proposed co-location on an existing or approved tower would not conform to the requirements of the zoning ordinance.

2. The surrounding topography, structures, vegetation and other factors make a tower that complies with the district height regulations impractical.

3. The proposed tower is designed to structurally accommodate both the applicant's antenna and at least one (1) additional user. The applicant shall submit a letter indicating the proposed tower is available for co-location with a phone number for interested parties to call.

- (4) *Height of all other towers and antennas allowed by conditional use.* The maximum height of all other towers and antennas shall be as approved by conditional use permit.

**550.1670. Development standards for all permitted and conditional communication towers, antennas, and base units.** In addition to the standards of sections 550.1620, 550.1630 and 550.1660 above, all communication towers, antennas, and base units shall be subject to the following standards:

- (1) *Encroachments and setbacks.*

- a. The tower site and setback shall be of adequate size to contain guyed wires, debris and the tower in the event of a collapse.

- b. Communication towers shall maintain a minimum distance from the nearest residential structure equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking structure attached to a principal residential structure.

c. No part of any communication tower, antenna, base unit, equipment, guyed wires or braces shall extend across or over any part of a public right-of-way, except as regulated by the Minneapolis Department of Public Works.

d. Communication towers, antennas, and base units shall comply with applicable regulations as established by the Federal Aviation Administration.

e. Communication towers, antennas, and base units shall comply with the minimum yard requirements of the district in which they are located.

(2) *Compatibility with nearby properties.* Communication towers, antennas, and base units shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the tower facilities into the surrounding setting and environment to the greatest extent possible. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the production districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.

(3) *Screening and landscaping.* A screening and landscaping plan designed to screen the base of the tower and the base unit shall be submitted. The plan shall show location, size, quantity and type of landscape materials. Landscape materials shall be capable of screening the site all year. One (1) row of evergreen shrubs or trees capable of forming a continuous hedge at least six (6) feet in height within two (2) years of planting shall be provided to effectively screen the base of the tower and the base unit, except for towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes, and light poles and traffic signal davits in public rights-of-way that support communication antennas and transmission equipment. A maintenance plan for the landscape materials shall also be submitted. The city planning commission may consider the substitution of other architectural screening plans such as a decorative fence or masonry wall in lieu of planted materials.

(4) *Screening of equipment.*

a. Equipment which does not require line-of-sight to function shall be screened in accordance with section 550.80.

b. Equipment which requires line-of-sight to function may require screening where it is determined to be necessary.

(5) *Rooftop mounted towers and antennas.* Rooftop mounted communication towers and antennas shall not be located on a portion of a residential structure less than fifty (50) feet in height, except for towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes.



(6) *Façade mounted antennas.*

a. *Mounted on freestanding towers and poles.* A façade mounted antenna may extend above the façade of the tower or pole on which it is mounted, but otherwise may project outward beyond such façade. Height of a freestanding tower or pole shall be measured to the tallest point of the structure, including antennas.

b. *Mounted on all other structures.* A façade-mounted antenna shall be mounted flush against the structure on which it is mounted and shall not extend above the façade of such structure, except that antennas designed for private reception of television and radio signals, used for amateur or recreational purposes, may extend above the façade of the structure.

(7) *Base units.* Base units shall not exceed five hundred (500) square feet of gross floor area. The city may require as a condition of approval that base units be located underground.

(8) *Security.* All sites shall be reasonably protected against unauthorized climbing. The bottom of the tower, measured from ground level to twelve (12) feet above ground level, shall be designed in a manner to discourage unauthorized climbing.

(9) *Signage.* Advertising or identification of any kind on towers, antennas, and base units shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.

(10) *Lighting.* Communication towers and antennas shall not be illuminated by artificial means, except when mounted on an existing light pole or where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.

(11) *Heritage Preservation Ordinance compliance.* Communication towers and antennas proposed for any locally designated historic structures or locally designated historic districts shall be subject to all requirements of the city's Heritage Preservation Ordinance. This provision shall also apply to antenna installations in public rights of way.

(12) *Radio frequency emissions and noninterference.* The applicant shall comply with all applicable Federal Communication Commission standards.

(13) *Public safety communication system.* The location of the proposed antenna, if located on publicly owned property, shall not be needed for use by the public safety communication system, or if needed, it shall be determined by the director of the property services division of the finance department that co-location of the proposed antenna with a public safety antenna is agreeable.

**550.1680. Obsolete or unused towers.** All obsolete or unused communication towers, antennas, and base units or accessory facilities shall be removed within twelve (12) months of the cessation of operations unless an extension is approved by the city planning commission. If an extension is not approved, such towers, antennas, and base units shall be deemed a nuisance, and the city may act to abate such nuisance and require their removal at the property owner's expense. The operator shall provide the city with a copy of the Federal Communications Commission notice of intent to cease operations at the same time it submits such notice to the Federal Communications Commission. In the case of multiple operators sharing

the use of a single tower, this provision shall not become effective until all operators cease operations for a period of twelve (12) consecutive months, provided each operator shall provide the city with notice of intent to cease operations. After the facilities are removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.

## ARTICLE XII. SOLAR ENERGY SYSTEMS

**550.1700. Purpose.** Regulations governing solar energy systems are established to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy.

**550.1710. Definitions.** As used in this article, the following words shall mean:

*Building-integrated solar energy system.* A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

*Building-mounted solar energy system.* A solar energy system affixed to a principal or accessory building.

*Freestanding solar energy system.* A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. Garages, carports or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

*Solar collector surface.* Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

*Solar energy.* Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

*Solar energy system.* A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

**550.1720. Permitted uses and specific standards, subject to administrative review and approval.**

(a) *In general.* Solar energy systems shall be permitted in all zoning districts, subject to the standards of this article. Solar collector surfaces and all mounting devices shall comply with the minimum yard requirements of the district in which they are located. Screening of solar collector surfaces shall not be required.

(b) *Building-mounted solar energy systems.*

(1) Notwithstanding the height limitations of the built form overlay zoning district, building mounted solar energy systems shall not extend higher than three (3) feet above the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten (10) feet above the surface of the roof when installed on flat or shed roof.

(2) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one (1) foot from the exterior perimeter of a roof for every one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision.

(3) All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

(c) *Freestanding solar energy systems.*

(1) Freestanding solar energy systems, measured to the highest point of the system, shall not exceed the height of the principal structure or twenty (20) feet, whichever is less. The height of the principal structure shall be measured as provided in Chapter 565, Definitions. Freestanding solar energy systems up to sixteen (16) feet in height shall be subject to the minimum yard requirements of an accessory structure. Freestanding solar energy systems greater than sixteen (16) feet in height shall be subject to the minimum yard requirements of a principal structure. The required yard shall be measured from the property line to the closest part of the structure at minimum design tilt.

(2) In the urban neighborhood and residence mixed-use districts, the area of the solar collector surface of freestanding solar energy systems shall not exceed five (5) percent of the lot area. Notwithstanding any other provision to the contrary, the maximum area of solar energy systems shall be calculated independently of the floor area of all other accessory structures on the zoning lot.

(3) The supporting framework for freestanding solar energy systems shall not include unfinished lumber.

(4) All abandoned or unused freestanding solar energy systems shall be removed within twelve (12) months of the cessation of operations.

(5) All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

**550.1730. Administrative review process.** (a) *In general.* The zoning administrator, in consultation with the planning director, shall approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) *Submittal requirements.* An application for a solar energy system shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Procedures. In addition, the applicant shall submit written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

**550.1740. Conditional uses.** Solar energy systems that do not comply with the standards of section 550.1620 above may be allowed by conditional use permit, subject to the provisions of Chapter 525, Administration and Procedures, provided that requests to reduce minimum yard requirements shall be by variance.

**550.1750. Solar access.** Solar access easements may be filed consistent with Minnesota Statutes, Section 500.30. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement is purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

### ARTICLE XIII. WIND ENERGY CONVERSION SYSTEMS

**550.1800. Purpose.** Regulations governing wind energy conversion systems are established to provide for appropriate locations for wind energy conversion systems, to ensure compatibility with surrounding uses, and to promote safe, effective and efficient use of wind energy conversion systems to increase opportunities for generation of renewable energy.

**550.1810. Definitions.** As used in this article, the following words shall mean:

*Institutional use.* Educational facilities, golf courses, sports arenas, religious institutions, athletic fields and publicly owned property. For the purpose of this section, parks and cemeteries, whether publicly or privately owned, shall not be included in this definition.

*Publicly owned property.* Land, buildings or structures owned by any governmental body or public agency including city, county, state or federally owned properties, other than public rights-of-way.

*Tower, monopole.* A wind energy conversion system tower consisting of a single pole, constructed without guyed wires and anchors.

*Wind energy conversion system.* Any device, such as a wind charger, windmill, or wind turbine, and associated facilities including the support structure of the system such as a tower, that converts wind energy to electrical energy.

*Wind energy conversion system, building mounted.* A wind energy conversion system located on a building.

*Wind energy conversion system height.* The height of a freestanding wind energy conversion system shall be measured as the distance from ground level to the highest point on the tower, including the vertical length of any extensions such as the rotor blade. The height of a building mounted wind energy conversion system shall be measured as the distance from the point where the base of the system is attached to the building or to the lowest point on the wind energy conversion system, whichever is closer to the ground, to the highest point on the wind energy conversion system, including the vertical length of any extensions such as the rotor blade.

**550.1820. Permitted uses subject to administrative review and approval.** Notwithstanding the height limitations of the built form overlay zoning district, building mounted wind energy conversion systems shall be permitted in all zoning districts, subject to administrative review and approval by the zoning

administrator, as specified in section 550.1830, and shall comply with the standards of section 550.1860 and the following:

- (1) Building mounted wind energy conversion systems shall not exceed fifteen (15) feet in height.
- (2) Building mounted wind energy conversion systems shall be prohibited on residential structures less than four (4) stories and forty-two (42) feet in height and structures accessory to residential uses.
- (3) On nonresidential buildings less than four (4) stories and forty-two (42) feet in height, building mounted wind energy conversion systems shall be setback at least ten (10) feet from the front, side and rear walls of the structure upon which it would be mounted.
- (4) Building mounted wind energy conversion systems on structures over four (4) stories and forty-two (42) feet in height shall be installed above the fourth story.
- (5) The structure upon which the proposed wind energy conversion system is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.

**550.1830. Administrative review process.** (a) *In general.* The zoning administrator, in consultation with the planning director, shall approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) *Submittal requirements.* In addition to the general application requirements of Chapter 525, Administration and Procedures, the applicant shall submit the following:

- (1) Scaled schematic drawings and photographic perspectives showing the structure and the placement of the wind energy conversion system.
- (2) A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.
- (3) An analysis from a licensed engineer showing how the wind energy conversion system shall be designed, constructed and operated in compliance with all applicable federal, state, and local laws, codes, standards and ordinances.
- (4) A written certification from a licensed engineer confirming that the wind energy conversion system is designed to not cause electrical, radio frequency, television and other communication signal interference.
- (5) Sufficient information demonstrating that the wind energy conversion system shall be used primarily to reduce on-site consumption of electricity, including but not limited to a complete listing of on-site electrical demands.
- (6) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a wind energy conversion system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(7) Written certification from a licensed engineer stating the wind power density for the specific site is Class 2 or greater as defined by the United States Department of Energy.

(c) *Appeals*. Notwithstanding the provisions of Chapter 525, Administration and Procedures, decisions of the zoning administrator regarding the administrative review of permitted wind energy conversion systems shall be subject to appeal to the city planning commission.

**550.1840. Conditional uses.** Freestanding wind energy conversion systems may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Procedures, sections 550.1850 and 550.1860, and the following location and lot size restrictions:

(1) *Urban neighborhood and residential mixed-use districts*. Freestanding wind energy conversion systems in the urban neighborhood and residential mixed-use districts shall only be located on institutional use sites.

(2) *Downtown area*. Freestanding wind energy conversion systems shall be prohibited in the downtown area, including all zoning districts in the area bounded by the Mississippi River, I-35W, I-94, I-394, and 3<sup>rd</sup> Avenue North (extended to the river).

(3) *Minimum lot area*. No freestanding wind energy conversion system shall be established on a zoning lot less than one (1) acre in area. A maximum of one wind energy conversion system per acre of lot area shall be allowed.

**550.1850. Specific standards for conditional uses.** All wind energy conversion systems requiring a conditional use permit shall be subject to the provisions of Chapter 525, Administration and Procedures, and the submittal requirements of section 550.1830(b). In addition, the applicant shall comply with the following standards and submit written documentation indicating such compliance:

(1) *Tower type*. Towers shall be of a monopole design. The city planning commission may consider the substitution of alternative tower types in cases where structural and design considerations, and location suggests a tower other than a monopole.

(2) *Height of freestanding wind energy conversion systems*.

a. *Urban neighborhood, residential mixed-use and commercial mixed-use districts*. The height of freestanding wind energy conversion systems located in the urban neighborhood, residential mixed-use and commercial mixed-use shall be no more than sixty (60) feet on zoning lots between one (1) and five (5) acres and shall be no more than one hundred (100) feet on zoning lots of more than five (5) acres in area.

b. *Production districts*. The height of freestanding wind energy conversion systems located in the production districts shall not exceed one hundred (100) feet.

c. *Minimum height*. The minimum distance between the ground and the vertical length of any extensions such as the rotor blades shall be fifteen (15) feet.

d. *Excess height.* The city planning commission may increase the height of freestanding wind energy conversion systems, provided that in the urban neighborhood, residential mixed-use and commercial mixed-use districts such increase shall not exceed the maximum height by more than fifty (50) percent. The applicant shall demonstrate to the satisfaction of the city planning commission that the surrounding topography, structures, vegetation, and other factors make a tower that complies with the district height regulations impractical.

(3) *Encroachments and setbacks.*

a. The base of the tower shall maintain a minimum distance from the nearest residential structure and from any overhead utility lines equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking structure attached to a principal residential structure.

b. The support structure, including any guy wires, shall not be located in any required front, side or rear yard, nor shall they be located between a principal building and a required front or side yard.

(4) *Security.* All sites shall be reasonably protected against unauthorized climbing. The bottom of the tower, measured from ground level to twelve (12) feet above ground level, shall be designed in a manner to discourage unauthorized climbing.

(5) *Electrical wires.* All electrical wires associated with a freestanding wind energy conversion system shall be located within the tower and underground.

**550.1860. Development standards for all permitted and conditional wind energy conversion systems.**

In addition to the standards of sections 550.1820, 550.1830, 550.1840 and 550.1850 above, all wind energy conversion systems shall be subject to the following standards:

(1) *Maximum capacity.* Wind energy conversion systems shall have a rated capacity of not more than one hundred (100) kilowatts.

(2) *SH Shoreland and MR Mississippi River Corridor Critical Area Overlay Districts.* Freestanding and building mounted wind energy conversion systems shall be prohibited in the SH Shoreland and MR Mississippi River Corridor Critical Area Overlay Districts.

(3) *Encroachments and setbacks.*

a. Wind energy conversion systems shall comply with applicable regulations as established by the Federal Aviation Administration.

b. Wind energy conversion systems shall comply with the minimum yard requirements of the district in which they are located.

c. No part of any wind energy conversion system shall extend across or over any part of a public right-of-way.

(4) *Compatibility with nearby properties.* Wind energy conversion systems shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the system facilities into the surrounding setting and environment to the greatest extent possible. Rotor blades shall be non-metallic to prevent communication signal interference. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the production districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.

(5) *Controls and brakes.* All systems shall contain an internal governor or braking device which engages at wind speeds in excess of forty (40) miles per hour and minimizes the potential for wind damage to the equipment.

(6) *Signage.* Advertising or identification of any kind on wind energy conversion systems shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.

(7) *Lighting.* Wind energy conversion systems shall not be illuminated by artificial means, except where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.

(8) *Noise.* Wind energy conversion systems shall comply with the standards governing noise contained in Chapter 389 of the Minneapolis Code of Ordinances, Noise, and with all other applicable regulations.

(9) *Heritage Preservation Ordinance compliance.* Wind energy conversion systems proposed for any locally designated historic structures or locally designated historic districts shall be subject to all requirements of the city's Heritage Preservation Ordinance.

(10) *Maintenance required.* All wind energy conversion systems shall be kept in good repair and free from rust, damaged supports, framework or other components.

**550.1870. Abandoned or unused towers.** All abandoned or unused wind energy conversion systems shall be removed within twelve (12) months of the cessation of operations unless an extension is approved by the city planning commission. If an extension is not approved, such wind energy conversion system shall be deemed a nuisance, and the city may act to abate such nuisance and require its removal at the property owner's expense. After the wind energy conversion system is removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.

#### ARTICLE XIV. PLAZAS

**550.1900. Purpose.** Standards governing plazas are established to promote year-round gathering places designed to enhance pedestrian access, interaction and visibility, reinforce public spaces, create community identity, promote public safety, and visually enhance development.

**550.1910. Permitted uses subject to administrative review and approval.** Plazas shall be permitted in all zoning districts. Plazas with at least two thousand (2,000) square feet of contiguous area, shall be subject



to administrative review and approval by the zoning administrator, as specified in section 550.1920, and shall comply with the standards of section 550.1930.

**550.1920. Administrative review process.** (a) *In general.* The zoning administrator, in consultation with the planning director, shall approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan. If proposed as part of a project that includes a separate land use application, a plaza may be reviewed concurrently with said application, provided all requirements of this section have been met.

(b) *Submittal requirements.* In addition to the general application requirements of Chapter 525, Administration and Procedures, the applicant shall submit the following:

(1) A scaled and dimensioned site plan, including the following items:

a. All property lines.

b. Adjacent streets, sidewalks, pathways, and alleys, including proposed pedestrian access points.

c. Adjacent buildings with uses and heights identified, including pedestrian access from any adjacent buildings.

d. Square footages of plaza area with surface materials identified.

e. Any proposed right-of-way encroachments.

f. Planting plan showing existing plants to remain and proposed shrubs, trees, perennials, native grasses, and groundcovers, including location and type.

g. Mechanical equipment, if any.

h. Proposed furnishings.

i. Proposed lighting.

j. Grading and drainage plan.

k. North arrow and date the plan was drawn.

(c) *Appeals*. Decisions of the zoning administrator regarding the administrative review of permitted plazas shall be subject to appeal to the city planning commission as specified in Chapter 525, Administration and Procedures.

**550.1930. Development standards for all permitted plazas.** All plazas with at least two thousand (2,000) square feet shall be subject to the following standards:

(1) *Placement*.

a. The placement of plazas shall not detract from and shall enhance natural surveillance and visibility of adjacent spaces and public sidewalks and facilitate pedestrian access and circulation.

b. Plazas shall be designed to enhance interaction with occupants of adjacent buildings and uses.

(2) *Access*.

a. All plazas shall be designed to allow for pedestrian and bicycle access through and/or around the plaza.

b. Multiple access points shall be provided for each plaza, with one (1) access point being connected to a public street, public sidewalk, or public pathway.

c. All plazas shall be designed in accordance with the accessibility requirements of the Americans with Disabilities Act.

d. Unobstructed walkways a minimum of four (4) feet in width shall connect the plaza to an entrance of any building on the same zoning lot.

e. When adjacent to a transit stop, said transit stop shall be integrated into the design of the plaza.

(3) *Natural surveillance and visibility*. Plazas shall be designed to control and guide movement through the site, promote natural observation and provide opportunities for people to observe adjacent spaces and public sidewalks.

(4) *Aerial obstructions*. Plazas shall be unobstructed to the sky except for seating, arbors, trellises, kiosks, lighting, water features, public art, and landscaping. Up to thirty (30) percent of the plaza area may include umbrellas, awnings, or an arcade.

(5) *Surface materials*. With the exception of landscaped areas, plazas shall be surfaced with durable and decorative materials, including but not limited to pervious pavers, decorative pavers, stamped concrete, colored concrete, or brick.

*(6) Seating.*

- a. A minimum of one (1) linear foot of seating shall be provided for each fifty (50) square feet of plaza area.
- b. A minimum of twenty (20) percent of the required seating shall consist of fixed seating. A minimum of twenty (20) percent of the required seating shall consist of seating with backs.
- c. A minimum of two (2) different types of seating shall be required. Seating may take on multiple forms, including traditional and non-traditional seating, provided that it is accessible and all other seating requirements of this section are met.
- d. All seating must be of appropriate ergonomic design.
- e. Seating provided for sidewalk cafes or other adjacent uses shall not count toward the minimum seating requirement of this ordinance.

*(7) Encroachments and setbacks.*

- a. Plazas shall not encroach into the public right-of-way without the property owner first obtaining an encroachment permit.
- b. All seating, water features, arbors, trellises, trash receptacles or other accessory equipment and furnishings shall comply with the minimum yard requirements of the zoning district in which they are located.

*(8) Plantings.*

- a. Plazas shall provide a minimum of one (1) tree for each one thousand (1,000) square feet of plaza area. If proposed as part of a project that has a general landscaping requirement, trees located in the plaza shall contribute toward compliance with the general landscaping requirement.
- b. A landscaped area equivalent to ten (10) percent of the total plaza area may be provided in lieu of trees.

*(9) Additional amenities.* Plazas must provide at least one of the following additional amenities. Plazas in excess of five thousand (5,000) square feet shall provide a minimum of two (2) of the following additional amenities:

a. *Living wall.* Provide a living wall on at least one (1) building façade directly fronting on the plaza. The living wall shall be composed of panels that total a minimum of fifty (50) percent of the wall area on the building façade. A portion of the plantings shall provide greenery year-round, if possible.

b. *Water feature,* including but not limited to, fountains, reflecting pools, children's play features and waterfalls. Water features shall be designed and maintained for year-round functionality and aesthetics.

c. *Art feature.* Art shall strive to promote quality design, enhance a sense of place and be maintained in good order for the life of the plaza. The art shall be located where it is highly visible to the public. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.

d. *Moveable chairs.* Such chairs shall be equivalent to twenty-five (25) percent of the minimum seating requirement. Moveable chairs may be removed during the nighttime hours of 8:00 p.m. to 7:00 a.m.

e. *Game tables and associated seating.* A minimum of two (2) game tables and associated seating shall be provided.

f. *Kiosk.* Such kiosk may be no greater than one hundred (100) square feet in area and may only be occupied by uses permitted in the underlying zoning district.

g. *Public drinking fountain.* Such public drinking fountain shall be visible from an adjacent public street, public sidewalk or public pathway.

h. *Stormwater functionality.* Provide capacity for infiltrating stormwater generated onsite. Such stormwater amenity may be counted as two amenities if done in an artistic and educational manner.

(10) *Lighting.* All plazas shall be illuminated in accordance with section 550.2230, Lighting.

(11) *Winter use.* Plazas shall be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from winds, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal. Plazas should be located so that they receive natural sunlight during daytime hours in all seasons.

(12) *Trash receptacles.* A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided for each two thousand (2,000) square feet of plaza area.

(13) *Mechanical equipment.* All exhaust vents and mechanical equipment located adjacent to a plaza shall be screened in accordance with the required screening provisions of Article V, Site Plan Review Standards in this chapter.

(14) *Maintenance required.* All plazas shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings. Minimum landscaping and seating requirements shall be maintained for the life of the plaza. All adjacent streets, sidewalks and pathways shall be inspected regularly for purposes of removing any litter found thereon.

(15) *Built form overlay districts.* Projects seeking a floor area ratio premium in a built form overlay district by providing an outdoor urban open space shall comply with all requirements of this section and the requirements of the outdoor urban open space premium as specified in Chapter 540, Built Form Overlay Districts.

## ARTICLE XV. SKYWAYS

**550.2000. Purpose.** Regulations governing new skyways are established to provide for appropriate location for skyways and to ensure the design of skyways contribute to the built and natural environment.

**550.2010. Definitions.** As used in this article, the following words shall mean:

*Bird-safe glazing.* Bird-safe glazing includes one (1) of the following:

- a. Façade materials with a Leadership in Energy and Environmental Design (LEED) Material Threat Factor less than or equal to twenty-five (25); or
- b. Physical structures or glass patterns that are visible from the outside and the resulting pattern creates spaces no wider than four (4) inches horizontally or two (2) inches high vertically, also known as the "2x4 rule"; or
- c. A glass pattern that is white to medium gray, visible from the outside, and shall meet at least one (1) of the specific standards below:
  1. Horizontal line patterns shall be one-eighth ( $\frac{1}{8}$ ) inch wide with two (2) inch on-center spacing; or
  2. Vertical line patterns shall be one-eighth ( $\frac{1}{8}$ ) inch wide with four (4) inches on-center spacing; or
  3. Dot patterns with dots one-quarter ( $\frac{1}{4}$ ) inch wide with two (2) inch on-center spacing each way; or
  4. Dot patterns with dots three-eighths ( $\frac{3}{8}$ ) inch wide arranged in horizontal lines with two (2) inch on-center spacing or vertical lines with four (4) inch on-center spacing.

**550.2020. Permitted uses subject to administrative review and approval.** Skyways shall be subject to administrative review and approval by the zoning administrator, as specified in section 550.2030, and shall comply with the standards of section 550.2040.

**550.2030. Administrative review process.** (a) *In general.* The zoning administrator shall approve or deny such application prior to the issuance of an encroachment permit. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan. If proposed as part of a project that includes a separate land use application, a skyway shall be reviewed concurrently with said application.

(b) *Submittal requirements.* The applicant shall comply with the general application requirements of Chapter 525, Administration and Procedures.

(c) *Appeals.* Notwithstanding the provisions of Chapter 525, Administration and Procedures, decisions of the zoning administrator regarding the administrative review of permitted skyways shall be subject to appeal to the city planning commission.

**550.2040. Development standards for all permitted skyways.** New skyways shall comply with the following standards and all other applicable regulations of this zoning ordinance:

(1) *All skyways.*

a. At least eighty (80) percent of the exterior sidewalls of the skyway shall be glazing that allows views into and out of the skyway. Glazing shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.

b. At least eighty-five (85) percent of the glazing area of the exterior sidewalls of a skyway shall meet the bird-safe glazing definition.

(2) *Skyways that cross a public street or a public alley.*

a. Skyways will only be considered for uses in downtown zoning districts; or hospital, college, or university uses outside of downtown zoning districts, subject to the standards of this article.

b. Skyways shall only be allowed on the second floor of a building.

c. Skyways shall run perpendicular to the public street or public alley that they cross.

d. Skyways shall be designed to be horizontally level with the street. Changes in grade shall be accommodated so that the skyway appears level from the exterior.

e. Skyways shall not be allowed within fifteen (15) feet of a street intersection. Skyways are encouraged to cross public streets and alleys in the middle portion of the block.

f. Skyways shall be a single story.

g. The bottom of skyways shall be a minimum of sixteen (16) feet six (6) inches above the public street or public alley.

h. Skyways shall comply with the requirements of subsections (1) and (3) of this section as applicable.

(3) *Skyways within the downtown skyway system.*

a. Skyway width shall be carefully considered in relation to each skyway's relative location within the system and the projected intensity of use for that skyway and shall be subject to the following conditions:

1. Skyways and connecting corridors shall have a minimum interior clear width of twelve (12) feet between handrails.

2. Skyways and connecting corridors within the core of the downtown skyway system are encouraged to have a minimum interior clear width of eighteen (18) feet.

3. The exterior width of skyways shall be no wider than thirty (30) feet.

b. Access to skyways shall be facilitated between street and skyway levels. Such access shall be subject to the following conditions:

1. A public entrance that is clearly defined and emphasized through the use of architectural features, such as an awning, glazing, or other details, shall provide street access to the skyway.

2. Exterior signage shall be provided at the street-level entrance noting the skyway entrance location.

3. Elevators, stairs and escalators linking the street and skyway level shall be clearly identified with directional signage. For new buildings, elevators, stairs and escalators linking the street and skyway level shall also be conveniently located.

4. Interior signage shall be provided at the skyway level, noting access to public streets.

c. Skyways shall remain open to the public Monday through Friday, from 6:30 a.m. to 10:00 p.m., Saturday, from 9:30 a.m. to 8:00 p.m., and Sunday, from 12:00 p.m. to 6:00 p.m. Property owners are encouraged to keep their skyways, connecting corridors, and vertical circulation elements open beyond standard hours of operation.

d. Skyway bridges shall be used exclusively for pedestrian movement. Other uses such as retailing, permanent seating, vending, and display shall be confined to spaces off the skyway bridge.

e. Skyways shall comply with the requirements of subsections (1) and (2) of this section as applicable.

#### ARTICLE XVI. PROTECTION OF NATURAL FEATURES

**550.2100. Purpose.** Standards relating to natural features are established to provide for the protection and conservation of natural features and to mitigate the effects of development on the natural environment.

**550.2110. Protection of natural features.** (a) *In general.* All development shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, to contribute to ecological function, and to minimize negative impacts on and the alteration of the natural environment. In addition to protected areas in the SH Shoreland Overlay District and MR Mississippi River Critical Area Overlay District, the following areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable federal, state, or local regulations:

(1) Significant trees or plant communities including remnant stands of native trees or remnant prairie grasses, trees or plant communities that are rare to the area or of particular horticultural or landscape value, or trees with a diameter at breast height of twelve (12) inches or larger.

(2) Habitats of threatened or endangered wildlife, as identified on federal or state lists, including the Federal Endangered Species Act, and the Minnesota County Biological Survey.

(b) *Mitigation.* Where preservation is not consistent with the reasonable utilization of land, the city may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to mitigate the effects of the development and protect or enhance the natural features of the land.

**550.2120. Stormwater management.** All development shall comply with all applicable regulations governing stormwater management, and shall employ best management practices to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site filtration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, and encourage natural filtration function.

#### ARTICLE XVII. GENERAL PERFORMANCE STANDARDS

**550.2200. Purpose.** Performance standards are established to minimize conflicts among land uses, to preserve the use and enjoyment of property, to provide for the protection and conservation of natural features, and to protect the public health, safety, and welfare. These performance standards shall apply to all uses of land or structures and are in addition to any requirements applying to specific zoning districts.

**550.2210. Performance in general.** No use or structure shall be operated or occupied as to constitute a dangerous, injurious or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, cold, dampness, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. In addition, no use or structure shall be operated or occupied in



a manner not in compliance with any performance standard contained in this article or with any other applicable regulation.

**550.2220. Review by other agencies.** In determining compliance with the performance standards of this article, the zoning administrator may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments as to such compliance.

**550.2230. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half ( $\frac{1}{2}$ ) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

(4) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(5) Lighting of building façades or roofs shall be located, aimed and shielded so that light is directed only onto the façade or roof.

(c) *Exceptions.* The uses listed below shall be exempt from the provisions of this section as follows:

(1) Publicly controlled or maintained street lighting and warning, emergency or traffic signals shall be exempt from the requirements of this section.

(2) Athletic fields, amphitheaters and outdoor recreation facilities serving or operated by an institutional or civic use that otherwise meet all of the requirements of this zoning ordinance shall be exempt from the requirements of sections (b)(1), (b)(2), and (b)(3) between the hours of 7:00 a.m. and 10:00 p.m., because of their unique requirements for nighttime visibility and limited hours of operations.

**550.2240. Explosive and flammable materials.** (a) *In general.* No use or structure involving the manufacture, storage or use of explosive or flammable materials shall be operated or occupied as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses involving the manufacture, storage, or use of explosive or flammable materials shall comply with the provisions of Chapter 173 of the Minneapolis Code of Ordinances, Fire Prevention Code, Chapter 51 of the Minneapolis Code of Ordinances, Fumigating, the Uniform Fire Code, the safety codes of the National Fire Protection Association, with all other applicable regulations, and with the following standards:

(1) *Safety devices.* All uses involving the manufacture, storage, or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate firefighting and fire-suppression devices standard in the industry.

(2) *Explosive or blasting agents.* The manufacture, storage, or use of any explosive or blasting agent as defined by the Uniform Fire Code, shall be prohibited in any zoning district.

(3) *Class I flammable liquids, flammable gases and flammable liquefied gasses.*

a. *In general.* The storage of all Class I flammable liquids, flammable gases and flammable liquefied gases, as defined in Chapter 173 of the Minneapolis Code of Ordinances, Fire Prevention Code, except such storage for the direct refueling of motor vehicles, for on-site standby power generation, or for on-site heating or cooking, not including industrial processes, shall be governed by the standards set forth in Table 550-7, Maximum Class I Flammable Liquids, Flammable Gases and Flammable Liquefied Gases. Bulk storage and dispensing shall be by means of a closed tank and piping system.

b. *Distance from urban neighborhood and residence mixed-use districts.* Storage of Class I flammables in excess of one hundred and twenty (120) gallons but not more than five hundred (500) gallons shall be located no closer than fifty (50) feet from the nearest urban neighborhood or residence mixed-use district. Storage of Class I flammables in excess of five hundred (500) gallons but not more than two thousand seven hundred fifty (2,750) gallons shall be located no closer than one hundred fifty (150) feet from the nearest urban neighborhood or residence mixed-use district, and if outside and above ground shall be located no closer than three hundred (300) feet from the nearest permitted or conditional residential use. Storage of Class I flammables in excess of two thousand seven hundred fifty (2,750) gallons shall be located no closer than three hundred (300) feet from the nearest urban neighborhood or residence mixed-use district, or such greater distance as required by conditional use permit.

c. *Increasing maximum storage.* The maximum Class I flammables stored in the PR2 Production and Processing District may be increased by conditional use permit subject to the limitations in Table 550-7, Maximum Class I Flammable Liquids, Flammable Gases and Flammable Liquefied Gases, as provided in Chapter 525, Administration and Procedures.

**Table 550-7 Maximum Class I Flammable Liquids, Flammable Gases and Flammable Liquefied Gases<sup>1</sup>**

<i>Zoning District</i>	<i>Maximum Permitted (in gallons)</i>	<i>Maximum Allowed by Conditional Use Permit</i>
Urban neighborhood and residence mixed-use districts	10 <sup>2</sup>	—
Commercial mixed-use, PR1 and transportation districts	60 <sup>2</sup>	--
PR2 District	2,750	15,000

<sup>1</sup> Maximum storage capacity of any tank or container or combination of tanks or containers.

<sup>2</sup> For institutional and civic uses, flammables in excess of ten (10) gallons are allowed for maintenance purposes, operation of equipment, or demonstration, treatment or laboratory work when stored in cabinets which comply with the Uniform Fire Code, but shall not exceed 120 gallons in total.

**550.2250. Glare and heat.** No use or structure shall be operated or occupied as to create glare or heat from high temperature processes such as welding or metallurgical refining in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. Uses producing glare or heat shall be performed within a completely enclosed building in such manner as to make such glare or heat completely imperceptible from any point along the property line.

**550.2260. Vibration.** (a) *In general.* No use or structure shall be operated or occupied as to create vibration in such an amount or with such recurrence or at such time of day as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards:

(1) On property within or adjacent to any zoning district except the PR2 District, uses creating vibration shall be conducted in such manner as to make such vibration completely imperceptible from any point along the property line.

(2) On property within the PR2 District, uses creating vibration shall comply with the performance standards governing vibration set forth in Table 550-8, Maximum Permitted Vibration, and shall be conducted in such manner as to make such vibration completely imperceptible from any point along any zoning district boundary line other than the PR2 District. Vibration shall be measured at any point along a property line with a three-point component measuring system recognized as a standard for such purpose, and shall be expressed as displacement in inches.

**Table 550-8 Maximum Permitted Vibration**

<i>Frequency in Cycles per Second</i>	<i>Maximum Vibration Displacement in Inches</i>
Under 10	.0008
10—19	.0005
20—29	.0002
30—39	.0002
40 and over	.0001

## CHAPTER 555. OFF-STREET PARKING, LOADING, AND MOBILITY

### ARTICLE I. GENERAL PROVISIONS

**555.10. Purpose.** Parking, loading, and mobility regulations are established to advance the land use and transportation policies of the city, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering space. The regulations do not mandate a minimum number of automobile parking spaces and recognize that excessive off-street parking for automobiles conflicts with the city's policies related to transportation, land use, urban design, and sustainability.

**555.20. Scope of regulations.** The parking and loading provisions set forth in this chapter shall apply to all land uses, except as otherwise provided in this zoning ordinance.

**555.30. Use of parking and loading facilities.** Parking shall be solely for the parking of passenger automobiles for customers, occupants, employees and guests, and for the parking of vehicles necessary for the operation of the use, subject to district regulations governing the parking of commercial vehicles. Fees may be charged for the use of parking, however such accessory parking shall not be leased, subleased or rented to anyone who is not a customer, occupant, employee or guest, nor shall the parking and loading facilities in any other way be made unavailable for the use served, except as otherwise provided in this zoning ordinance. This section shall not be construed to prevent the sharing of accessory parking between multiple properties, subject to compliance with Article VI, Parking Location Requirements.

**555.40. Intensification of use.** When the intensity of any use is increased through the addition of dwelling units, gross floor area, capacity or other unit of measurement used for determining loading requirements, loading facilities and bicycle parking shall be provided for such intensification as specified in Table 555-9, Specific Off-Street Loading Requirements, and Table 555-2, Bicycle Parking Requirements, as determined by the zoning administrator.

**555.50. Change of use.** Whenever the use of a structure is changed to a new use or divided into two (2) or more uses, loading facilities and bicycle parking shall be provided as required for each use. However, if said structure was erected prior to the effective date of this ordinance, loading facilities and bicycle parking shall be provided in the amount by which the requirements for the new use, or the sum of the requirements for the new uses, exceed those for the former use, as specified in Table 555-9, Specific Off-Street Loading Requirements and Table 555-2, Bicycle Parking Requirements, as determined by the zoning administrator.

**555.60. Inoperable vehicles.** The parking and storage of inoperable vehicles shall be located within an enclosed garage only. Parking of such inoperable vehicles outdoors shall be prohibited.

**555.70. Repair and service.** (a) *Repair and service in urban neighborhood and residential mixed-use districts.* Minor service and repair of vehicles in a parking area shall be allowed, provided that the vehicle is registered to a resident of the site. Service and repair of vehicles not registered to a resident of the site shall be prohibited, except that emergency service required to start a vehicle shall be permitted.

(b) *Repair and service in commercial mixed-use districts.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with any unenclosed parking or loading area in a commercial mixed-use zoning district, except that emergency service required to start a vehicle shall be permitted.

(c) *Repair and service in production districts.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with any unenclosed parking or loading area in a production zoning district within three hundred (300) feet of any nonproduction zoning district boundary, except that emergency service required to start a vehicle shall be permitted.

## ARTICLE II. COMPUTATION OF PARKING AND LOADING REQUIREMENTS

**555.100. Multiple uses.** Where there are two (2) or more separate principal uses on a site, the maximum allowed parking, required bicycle parking, and required loading for the site shall be the sum of the required parking and loading for each use, except as otherwise specified in this chapter. Multiple office uses within the same building shall be considered a single use for the purpose of determining maximum allowed parking, required bicycle parking, and required loading, except for office uses that include an individual principal entrance.

**555.110. Fractional space computations.** Where determination of the number of maximum allowed off-street parking, minimum electric vehicle charging, minimum bicycle parking, or required loading spaces results in a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded, while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking or loading space.

**555.120. Floor area computations.** Where parking, loading, and bicycle parking standards are determined on the basis of gross floor area, gross floor area shall be determined as the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, the production or processing of goods, or offices. Gross floor area for the purpose of measurement for off-street parking and loading spaces shall not include:

(1) Dwellings.

(2) Floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

(3) Basement floor area other than that devoted to retailing activities or the production or processing of goods, or offices.

**555.130. Unlisted uses.** The zoning administrator shall establish the maximum parking, minimum bicycle parking, and minimum loading required for any use or use category not listed in this chapter. The zoning administrator may consider, but shall not be limited to, the following in establishing requirements for an unlisted use:

(1) Documentation regarding the actual parking and loading demand for the proposed use.

(2) Evidence in available planning and technical studies relating to the proposed use.

(3) Examination of the parking and loading requirements for uses most similar to the proposed use.

## ARTICLE III. SPECIFIC OFF-STREET PARKING REQUIREMENTS

**555.200. Specific off-street parking requirements.** (a) *In general.* The amount of off-street parking for principal uses shall be regulated by this article, except as otherwise required in this zoning ordinance.

(b) *Bicycle parking.* Accessory bicycle parking shall be regulated by section 555.230, Bicycle parking requirements, and section 555.240, Bicycle facility requirements.

(c) *Abbreviations.* For purposes of Table 555-1, Specific Maximum Off-Street Parking Provisions, Table 555-2, Bicycle Parking Requirements, and Table 555-3, Required Bicycle Facilities, "GFA" shall mean gross floor area, "sq. ft." shall mean square feet, and "CUP" shall mean conditional use permit.

**555.210. Surface parking restrictions.** (a) *Surface parking maximum.* A zoning lot shall contain a maximum of one hundred (100) vehicle parking spaces in a surface parking lot.

(b) *Limit on surface parking street frontage.* In the commercial mixed-use and downtown districts, surface parking lots shall be limited to not more than forty (40) feet of street frontage on any zoning lot, excluding any required landscaping and screening. On zoning lots adjacent to multiple streets, the limit shall apply to each individual street frontage.

**555.220. Vehicle parking requirements.** (a) *In general.* Accessory, off-street parking shall be limited for principal uses as specified in Table 555-1, Specific Maximum Off-Street Parking Requirements, except as otherwise specified in this zoning ordinance.

(b) *Tandem spaces.* Tandem parking spaces provided for residential uses shall be subject to applicable maximum parking requirements.

**Table 555-1 Specific Maximum Off-Street Parking Requirements**

<i>Use</i>	<i>Maximum Parking Allowed, Generally</i>	<i>Maximum Parking Allowed in Transit 10, Transit 15, and Transit 20 Built Form Overlay Districts</i>	<i>Maximum Parking Allowed in Transit 30 and Core 50 Built Form Overlay Districts</i>
Maximum parking allowed, in general. Uses subject to a maximum parking requirement may provide parking up to the amount specified below provided that a development with one (1) or more nonresidential uses shall not be restricted to fewer than ten (10) total accessory parking spaces on a zoning lot.			
<b>COMMERCIAL USES</b>			
<b>Bulk Goods and Heavy Equipment Sales (except as noted below)</b>	1 space per 200 sq. ft. of GFA + 1 space per 1,000 sq. ft. of outdoor sales, display, or storage area	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA

Building material sales	1 space per 200 sq. ft. of GFA + 1 space per 500 sq. ft. outdoor sales or display area	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
<b>Commercial Agriculture (except as noted below)</b>	1 space per 200 sq. ft. of GFA + 1 space per 500 sq. ft. outdoor sales or display area	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
Market garden	1 space per 2,500 sq. ft. of growing or storage area or as determined by Chapter 545, Use Regulations	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
Urban farm	1 space per 200 sq. ft. of GFA of office, sales, or display area + 1 space per 2,500 sq. ft. of growing or storage area	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA
<b>Commercial Recreation and Assembly (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Amphitheater	As approved by CUP	As approved by CUP	As approved by CUP
Convention center, public	As determined by the zoning administrator	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Entertainment venue	1 space per 75 sq. ft. of GFA	1 space per 200 sq. ft. of GFA	1 space per 300 sq. ft. of GFA
Nightclub	1 space per 75 sq. ft. of GFA	1 space per 200 sq. ft. of GFA	1 space per 300 sq. ft. of GFA
<b>Food and Beverages (except as noted below)</b>	1 space per 75 sq. ft. of GFA	1 space per 200 sq. ft. of GFA	1 space per 300 sq. ft. of GFA
Catering	1 space per 200 sq. ft. of GFA	1 space per 200 sq. ft. of GFA	1 space per 300 sq. ft. of GFA
Liquor store, off-sale	1 space per 200 sq. ft. of GFA	1 space per 200 sq. ft. of GFA	1 space per 300 sq. ft. of GFA
<b>General Retail Sales and Services (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
Dry cleaning	1 space per 200 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA

Funeral home	20 spaces per chapel	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
Grocery store	1 space per 300 sq. ft. of GFA	1 space per 300 sq. ft. of GFA	1 space per 300 sq. ft. of GFA
Post office	1 space per 200 sq. ft. + 1 space per official postal vehicle based on the maximum number of such vehicles at the site at one time	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>High-Impact Commercial</b>	1 space per 300 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
<b>Lodging (except as noted below)</b>	1 space per guest room + Parking equal to 30% of the capacity of persons for affiliated uses such as dining or meeting rooms	1 space per guest room + Parking equal to 30% of the capacity of persons for affiliated uses such as dining or meeting rooms	1 space per guest room + Parking equal to 30% of the capacity of persons for affiliated uses such as dining or meeting rooms
Bed and breakfast home	1 space per guest room + 1 space for the primary dwelling unit	1 space per guest room + 1 space for the primary dwelling unit	1 space per guest room + 1 space for the primary dwelling unit
Hospitality residence	1 space per bed	1 space per bed	1 space per bed
<b>Medical Facilities (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Hospital	As approved by CUP based on a parking study of the institution, but not more than 1 space per 2 beds	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Office (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Contractor's office	1 space per 300 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
<b>Sexually Oriented Uses</b>	1 space per 300 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA



<b>INSTITUTIONAL AND CIVIC USES</b>			
<b>Community Services (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Cemetery	As approved by CUP	As approved by CUP	As approved by CUP
Child care center	1 space per 200 sq. ft. of GFA + up to 4 drop off spaces	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA
Community center	As determined by the zoning administrator based on the principal uses in the community center	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Educational Facilities (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
College or university	1 space per 1,000 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
School, grades K-12	1 space per 1,000 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
School, vocational or business	1 space per 1,000 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Parks and Public Open Spaces</b>	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.
<b>Recreational Facilities (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Athletic field	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.
<b>Social and Cultural Assembly (except as noted below)</b>	1 space per 300 sq. ft. of GFA	1 space per 600 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Convent, monastery, or religious retreat center	1 space per bed	1 space per bed	1 space per bed
<b>PRODUCTION AND PROCESSING USES</b>			

<p><b>Lower-Impact Production and Processing (except as noted below)</b></p>	<p>1 space per 200 sq. ft. of GFA up to 20,000 sq. ft. + 1 space per 1,000 sq. ft. of GFA in excess of 20,000 sq. ft.</p>	<p>1 space per 1,000 sq. ft. of GFA</p>	<p>1 space per 1,500 sq. ft. of GFA</p>
<p>Brewery or distillery</p>	<p>1 space per 75 sq. ft. of taproom, tasting room, or restaurant area, 1 per 200 sq. ft. of production, processing, shipping, and warehousing area up to 20,000 sq. ft., 1 per 1,000 sq. ft. of production, processing, shipping, and warehousing area in excess of 20,000 sq. ft.</p>	<p>1 per 200 sq. ft. of taproom, tasting room, or dining area, 1 per 1,000 sq. ft. of production, processing, shipping, or warehousing area</p>	<p>1 per 300 sq. ft. of taproom, tasting room, or dining area, 1 per 1,500 sq. ft. of production, processing, shipping, or warehousing area</p>
<p>Limited production and processing</p>	<p>1 space per 200 sq. ft. of GFA up to 4,000 sq. ft. + 1 space per 500 sq. ft. of GFA from 4,000 sq. ft. to 20,000 sq. ft. + 1 space per 1,000 sq. ft. of GFA in excess of 20,000 sq. ft.</p>	<p>1 space per 1,000 sq. ft. of GFA</p>	<p>1 space per 1,500 sq. ft. of GFA</p>
<p><b>Moderate-Impact Production and Processing (except as noted below)</b></p>	<p>1 space per 200 sq. ft. of GFA up to 20,000 sq. ft. + 1 space per 1,000 sq. ft. of GFA in excess of 20,000 sq. ft. + 1 space per 2,500 sq. ft. of outdoor sales, display, or storage area</p>	<p>1 space per 1,000 sq. ft. of GFA</p>	<p>1 space per 1,500 sq. ft. of GFA</p>

<b>High-Impact Production and Processing (except as noted below)</b>	1 space per 200 sq. ft. of GFA up to 20,000 sq. ft. + 1 space per 1,000 sq. ft. of GFA in excess of 20,000 sq. ft. + 1 space per 2,500 sq. ft. of outdoor sales, display, or storage area	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA
Crushing and processing for recycling or disposal of concrete, asphalt, and rock	As approved by CUP	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA
Grain elevator or mill	As approved by CUP	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA
<b>Post-Consumer Waste Processing (as noted below)</b>			
Recycling facility	As approved by CUP, but not more than 1 space per 200 sq. ft. of GFA up to 20,000 sq. ft. + 1 space per 1,000 sq. ft. of GFA in excess of 20,000 sq. ft.	1 space per 1,000 sq. ft. of GFA	1 space per 1,500 sq. ft. of GFA
Waste transfer facility	As approved by CUP	As approved by CUP	As approved by CUP
<b>Warehousing and Storage (except as noted below)</b>	1 space per 200 sq. ft. of GFA of office, sales, or display area + 1 space per 1,500 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 2,500 sq. ft. GFA of warehousing over 30,000 sq. ft. or for any outdoor storage, sales, or display	1 space per 1,500 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 2,500 sq. ft. GFA of warehousing over 30,000 sq. ft.	1 space per 1,500 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 5,000 sq. ft. GFA of warehousing over 30,000 sq. ft.
Snow storage site	As approved by CUP	As approved by CUP	As approved by CUP

<b>PUBLIC SERVICES AND UTILITIES USES</b>			
<b>Basic Utilities</b>	As approved by CUP	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Principal Electric Generation</b>	As approved by CUP, but not more than 1 space per 200 sq. ft. of GFA up to 20,000 sq. ft. + 1 space per 1,000 sq. ft. of GFA in excess of 20,000 sq. ft.	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Public Safety and Welfare (except as noted below)</b>	As approved by CUP	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Animal shelter	1 space per 500 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Pre-trial detention facility, existing on the effective date of this ordinance	1 space per 200 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>RESIDENTIAL</b>			
<b>Cluster Development</b>	As approved by CUP	As approved by CUP	As approved by CUP
<b>Congregate Living (except as noted below)</b>	1 space per bed	1 space per bed	1 space per bed
Intentional community	2 spaces per dwelling or rooming unit	1.5 spaces per dwelling or rooming unit	1.5 spaces per dwelling or rooming unit
Overnight shelter	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.	As approved by CUP where the use requires a CUP otherwise, as determined by the zoning administrator.
Single room occupancy housing	1 space per 2 rooming units	1 space per 2 rooming units	1 space per 2 rooming units
<b>Dwellings (as noted below)</b>			
Single-, two- or three-family dwelling	No maximum except as regulated by Article VIII, Special Parking Provisions for Specific Zoning Districts	No maximum except as regulated by Article VIII, Special Parking Provisions for Specific Zoning Districts	No maximum except as regulated by Article VIII, Special Parking Provisions for Specific Zoning Districts

One (1) to three (3) dwelling units, as part of a mixed-use building	2 spaces per dwelling unit or rooming unit	1.5 spaces per dwelling unit or rooming unit	1.5 spaces per dwelling unit or rooming unit
Multiple-family dwelling, four (4) units or more	2 spaces per dwelling unit or rooming unit	1.5 spaces per dwelling unit or rooming unit	1.5 spaces per dwelling unit or rooming unit
Common lot development	2 spaces per dwelling unit or rooming unit	1.5 spaces per dwelling unit or rooming unit	1.5 spaces per dwelling unit or rooming unit
<b>TRANSPORTATION, VEHICLE SERVICES, AND PARKING USES</b>			
<b>Automobile Services (except as noted below)</b>	1 space per 300 sq. ft. of GFA + 2 spaces per service bay or 2 spaces per 20 ft. of washing line	1 space per 300 sq. ft. of GFA + 2 spaces per service bay or 2 spaces per 20 ft. of washing line	1 space per 300 sq. ft. of GFA + 2 spaces per service bay or 2 spaces per 20 ft. of washing line
<b>Industrial Transportation Services (except as noted below)</b>	1 space per 200 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Railroad switching yards and freight terminals	As approved by CUP	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Vehicle Fleet-Oriented Services (except as noted below)</b>	1 space per 200 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Courier and package delivery services with on-site vehicle fleets	1 space per 200 sq. ft. of GFA of office, sales, or display area + 1 space per 1,000 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 2,500 sq. ft. GFA of warehousing over 30,000 sq. ft. or for any outdoor storage, sales, or display	1 space per 1,000 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 2,500 sq. ft. GFA of warehousing over 30,000 sq. ft.	1 space per 1,000 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 5,000 sq. ft. GFA of warehousing over 30,000 sq. ft.
Rental of trucks, trailers, boats, and recreational vehicles	1 space per 200 sq. ft. of GFA + 1 space per 1,000 sq. ft. of outdoor sales, display or storage area	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA

Taxicab services	1 space per 200 sq. ft. of GFA excluding service bays + 1 space per service bays	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
<b>Vehicle Storage (except as noted below)</b>	1 space per 200 sq. ft. of GFA	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA
Public impound lot	As approved by CUP	As approved by CUP	As approved by CUP
Towing services	1 space per 200 sq. ft. of GFA + 1 space per 2,000 sq. ft. of motor vehicle storage area	1 space per 500 sq. ft. of GFA	1 space per 1,000 sq. ft. of GFA

**555.230. Bicycle parking requirements.** (a) *In general.* Bicycle parking shall be provided for principal uses as specified in Table 555-2, Bicycle Parking Requirements, except as otherwise specified in this zoning ordinance. The numbers specified in the "Notes" column shall have the following meanings:

(1) The number one (1) shall mean that not less than fifty (50) percent of the required bicycle parking shall meet the standards for short-term bicycle parking.

(2) The number two (2) shall mean that not less than fifty (50) percent of the required bicycle parking shall meet the standards for long-term bicycle parking, and not less than five (5) percent of the required bicycle parking shall meet the standards for short-term parking.

(3) The number three (3) shall mean that not less than ninety (90) percent of the required bicycle parking shall meet the standards for long-term bicycle parking.

(b) *Bicycle parking standards.* Each required bicycle parking space must meet the following standards:

(1) Bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway.

(2) Bicycle racks shall be installed to the manufacturer's recommended specifications, including the recommended distance from obstructions. Accommodation of varied bicycle sizes and styles, including electric bicycles and cargo bicycles, is encouraged through provision of racks installed with greater clearance from obstructions, walkways, and other bicycle parking spaces.

(3) Bicycle parking spaces shall include a bicycle rack that permits the locking of the bicycle frame and one (1) wheel to the rack, and that supports the bicycle in a stable position without damage to wheels, frame or components.

(4) No more than seventy-five (75) percent of required bicycle parking spaces may be provided in wall mounted racks that require the user to lift a bicycle into place.

(5) Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.

(6) Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. Not less than fifty (50) percent of required long-term spaces shall be accessible without requiring the use of stairs or an elevator. Residential bicycle rooms shall include access to electricity. With permission of the zoning administrator, long-term bicycle parking spaces for nonresidential uses may be located off-site within three hundred (300) feet of the site.

**Table 555-2 Bicycle Parking Requirements**

<i>Use</i>	<i>Minimum Bicycle Parking Requirement</i>	<i>Notes (see 555.230)</i>
<b>Minimum bicycle parking requirement, in general.</b> Nonresidential uses having one thousand (1,000) sq. ft. or less shall be exempt from minimum bicycle parking requirements. Multiple-tenant or multiple-use buildings may exempt no more than four (4) uses of one thousand (1,000) sq. ft. or less from the minimum off-street bicycle parking requirement.		
<b>COMMERCIAL USES</b>	All commercial uses having one thousand (1,000) sq. ft. or more shall provide three (3) short-term spaces or the amount listed below, whichever is greater.	
Farmer's market	1 space per 2,000 sq. ft. of sales area, except where approved as a temporary use	1
General retail sales and services (except as otherwise noted in this table)	1 space per 5,000 sq. ft. of GFA	1
Grocery store	1 space per 2,000 sq. ft. of GFA	1
Hospital	As approved by CUP	2
Medication-assisted treatment site	1 space per 10 beds	2
Office	1 space per 4,000 sq. ft. of GFA	2
Performing, visual or martial arts school	1 space per 1,000 sq. ft. of GFA	1
Post office	3 spaces	1
Sports and health facility	1 space per 10,000 sq. ft. of GFA	1
Urban farm	3 spaces	1
<b>INSTITUTIONAL AND CIVIC USES</b>	All Institutional and Civic uses having one thousand (1,000) sq. ft. or more shall provide three (3) short-term spaces or the amount listed below, whichever is greater	
Colleges and universities	3 spaces per classroom	1
Community center	6 spaces, or 1 space per 2,000 sq. ft. of GFA, whichever is greater	1
Community service facility	1 space per 5,000 sq. ft. of GFA	1
Convention center	1 space per 50,000 sq. ft. of GFA	1
Library	1 space per 5,000 sq. ft. of GFA	1

Museum	1 space per 10,000 sq. ft. of GFA	2
Regional sports arena	1 space per 5,000 sq. ft. of GFA	1
School, grades K—12	3 spaces per classroom	1
School, vocational or business	3 spaces per classroom	1
Theater, indoor, provided live performances only	3 spaces, 1 space per 2,000 sq. ft. of GFA, whichever is greater	2
<b>PRODUCTION USES</b>	No requirement unless otherwise noted below.	
Limited production and processing	3 spaces	2
Lower-impact production and processing	2 spaces or 1 space per 20,000 sq. ft. of GFA, whichever is greater, excluding GFA devoted to bulk storage of materials	2
Moderate-impact production and processing	2 spaces or 1 space per 30,000 sq. ft. of GFA, whichever is greater, excluding GFA devoted to bulk storage of materials	2
Warehousing and storage	2 spaces or 1 space per 40,000 sq. ft. of GFA, whichever is greater, excluding GFA devoted to bulk storage of materials	2
<b>PUBLIC SERVICES AND UTILITIES USES</b>	No requirement unless otherwise noted below.	
Passenger transit station	As approved by CUP	1
<b>RESIDENTIAL USES</b>		
Single-, two-, and three-family dwellings	None	N/A
Multiple-family dwelling, 4 units or more	1 space per dwelling unit	3
Congregate living	1 space per 4 beds provided the requirement shall not exceed 8 spaces	3
Common lot and cluster developments, 4 units or more	1 space per dwelling unit	3
<b>TRANSPORTATION, VEHICLE SERVICES, AND PARKING USES</b>	No requirement.	

**555.240. Bicycle facility requirements.** (a) *In general.* All developments containing two hundred thousand (200,000) square feet or more of new or additional gross floor area shall include bicycle parking spaces, shower facilities and clothing storage areas as provided in Table 555-3, Required Bicycle Facilities. Such facilities shall be for the use of the employees, occupants, and visitors of the building. Not less than ninety (90) percent of the required bicycle parking shall meet the standards for long-term bicycle parking as defined in section 555.230 of this ordinance. Bicycle parking spaces provided in compliance with this section shall count toward any bicycle parking requirement for the uses identified in Table 555-2, Bicycle Parking Requirements.

(b) *Exceptions.* This section shall not apply to buildings used primarily as hotels, retail, residential, or warehousing and storage.

**Table 555-3 Required Bicycle Facilities**

<b>Facility</b>	<b>Requirement for First 200,000 sq. ft. of GFA</b>	<b>Requirement for Additional Space Over 200,000 sq. ft. of GFA</b>
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Bicycle parking spaces	1 space per 2,000 sq. ft. of GFA	1 space per 2,000 sq. ft. of GFA
Showers	1 shower per 25,000 sq. ft. of GFA	1 shower per 50,000 sq. ft. of GFA
Full-size lockers	1 locker per 5,000 sq. ft. of GFA	1 locker per 10,000 sq. ft. of GFA

**ARTICLE IV. ELECTRIC VEHICLE CHARGING**

555.300. Purpose. The purpose of the electric vehicle charging ordinance is to support the city's transportation policies, encourage use of electric vehicles, and increase equitable access to and distribution of vehicle charging infrastructure throughout the city.

**555.310. Definitions.** As used in this article, the following words shall mean:

*Charging level.* The standard electrical service and equipment required to meet the charging level standards outlined in this ordinance.

(1) *Level 1 (L1).* Electrical service and charging equipment operating on 120v outlets.

(2) *Level 2 (L2).* Electrical service and charging equipment operating on 208/240v outlets.

(3) *Direct current fast charger (DCFC).* Electrical service and charging equipment operating at greater than two hundred forty (240) volts.

*Electric vehicle charging station.* Public or private battery charging station equipment with the primary purpose of transferring electric energy to a battery intended to operate an electric vehicle.

*Electric vehicle ready space.* Parking space with installed wiring in electrical conduit or raceway, and electrical service, where a charging station is not present.

555.320. Specific electric vehicle charging infrastructure standards. (a) *In general.* To comply with the standard for the underground parking amenity in Table 550-4, Amenities, the standard for the enclosed parking premium in Table 540-12, and the standard for the enclosed parking premium in Table 540-13, principal uses shall provide electric vehicle charging stations, electric vehicle flexible spaces, and electric vehicle capable spaces for provided parking in the appropriate quantity and at the charging level identified in Table 555-4, Standards for Electric Vehicle Charging Incentives. A property owner, business owner, or property manager may determine whether parking spaces with electric vehicle charging stations are reserved for electric vehicles or are available for use by all vehicles.

(b) *Mixed-use development.* For mixed-use development or where accessory parking facilities are shared by residential and nonresidential uses, the zoning administrator shall determine the required level of electric vehicle charging infrastructure to comply with the intent of Table 555-4, Standards for Electric Vehicle Charging Incentives.

(c) *Surface parking.* Newly established off-street surface parking areas providing twenty (20) or more spaces and existing off-street surface parking areas that add twenty (20) or more spaces shall supply not less than five (5) percent of newly established parking spaces with electric vehicle charging stations capable of L2 charging or greater. This requirement shall apply to both principal and accessory surface parking areas.

**Table 555-4 Standards for Electric Vehicle Charging Incentives**

<i>Use</i>	<i>Electric Vehicle Charging Stations</i>	<i>Electric Vehicle Ready Spaces</i>	<i>Notes</i>
All Uses providing ten (10) or more enclosed parking spaces	Five (5) percent of provided parking spaces capable of L2 charging.	Additional ten (10) percent of provided spaces at L2 charging level. For each charging station provided in excess of the minimum standard, the number of electric vehicle ready spaces may be reduced by an equivalent amount.	Adequate electrical service is required to allow for simultaneous charging of ten (10) percent of provided parking spaces at an L2 level.

**ARTICLE V. ACCESS TO PARKING AND LOADING**

**555.400. Required plan approval.** Plans for any use requiring movement of vehicles across public walks, public bicycle facilities, or access through a public alley or street shall be referred to the city engineer for review before any permits are issued. The city engineer shall consider, but not be limited to, the following factors when determining whether to approve the proposed plan:

(1) In general, the number of curb cuts shall be minimized to prioritize pedestrian, bicycle, and transit user and other traffic safety, and the objectives of this ordinance. Before a new curb cut is authorized, other available access to and from the site and access points needed for the proper functioning of the use shall be considered. Curb cuts shall not be located on a primary frontage unless an alternative access point is impractical. For existing development, the consolidation of curb cuts is encouraged.

(2) Where a residential use is served by an alley, direct access to the street through a curb cut shall be discouraged. Direct access to the street through a curb cut shall not be allowed where an alley serves a single- and two-family dwelling or multiple-family dwelling having three (3) dwelling units.

(3) The use shall not substantially impede the safe and efficient movement of pedestrian, bicycle, transit, and other traffic.

(4) The space allocated to the use shall be adequate to keep vehicles clear of sidewalks, alleys, and similar areas.

(5) The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians, cyclists, or transit users. In no instance shall a driveway be allowed on a limited access roadway ramp or combined limited access roadway ramp frontage road.

**555.410. Specific district regulations for access to parking and loading.** (a) *Urban neighborhood and RM1 Districts.* No driveway or curb cut in an urban neighborhood district or the RM1 District shall exceed a width of twenty (20) feet, nor be narrower than ten (10) feet, except that driveways accessory to a single-, two-, or three-family dwelling shall not be narrower than eight (8) feet.

(b) *RM2 and RM3 Districts.* No driveway or curb cut in the RM2 or RM3 District shall exceed a width of twenty-five (25) feet, nor be narrower than twelve (12) feet.

(c) *All other districts.* No driveway or curb cut in a district other than an urban neighborhood or residential mixed-use district shall exceed a width of twenty-five (25) feet except where determined necessary by the city engineer, but not to exceed thirty-five (35) feet, nor be narrower than a width of twelve (12) feet.

**555.420. Valet parking standards.** When provided, valet parking shall meet the following standards:

- (1) The valet service shall provide service to and from the main entrance.
- (2) A passenger loading area, as approved by the city engineer, shall be provided near the main entrance. Availability of this service shall be conspicuously posted inside and outside the establishment near the main entrance.
- (3) The valet shall be properly licensed to operate a motor vehicle.
- (4) The parking area in which the automobiles are parked shall be no farther than eight hundred (800) feet from the main entrance. Parking areas used exclusively for valet parking need not be striped.

**ARTICLE VI. PARKING LOCATION REQUIREMENTS**

**555.500. Parking location.** (a) *In general.* All parking spaces shall be located on the same zoning lot as the use served, except as otherwise provided in this chapter.

(b) *Off-site parking.* In cases where parking facilities are permitted elsewhere than the zoning lot on which the use served is located, such facilities shall be under the same ownership or control as the building or use served. Such ownership or control shall be evidenced either by deed or by long-term lease, the term of such lease to be approved by the zoning administrator, or by special parking assessment certificate, where applicable. Said lease shall be filed and recorded in the Office of the Hennepin County Recorder or Registrar of Titles, and evidence of proper filing shall be submitted to the zoning administrator prior to the issuance of any permits or licenses.

(c) *Location of off-site parking.* All off-site parking shall serve a use allowed in the zoning district where such parking is located or shall comply with Table 555-5, Location of Off-Site Parking, whichever requirement is more restrictive, provided that uses first allowed in the UN1 and UN2 Districts may provide off-street parking in any urban neighborhood, residential mixed-use, commercial mixed-use, or downtown district.

**Table 555-5 Location of Off-Site Parking**

<b><i>Location of Use Served (Zoning District)</i></b>	<b><i>Permitted Location of Off-Site Parking (Zoning District)</i></b>
UN1, UN2	UN1, UN2, UN3, RM1, RM2, RM3, CM1, CM2, CM3, CM4, DT1, DT2
UN3	UN3, RM1, RM2, RM3, CM1, CM2, CM3, CM4, DT1, DT2
RM1	RM1, RM2, RM3, CM1, CM2, CM3, CM4, PR1, PR2
RM2	RM2, RM3, CM1, CM2, CM3, CM4, DT1, DT2, PR1, PR2

RM3	RM3, CM1, CM2, CM3, CM4, DT1, DT2, PR1, PR2
CM1	CM1, CM2, CM3, CM4, DT1, DT2, PR1, PR2
CM2, CM3, CM4	CM2, CM3, CM4, DT1, DT2, PR1, PR2
PR1, PR2	PR1, PR2
DT1, DT2	DT1, DT2, PR1, PR2
TR1	PR1, PR2

(d) *Off-site parking in urban neighborhood and residential mixed-use districts.* Parking that is not allowed in an urban neighborhood or residential mixed-use district shall not be located in such urban neighborhood or residential mixed-use district, except as otherwise provided by the TP Transitional Parking Overlay District, as established in Chapter 535, Overlay Districts.

**555.510. Driveways and parking areas on a zoning lot.** (a) *In general.* Driveways and parking areas shall conform to the permitted obstructions provisions of Chapter 540, Built Form Overlay Districts, Chapter 545, Article III, Accessory Uses and Structures, and the provisions of this section.

(1) *Driveways.*

a. *Front and corner side yards.*

1. *Residential uses.* Uncovered driveways shall be a permitted obstruction in a required front or corner side yard, provided such driveway leads to a properly located parking area. Passenger automobiles may be parked temporarily on such driveway.
2. *All other uses.* Uncovered driveways shall be a permitted obstruction in a required front or corner side yard, provided such driveway is located at least five (5) feet from any property line containing a residential use located in an urban neighborhood or residential mixed-use district or a permitted or conditional residential use. Parking on such driveway shall be prohibited.

b. *Interior side yards.*

1. *Residential uses.* Uncovered driveways shall be a permitted obstruction in a required interior side yard, provided such driveway leads to a properly located parking area. Passenger automobiles may be parked temporarily on such driveway.
2. *All other uses.* Uncovered driveways shall be prohibited in a required interior side yard.

c. *Rear yards.*

1. *Residential uses.* Uncovered driveways shall be a permitted obstruction in a required rear yard, provided such driveway leads to a properly located parking area. Passenger automobiles may be parked temporarily in such yard space if positioned on a paved driveway leading to a properly located parking area.
2. *All other uses.* Uncovered driveways shall be a permitted obstruction in a required rear yard, except where such yard abuts the side lot line of a residential use located in an urban neighborhood or residential mixed-use district or a permitted or conditional residential use.

(2) *Parking areas.*

a. *Front and corner side yards.* Parking areas shall not be located in a required front or corner side yard.

b. *Interior side yards.*

1. *Residential uses.* Parking areas shall be a permitted obstruction in a required interior side yard, provided such parking area is located in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater, subject to the provisions of Chapter 550, Development Standards, and Chapter 545, Article III, Accessory Uses and Structures.

2. *All other uses.* Parking areas shall be prohibited in a required interior side yard.

c. *Rear yards.*

1. *Residential uses.* Parking areas shall be a permitted obstruction in a required rear yard.

2. *All other uses.* Parking areas shall be prohibited in a required rear yard.

#### ARTICLE VII. PARKING AREA DESIGN AND MAINTENANCE

**555.600. Submission of parking plan.** Any application for a building permit or zoning certificate requiring or including the provision of off-street parking shall include a parking plan. Said plan shall be drawn to scale and fully dimensioned, showing parking facilities to be provided in compliance with this zoning ordinance and all other applicable regulations.

**555.610. Access to parking spaces.** Each off-street parking space shall open directly to an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking spaces. Parking aisles shall conform to Table 555-6, Minimum Parking Space and Aisle Dimensions, except for the following:

(1) Where the parking is accessory to single or two-family dwellings, or cluster developments or multiple-family dwellings of three (3) units.

(2) Tandem parking spaces for residential uses.

**555.620. Access to gasoline pump islands.** Each end of a gasoline pump island shall open directly to a parking aisle with a dimension equal to or greater than that required for a ninety (90) degree parking space.

**555.630. Maneuvering area.** (a) *In general.* All maneuvers associated with parking shall occur in the off-street parking area. Public streets shall not be used to conduct any parking maneuver, including backing out onto the street.

(b) *Exceptions.* Maneuvers associated with parking may occur in an alley in the following situations:

(1) Where the parking area is accessory to a single-, two-, or three-family dwellings, or a cluster development.

(2) Where the parking area is accessory to all other uses provided the following conditions are met:

a. No more than three (3) parking spaces utilize the alley for maneuvering.

b. The parking spaces are located a minimum of seventeen (17) feet from the property line on the opposite side of the alley.

c. One hundred (100) percent of the parking spaces that use an alley for maneuvering shall comply with the minimum dimensions for standard spaces.

**555.640. Surfacing.** All open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located, shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds. In addition, all driveways in commercial mixed-use, transportation, and production districts leading to areas other than off-street parking areas shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds for a minimum of twenty (20) feet from the curb line. Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards. Pervious pavement or pervious pavement systems are allowed subject to the provisions of this chapter.

**555.650. Pervious pavement or pervious pavement systems.** (a) *In general.* Pervious pavement or pervious pavement systems, capable of carrying a wheel load of four thousand (4,000) pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are permitted. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

(1) All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. For parking lots of ten (10) spaces or more documentation that verifies appropriate soils and site conditions shall be provided.

(2) All materials shall be maintained per industry and city standards. Areas damaged by snow plows or other vehicles shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.

(3) Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.

(4) Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.

(5) Pervious pavement or pervious pavement systems, except for pervious asphalt, pervious concrete, or modular pavers shall not be used for drive aisles or driveways.

(6) Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.

(7) Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells shall be limited to production districts and shall not be used for drive aisles or driveways, except as otherwise allowed by this chapter, and in no case shall be used for drive aisles or driveways less than a minimum of twenty (20) feet from the curbline.

(8) Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage, except where a pervious pavement system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.

(9) Pervious pavement or pervious pavement systems shall not count as required landscaping except as allowed by alternative compliance as a part of Chapter 550, Article V, Site Plan Review.

(10) Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.

(11) Parking areas shall have the parking spaces marked as required by this chapter except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

(b) *Off-street parking areas and driveways accessory to single-, two-, and three-family dwellings.* Notwithstanding the provisions of subdivision (a), off-street parking areas and driveways accessory to a single-family dwelling may be surfaced with pervious paving systems that utilize gravel installed and maintained per industry standards. Off-street parking areas and driveways accessory to single-, two-, or three-family dwellings may be surfaced with pervious paving systems that utilize turf with plastic geocells or open-celled paving grids installed and maintained per industry standards and designed so that the parking of vehicles does not kill the turf.

(c) *Ribbon driveways.* Ribbon driveways that consist of two (2) wheel tracks with a turf median are allowed accessory to single-, two-, and three-family dwellings. Each wheel track shall be surfaced in compliance with the requirements of this chapter and shall be at least three and one-half (3.5) feet in width. The width of the driveway as measured from the outside edges of each wheel track shall not be less than minimum driveway width requirements of this chapter. The median shall not exceed three (3) feet in width.

**555.660. Drainage.** Parking areas of four (4) spaces or larger shall be properly sloped for drainage as approved by the city engineer. On-site retention and filtration of stormwater shall be provided where practical. Water from the parking area shall not drain across a public walkway.

**555.670. Marking of parking spaces.** All parking areas containing four (4) or more parking spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement, using paint or other marking devices approved by the city engineer. Such markings shall conform to the approved parking plan and shall be maintained in a clearly legible condition.

**555.680. Size.** (a) *In general.* The minimum dimensions for off-street parking spaces are stated in Table 555-6, Minimum Parking Space and Aisle Dimensions, and Figure 555-1, Parking Dimension Diagram, and defined in feet and inches. At least twenty-five (25) percent of the provided parking spaces shall comply with the minimum dimensions for standard spaces. The remaining spaces shall comply with the minimum dimensions for compact spaces. Compact spaces shall be clearly labeled as such. These minimum dimensions are exclusive of access drives or aisles, ramps, or columns.

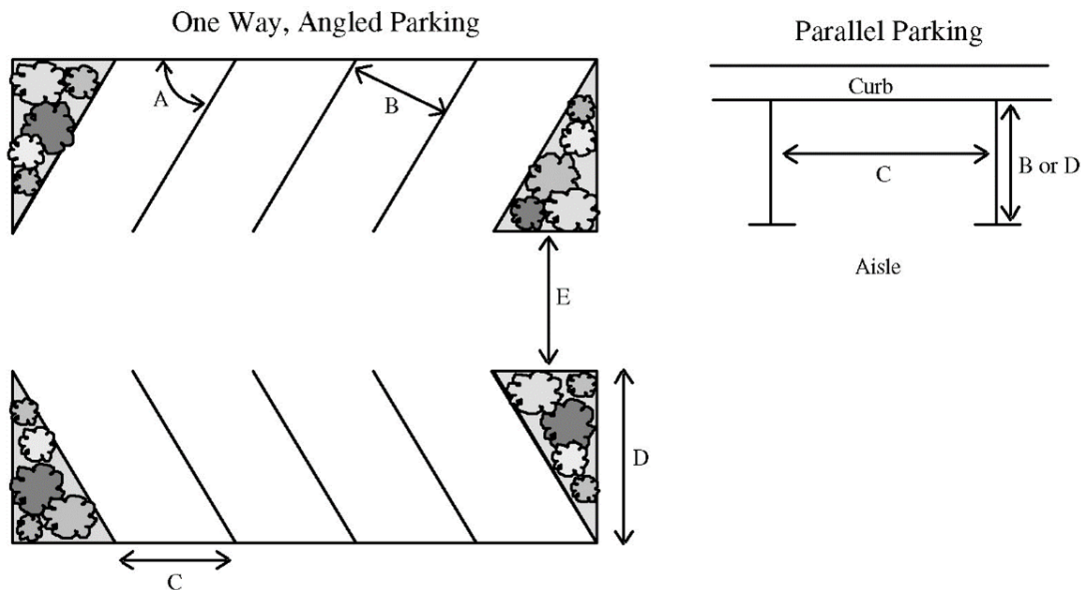
(b) *Vertical clearance.* All required parking spaces shall have a vertical clearance of at least six (6) feet, six (6) inches except where the building code requires greater vertical clearance.

**Table 555-6 Minimum Parking Space and Aisle Dimensions**

<b>Angle (A)</b>	<b>Type</b>	<b>Width (B)</b>	<b>Curb Length (C)</b>	<b>Stall Depth (D)</b>	<b>1 Way Aisle Width (E)</b>	<b>2 Way Aisle Width (E)</b>
0 (Parallel)	Standard	8' 6"	21'	8' 6"	12'	22'
45	Standard	8' 6"	12'	18' 9"	12'	22'
	Compact	8'	11' 4"	16' 3"	12'	22'
60	Standard	8' 6"	9' 10"	19' 10"	18'	22'
	Compact	8'	9' 3"	17' 0"	18'	22'
90	Standard	8' 6"	8' 6"	18'	20'	22'
	Compact	8'	8' 0"	15'	20'	22'
Note: Letters A, B, C, D, and E are displayed in Figure 555-1 Parking Dimension Diagram below.						



**Figure 555-1 Parking Dimension Diagram**



**555.690. Lighting.** Any lighting used to illuminate off-street parking areas shall be shielded and arranged in such a way as to comply with the performance standards of Chapter 550, Article XVII, General Performance Standards. A light source that maintains a minimum level of security and provides for transition into covered parking areas shall be provided, as approved by the city engineer, except when accessory to single-, two-, and three-family dwellings and cluster developments.

**555.700. Signs.** Signs accessory to parking areas shall be provided as set forth in Chapter 560, Signs.

**555.710. Landscaping, screening, and curbing.** Parking lots of four (4) spaces or more shall be subject to the landscaping, screening, and curbing requirements as specified in Chapter 550, Article V, Site Plan Review.

**555.720. General maintenance.** Parking areas and driveways shall be kept free of dirt, dust, debris and waste. In winter months, parking areas shall be cleared of snow within a reasonable time.

**555.730. Snow storage.** Pedestrian paths, bicycle parking, driveways, access aisles and landscaping shall not be used for the purpose of snow storage.

**555.740. Stacking spaces.** (a) *Number required for drive-through facilities.* A car wash or any establishment with a drive-through facility shall provide a minimum number of stacking spaces for each washing line or drive-through station as specified in Table 555-7, Minimum Stacking Spaces. For purposes of Table 555-7, Minimum Stacking Spaces, "ft." shall mean feet.

**Table 555-7 Minimum Stacking Spaces**

<i>Use</i>	<i>Minimum spaces</i>	<i>Measured from</i>
Bank teller lane	4	Teller or window
Automated teller machine	3	Teller
Restaurant or coffee shop drive-through	4	Pick-up window
Car wash	2 per 20 ft. of washing line or area for principal use car wash; 1 per 20 ft. of washing line or area for accessory use car wash	Entrance
Pharmacy	3	Pick-up window
Other	As determined by the zoning administrator	

(b) *Dimensions.* Each lane of stacking spaces shall be a minimum of eight (8) feet in width and shall be delineated with pavement markings or curbing. Each stacking space shall be a minimum of eighteen (18) feet in length, however, individual spaces within the lane shall not be delineated with pavement markings.

(c) *No conflict of use.* Stacking lanes shall not be located within required driveways, internal circulation driveways, loading areas, or parking aisles, and shall not interfere with access to parking and ingress and egress from a public street.

(d) *Pedestrian access to facility.* The principal pedestrian access to the entrance of the facility from a public street or sidewalk shall not cross the stacking lane.

**555.750. Accessible parking.** Accessible parking spaces shall be provided as required by the Minnesota State Building Code. All accessible parking spaces shall comply with the minimum stall depth requirements for standard spaces in Table 555-6, Minimum Parking Space and Aisle Dimensions.

**ARTICLE VIII. SPECIAL PARKING PROVISIONS FOR SPECIFIC ZONING DISTRICTS AND USES**

**555.800. Planned unit developments.** Vehicle parking, bicycle parking, and loading standards for planned unit developments shall be based on the uses within the planned unit development. Alternatives may be allowed as authorized in Chapter 550, Article VII, Planned Unit Development Standards.

**555.810. Maximum number of vehicles for dwellings.** The total number of vehicles located on a zoning lot shall not exceed two (2) vehicles per dwelling unit, excluding those parked within an enclosed structure. For the purposes of this section, accessory dwelling units shall not be considered a dwelling.

**555.820. Recreational vehicles in or abutting urban neighborhood or residential mixed-use zoning districts or permitted or conditional residential uses.** Recreational vehicles shall be parked or stored in an enclosed garage unless the following conditions are met:

(1) The vehicle or item shall not exceed a length of twenty-five (25) feet unless the lot on which it is parked exceeds one hundred twenty-five (125) feet in length. In such instance, the maximum length of said vehicle may be increased one (1) foot for each one (1) foot of lot length over one hundred twenty-five (125) feet. In no case shall the vehicle or item exceed thirty (30) feet.

(2) The area devoted to parking of such vehicles or items outdoors shall not exceed three hundred (300) square feet, unless only one (1) such vehicle or item is parked on the premises. Such vehicles shall count toward the maximum number of vehicles parked outdoors, as specified in section 555.810 above. For the purposes of this section, a vehicle or item on a trailer shall be considered one (1) vehicle.

(3) Any such vehicle or item parked outdoors shall be parked on a surface in compliance with section 555.640 in the rear forty (40) feet of the lot.

(4) Any such vehicle or item shall be located not less than six (6) feet from any habitable building.

(5) The parking of inoperable vehicles shall be prohibited.

**555.830. High profile vehicles in and abutting urban neighborhood or residential mixed-use districts or permitted or conditional residential uses.** Where an open parking area or driveway is located less than six (6) feet away from a dwelling on an adjacent lot, the open, off-street parking of any passenger automobile, with an exterior vertical height of six (6) feet six (6) inches or greater, shall be located not less than six (6) feet from such dwelling, and where access to the rear forty (40) feet of the lot exists, shall not be located in the required front yard.

#### **ARTICLE IX. TRUCK AND COMMERCIAL VEHICLE PARKING**

**555.900. Standards for truck and commercial vehicle parking.** (a) *In general.* Commercial vehicles shall be parked or stored only in an authorized off-street location. Such vehicles may include, but shall not be limited to, tow trucks, taxis, buses, limousines, hearses, commercial trucks, food trucks, or vans, police or fire vehicles or other service vehicles. Regulations in this section governing truck and commercial vehicle parking shall apply only to vehicles that are parked regularly at a site and shall not apply to pick-up and delivery activities or to the temporary use of vehicles during construction. Outdoor storage of motorized equipment other than motor vehicles in operable condition shall be prohibited. All outdoor parking of trucks shall be screened from view, as specified in this zoning ordinance.

(b) *Urban neighborhood districts.* The following standards shall apply in the urban neighborhood districts:

(1) *Residential uses.* Parking of commercial vehicles shall be prohibited.

(2) *Nonresidential uses.* Parking of commercial vehicles accessory to permitted or conditional nonresidential uses shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight. Such vehicles shall be parked in an enclosed structure.

(c) *Residential mixed-use districts.* The following standards shall apply in the residential mixed-use districts:

(1) *Residential uses.* Parking of commercial vehicles shall be prohibited.

(2) *Nonresidential uses.* Parking of commercial vehicles accessory to permitted or conditional nonresidential uses shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight. Such vehicles shall be parked in an enclosed structure.

(d) *Commercial mixed-use districts.* The following standards shall apply in the commercial mixed-use districts.

(1) *Residential uses.* Parking of commercial vehicles shall be prohibited.

(2) *Nonresidential uses.* Outdoor parking of trucks and other commercial vehicles shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight.

(e) *Downtown districts.* The following standards shall apply in the downtown districts.

(1) *Residential uses.* Parking of commercial vehicles shall be prohibited.

(2) *Nonresidential uses.* Outdoor parking of trucks and other commercial vehicles shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight when located within three hundred (300) feet of an urban neighborhood or residential mixed-use district boundary.

(3) *Increasing weight.* In the downtown districts, gross vehicle weight limitation for trucks and other commercial vehicles parked within three hundred (300) feet of an urban neighborhood or residential mixed-use district boundary may be increased by conditional use permit, as provided in Chapter 525, Administration and Procedures. Preference may be given to applications for conditional use permit approval that limit parking to single rear axle vehicles of not more than thirty-three thousand (33,000) pounds gross vehicle weight and that exclude truck tractors or semitrailers. In addition to the conditional use standards, the city planning commission shall consider but not be limited to the following factors when determining gross vehicle weight limitations:

- a. Number and size of vehicles to be parked.
- b. Proximity of parking area to residential uses.
- c. Screening and landscaping of parking area.
- d. Location of truck routes and amount of truck traffic.

(f) *Production and transportation districts.* The following standards shall apply in the production and transportation districts.

(1) *Residential uses.* Parking of commercial vehicles shall be prohibited.

(2) *Nonresidential uses, accessory truck and commercial vehicle parking.* Within one hundred (100) feet of an urban neighborhood or residential mixed-use district boundary, outdoor parking of trucks and other commercial vehicles as an accessory use shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight.

(3) *Nonresidential uses, principal truck and commercial vehicle parking.* Within three hundred (300) feet of an urban neighborhood or residential mixed-use district boundary, outdoor parking of trucks and other commercial vehicles as a principal use shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight.

(4) *Increasing weight.* In the production districts, gross vehicle weight limitation for trucks and other commercial vehicles in this section may be increased by conditional use permit, as provided in Chapter 525, Administration and Procedures. Preference may be given to applications for conditional use permit approval that limit parking to single rear axle vehicles of not more than thirty-three thousand (33,000) pounds gross vehicle weight and that exclude truck tractors or semitrailers. In addition to the conditional use standards, the city planning commission shall consider but not be limited to the following factors when determining gross vehicle weight limitations:

- a. Number and size of vehicles to be parked.
- b. Proximity of parking area to residential uses.
- c. Screening and landscaping of parking area.
- d. Location of truck routes and amount of truck traffic.

#### **ARTICLE X. SPECIFIC OFF-STREET LOADING REQUIREMENTS**

**555.1000. Specific off-street loading requirements.** (a) *In general.* Accessory off-street loading shall be provided for principal uses as specified in Table 555-9, Specific Off-Street Loading Requirements, except as otherwise specified in Article XII, Special Loading Provisions for Specific Zoning Districts. Uses not specifically listed in Table 555-9, Specific Off-Street Loading Requirements shall have no minimum loading requirement. All uses listed in Table 555-9, Specific Off-Street Loading Requirements are assigned a rating of low, medium, high, or none. The loading requirement for such rating is based on the size of the use, as specified in Table 555-8, Loading Requirements for Assigned Ratings. When a development includes more than one (1) nonresidential use with a low, medium, or high loading requirement, the square footage of uses within the same rating category shall be added together in order to determine the number of required loading spaces. The loading requirement for planned unit developments shall be as approved by conditional use permit. For purposes of Table 555-8, Loading Requirements for Assigned Ratings and Table 555-9, Specific Off-Street Loading Requirements, "GFA" shall mean gross floor area, "sq. ft." shall mean square feet, and "CUP" shall mean conditional use permit.

(b) *Reducing minimum off-street loading requirements.* Requests to reduce minimum off-street loading requirements shall be considered using one (1) of the following two (2) options selected by any person with a legal or equitable interest in the property:

- (1) A variance to reduce the minimum off-street loading requirement, as authorized by Chapter 525, Administration and Procedures.
- (2) A travel demand management plan that includes an analysis that demonstrates an approach to loading that is sufficient, safe, and functional for the proposed use or uses as approved by the planning director and the city engineer.

(c) *Providing small loading spaces in lieu of large loading spaces.* Where a use is required to provide one (1) or more large loading spaces, the zoning administrator may allow said use to provide not less than two (2) small loading spaces in lieu of each required large loading space upon considering the following:

- (1) A travel demand management plan is not required for the use.
- (2) The nature of the use.
- (3) Existing site constraints.

**Table 555-8 Loading Requirements for Assigned Ratings**

<b>Rating</b>	<b>Size (GFA)</b>	<b>Loading Requirements</b>
<b>High</b>	5,000—10,000 sq. ft.	1 small loading space
	10,001—30,000 sq. ft.	1 large loading space
	30,001—60,000 sq. ft.	2 large loading spaces
	60,001—100,000 sq. ft.	3 large loading spaces
	over 100,000 sq. ft.	3 large loading spaces + 1 additional large loading space per additional 100,000 sq. ft. GFA or fraction thereof
<b>Medium</b>	10,000—20,000 sq. ft.	1 small loading space
	20,001—50,000 sq. ft.	1 large loading space
	50,001—100,000 sq. ft.	2 large loading spaces
	over 100,000 sq. ft.	2 large loading spaces + 1 additional large loading space per additional 300,000 sq. ft. GFA or fraction thereof
<b>Low</b>	20,000—50,000 sq. ft.	1 small loading space
	50,001—200,000 sq. ft.	2 small loading spaces
	over 200,000 sq. ft.	2 small loading spaces + 1 additional small loading space per additional 300,000 sq. ft. GFA or fraction thereof

**555.1010. Minimum requirement.** Uses for which off-street loading facilities are required in Table 555-9, Specific Off-Street Loading Requirements, but which are located in buildings of less floor area than the minimum prescribed in Table 555-8, Loading Requirements for Assigned Ratings, shall provide adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot where vehicles are allowed.

**Table 555-9 Specific Off-Street Loading Requirements**

<b>Use</b>	<b>Minimum Loading Requirement</b>
<b>COMMERCIAL USES</b>	
Bulk goods and heavy equipment sales	High
Catering	Medium
Clinic, medical or dental	Low
Contractor's office	Medium
General retail sales and services (except as otherwise noted in this table)	Low
Grocery store	Medium
Hospital	Medium

Hospitality residence	Low
Hotel	Medium
Laboratory, medical or dental	Low
Landscaping and material sales	High
Lawn and garden supply store	High
Liquor store, off-sale	Medium
Medication-assisted treatment site	Low
Nightclub	Low
Office	Medium
Pawnshop	Low
Radio or television station	Low
Reception or meeting hall	Medium
Regional sports arena	Medium
Rental of household goods and equipment	Medium
Restaurant	Low
Shopping center	As approved by CUP
Sports and health facility	Low
Theater, indoor	Low
<b>INSTITUTIONAL AND CIVIC USES</b>	
Club or lodge	Low
College or university	As approved by CUP
Community center	Low
Convention center	High
Museum	Low
Place of assembly	Low
School, grades K–12	Low
School, vocational or business	Low
Theater, live performances only	Low
<b>PRODUCTION USES</b>	
<b>General Use Categories</b>	
Lower-impact production and processing (except as otherwise noted in this table)	High
Moderate-impact production and processing	High
High-impact production and processing	High
Post-Consumer Waste Processing	High
Limited production and processing	Low
<b>Specific Production Uses</b>	
Brewery or distillery	Medium
Film, video, and audio production	Medium
Research, development, and testing laboratory	Medium

<b>PUBLIC SERVICES AND UTILITIES USES</b>	
Animal shelter	Low
Garage for public vehicles	Low
Mounted patrol stable	As approved by CUP
Post office	High
Pretrial detention facility	Medium
Principal electricity generation	High
Street and equipment maintenance facility	Low
Waste disposal or transfer facility	High
Water pumping and filtration facility	High
<b>RESIDENTIAL USES</b>	
Dwellings	None, except multiple-family dwellings of 100 to 250 units: one small space; multiple-family dwellings of more than 250 units: two small spaces or one large space
Congregate living	None, except those serving 100 or more people — low
<b>TRANSPORTATION, VEHICLE SERVICES, AND PARKING USES</b>	
Automobile rental	Low
Automobile repair, major	Medium
Automobile repair, minor	Medium
Automobile sales	Medium
Bus garage or maintenance facility	Low
Gas stations	Medium
Horse and carriage assembly/transfer site	As approved by CUP
Intermodal containerized freight facility	As approved by CUP
Motor freight terminal	High
Package delivery service	High
Railroad switching yards and freight terminal	As approved by CUP
Truck, trailer, boat or recreational vehicle, sales, service or rental	Medium

**ARTICLE XI. LOADING LOCATION REQUIREMENTS**

**555.1100. Loading location.** (a) *In general.* All required loading spaces shall be located on the same zoning lot as the use served and shall not be used to satisfy the space requirements for off-street parking, except as otherwise provided by this chapter.

(b) *Access to loading.* Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and as approved by the city engineer. No loading space shall be located within thirty (30) feet of the nearest point of intersection of any two (2) streets.

(c) *Loading areas in required yards.* No loading space shall be located in a required yard.



**555.1110 Shared loading facilities.** Central loading facilities may be substituted for loading spaces on the individual zoning lots, provided the following conditions are met:

(1) *Access.* Each use served shall have access to the central loading area without crossing streets or alleys at grade.

(2) *Location.* No use served shall be located more than five hundred (500) feet removed from the central loading area. Such central loading area shall be located in the same zoning district as the uses served or in a zoning district in which off-site parking for such uses is allowed, pursuant to Table 555-5, Location of Off-Site Parking.

(3) *Agreement.* The property owners involved in the joint use of shared loading facilities shall submit a legal agreement approved by the city attorney guaranteeing that the loading facilities shall be maintained so long as the use requiring loading is in existence or unless the required loading is provided elsewhere in accordance with the provisions of this chapter. Such instrument shall be recorded by the property owner with the office of the Hennepin County Recorder or Registrar of Titles. Evidence of such proper recording shall be filed with the zoning office prior to the issuance of any permit or license.

## ARTICLE XII. LOADING AREA DESIGN AND MAINTENANCE

**555.1200. Submission of loading plan.** Any application for a building permit or zoning certificate requiring or including the provision of loading areas shall include a loading plan. Said plan shall be drawn to scale and fully dimensioned, showing any loading facilities to be provided in compliance with this zoning ordinance and all other applicable regulations.

**555.1210. Maneuvering area.** To the extent practical, all maneuvers associated with loading shall occur in the off-street loading area.

**555.1220. Surfacing.** (a) *Residence and office residence districts.* All open off-street loading spaces shall be surfaced with a dustless all-weather material capable of carrying a wheel load of ten thousand (10,000) pounds.

(b) *All other districts.* All open off-street loading spaces shall be surfaced with a dustless all-weather material capable of carrying a wheel load of sixteen thousand (16,000) pounds. Where loading spaces are located in commercial mixed-use or production yard areas such as building material sales yards, scrap/salvage yards, metal milling facilities, contractor yards, and other similar uses, the driveway leading to such area shall be surfaced with a dustless all-weather material capable of carrying a wheel load of sixteen thousand (16,000) pounds for a minimum of twenty (20) feet from the curb line.

**555.1230. Drainage.** Loading area surfaces shall be properly sloped for drainage as approved by the city engineer. On-site retention and filtration of stormwater shall be provided where practical. Water from the loading area shall not drain across a public walkway.

**555.1240. Size.** (a) *In general.* Required off-street loading spaces shall be at least ten (10) feet in width by at least twenty-five (25) feet in length for small spaces, and at least twelve (12) feet in width by at least fifty (50) feet in length for large spaces, exclusive of aisle and maneuvering space.

(b) *Vertical clearance.* All loading areas, except those required for residential uses, shall have a vertical clearance of at least fourteen (14) feet, provided that twelve (12) feet, nine (9) inches of vertical clearance shall be permitted in the portion of the loading area when the truck is entirely within the building and off any ramps.

**555.1250. Lighting.** Any lighting used to illuminate loading areas shall be shielded and arranged in such a way as to comply with the performance standards of Chapter 550, Article XVII, General Performance Standards. A light source that maintains a minimum level of security and provides for transition into covered loading facilities shall be provided, as approved by the city engineer, except when accessory to single-family and two-family dwellings, multiple-family dwellings of three (3) or four (4) units, and cluster developments.

**555.1260. Landscaping and screening.** Loading areas shall be landscaped and screened as specified in Chapter 550, Article V, Site Plan Review.

**555.1270. General maintenance.** Loading areas shall be kept free of dirt, dust, debris, and waste. In winter months, required loading areas shall be cleared of snow within a reasonable time.

**555.1280. Snow storage.** Pedestrian paths, bicycle parking, driveways, access aisles, and landscaping shall not be used for the purpose of snow storage.

### ARTICLE XIII. TRAVEL DEMAND MANAGEMENT

**555.1300. Purpose.** The purpose of the travel demand management ordinance is to support the city's transportation policies and to ensure that larger developments and uses with high-traffic demand have positive impacts on safety, equity, mobility, climate change, greenhouse gas emissions, mode split, and air quality.

**555.1310. Buildings and uses subject to a travel demand management plan.** (a) *In general.* Buildings and uses subject to a travel demand management plan are listed in Table 555-10, Buildings and Uses Subject to a Travel Demand Management Plan, along with the required minimum number of points required for each building or use. The number of points awarded for each travel demand management strategy is listed in Table 555-11, Travel Demand Management Strategies.

(b) *Travel demand management plan, minor.* Minor travel demand management plans shall include a review for compliance with the minimum number of points required by this article.

(c) *Travel demand management plan, major.* In addition to review for compliance with the minimum number of points required by this article, a major travel demand management plan shall include a report containing a traffic study prepared consistent with industry standards and certified by a licensed engineer.

(d) *Travel demand management plan, discretionary.* The planning director, in consultation with the city engineer, may mandate a travel demand management plan that includes a report containing a traffic study prepared consistent with industry standards and certified by a licensed engineer for the establishment of any use, new building, or building expansion not specified in this chapter when it is determined by the planning director that the proposal presents unique transportation challenges due to the nature of the use or location. The required travel demand management strategies shall be determined based on the findings of the report.

**Table 555-10 Buildings and Uses Subject to a Travel Demand Management Plan**

<b><i>Buildings and Uses</i></b>	<b><i>Minor, Major, or Discretionary Travel Demand Management Plan Required</i></b>	<b><i>Minimum Points Required</i></b>
Any building or use containing fifty (50) or more and less than two hundred fifty (250) new or additional dwelling units or rooming units.	Minor	4
Any nonresidential development containing more than twenty-five thousand (25,000) sq. ft. and less than two hundred thousand (200,000) sq. ft. of new or additional gross floor area.	Minor	6
Any building or use containing two hundred fifty (250) or more new or additional dwelling units or rooming units.	Major	6
Any nonresidential development containing two hundred thousand (200,000) sq. ft. or more of new or additional gross floor area.	Major	8
Establishment or expansion of a reception or meeting hall containing five thousand (5,000) sq. ft. of new or additional gross floor area.	Major	4
Establishment or expansion of a shopping center containing ten thousand (10,000) sq. ft. of new or additional gross floor area.	Major	4
The planning director, in consultation with the city engineer, may mandate a travel demand management plan that includes a report containing a traffic study prepared consistent with industry standards and certified by a licensed engineer for the establishment of any use, new building, or building expansion not specified in this chapter when it is determined by the planning director that the proposal presents unique transportation challenges due to the nature of the use or location.	Discretionary	As determined by the planning director

(e) *Mixed-use and multiple use development.* Mixed-use development is subject to a minor or major travel demand management plan only when either the residential or nonresidential use is subject to such requirement in Table 555-10, Buildings and Uses Subject to a Travel Demand Management Plan, provided that a discretionary travel demand management plan may be required for any building or use. When a development includes more than one (1) use subject to a minor or major travel demand management plan, the minimum required point total shall be based on only the use with the highest requirement rather than the sum of the point total for all applicable buildings or uses.

(f) *Exceptions.* A written request may be submitted to the planning director requesting an exemption from the requirement to submit a travel demand management plan. The planning director shall consider, but not be limited to, the nature of the use and the number of vehicle trips the site is expected to generate,

and whether a substantial percentage of the building's floor area would be dedicated to warehousing, storage, or other uses that reduce the applicability of travel demand management strategies required by this ordinance. Future conversion of the space to a different use or uses may necessitate the need for a travel demand management plan.

**555.1320. Application for travel demand management plan.** Any person having a legal or equitable interest in land which requires submission of a travel demand management plan may file an application for approval of such plan on a form approved by the zoning administrator.

**555.1330. Administrative review.** The planning director, in consultation with the city engineer, shall conduct the administrative review of the travel demand management plan. The planning director shall recommend to the zoning administrator any mitigating measures deemed reasonable and necessary, and shall include such recommendation as a condition of the issuance of any building permit, zoning certificate or other approval required by this zoning ordinance or other applicable law. All findings and decisions of the planning director shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Procedures.

**555.1340. Content of travel demand management plans.** Any travel demand management plan shall contain at least the following:

(1) A description of the goals of the travel demand management plan and its relationship to applicable city transportation policies and programs including how the development will contribute to a reduction in greenhouse gas emissions, achieve city mode split goals, reduce use of single-occupancy motor vehicles, and increase walking, bicycling, and transit as primary modes of travel.

(2) An acknowledgement of a commitment to provide self-reported audits every two (2) years to the planning director and city engineer that confirms ongoing compliance with required strategies until it is deemed that the development is sufficiently meeting city transportation goals. If any points for travel demand management strategies are derived from non-infrastructure solutions, documentation of ongoing programmatic elements must be included in the audit.

**555.1350. Compliance with requirements of travel demand management strategies.** Points shall be awarded for travel demand strategies listed in Table 555-11, Travel Demand Management Strategies. All applicable standards shall be met in order to qualify for the points for each strategy. The required strategies shall be maintained in good order for the life of the structure or use. A list and description of the approved travel demand strategies for a given site shall be posted in a conspicuous common area of the development.

**Table 555-11 Travel Demand Management Strategies**

<b>Strategy</b>	<b>Points</b>	<b>Standards</b>
Transit fare provision	6	<p>a. The building owner or management company shall provide unlimited-ride transit passes to residents and employees utilizing a program administered through the regional transit agency.</p> <p>b. For single-tenant nonresidential uses, all full-time employees shall be provided unlimited-ride transit passes. For multi-tenant nonresidential uses, not less than seventy-five (75) percent of the full-time employees within the development shall be provided unlimited-ride transit passes.</p> <p>c. For residential uses, unlimited-ride transit passes shall be provided to all units within the development at a rate not less than one (1) pass per unit.</p>
Zero vehicle parking	6	<p>a. No off-street parking spaces for motor vehicles shall be provided for the development.</p> <p>b. Accessible spaces, spaces for shared vehicles, and up to three (3) temporary drop-off and pick-up spaces shall be exempt from this requirement.</p>
Transit fare subsidy	3	<p>a. The building owner or management company shall provide a transit fare subsidy for unlimited-ride transit passes not less than thirty (30) percent of the cost of the transit pass to residents and employees utilizing a program administered through the regional transit agency.</p> <p>b. For single-tenant nonresidential uses, all full-time employees shall be offered unlimited-ride transit passes at a reduced rate. For multi-tenant nonresidential uses, not less than seventy-five (75) percent of the full-time employees within the development shall qualify for unlimited-ride transit passes at a reduced rate.</p> <p>c. For residential uses, unlimited-ride transit passes shall be made available to all units within the development at a rate not less than one (1) pass per unit.</p>
Limited vehicle parking	3	<p>a. No more than one-half (0.5) space per residential unit shall be provided when the residential use requires a travel demand management plan.</p> <p>b. Off-street parking less than or equal to thirty (30) percent of the maximum parking requirement for the development shall be provided when the nonresidential use requires a travel demand management plan.</p> <p>c. A development shall not qualify for points for both the zero vehicle parking strategy and the limited parking strategy.</p>

Pedestrian realm improvements	3	Improvements shall be implemented in the public right-of-way that support pedestrian activity and exceed minimum requirements, as approved by the planning director in consultation with the city engineer. In addition to any additional improvements determined by the planning director or city engineer, the development shall provide a minimum of two (2) of the following three (3) enhancements: 1) A widened sidewalk that brings a substandard pedestrian space into compliance with the City of Minneapolis Street Design Guide. Sidewalks must be paved with materials that meet or exceed city standards for sidewalk finishes. 2) Street trees and landscaping installed in an enhanced planting bed. 3) Street furniture appropriate for the site's context, not disrupting the pedestrian throughway.
Shower, locker, and long-term bicycle storage	2	a. The development shall provide shower and locker facilities, and long-term bicycle parking at a fifty (50) percent greater rate than otherwise required by this zoning ordinance. b. Points for this strategy shall only be awarded for uses that are required by this chapter to provide shower and locker facilities.
Shared vehicles	2	a. Nonresidential uses shall provide one (1) shared vehicle per one hundred thousand (100,000) sq. ft. of nonresidential space, but not less than one (1) vehicle, when the nonresidential use requires a travel demand management plan. b. Residential uses shall provide a minimum of one (1) shared vehicle per one hundred (100) dwelling units when the nonresidential use requires a travel demand management plan, but not less than one (1) vehicle, when the nonresidential use requires a travel demand management plan.
Unbundling and pricing of parking	1	a. In a residential use subject to a travel demand management plan, parking spaces for residential units shall be leased or sold separately from the rental or purchase price of the housing units. b. In a nonresidential use subject to a travel demand management plan, a fee shall typically be charged for long-term customer and employee parking. c. Points for this strategy shall not be awarded for both this strategy and the Zero Vehicle Parking strategy.
Real-time transit information	1	The development shall post real-time transit information in a public space near or at the entrance to the development.
Proposed by the applicant	As determined by the planning director	The property owner or representative may propose a travel demand management strategy not detailed in this table such as valet parking, mobility hubs, or other items as appropriate for the use and location. Points awarded shall be determined by the planning director in consultation with the city engineer.

## CHAPTER 560. SIGNS

### ARTICLE I. GENERAL PROVISIONS

**560.10. Findings, purpose and intent.** (a) *Findings.* The city council hereby finds as follows:

- (1) Exterior signs have a substantial impact on the character and quality of the environment.
- (2) Signs provide an important medium through which individuals may convey a variety of messages.
- (3) Signs can create traffic hazards, aesthetic concerns, and be potentially detrimental to property values, thereby adversely affecting the public health, safety and welfare.
- (4) The regulation of signs within the city has had a positive impact on traffic safety and the appearance of the community.

(b) *Purpose and intent.*

(1) Regulations governing on-premises signs are established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to protect the public health, safety and welfare.

(2) Regulations governing off-premises advertising signs and billboards are established to minimize the visual blighting effects caused by off-premises advertising signs and billboards by regulating their location, size, height and spacing, luminance and frequency of image change; to encourage the removal of signs and billboards that do not conform to the regulations of this chapter; and to protect the public health, safety and welfare.

**560.20. Severability.** If any section, subsection, sentence, clause, or phrase of these sign regulations are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the regulations. The city council hereby declares that it would have adopted the sign regulations in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**560.30. Substitution clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

**560.40. Scope of regulations.** The sign regulations set forth in this chapter shall apply to all structures and all land uses, except as otherwise provided in this zoning ordinance. When a sign is subject to more than

one (1) classification of sign type, all regulations governing the various classifications shall be applicable to such sign.

**560.50. Compliance with standards.** No person shall place, erect or maintain a sign, nor shall a lessee or owner permit property under their control to be used for such sign, which does not conform to the requirements of this chapter, Chapter 95, Projections and Encroachments of the Minneapolis Code of Ordinances, and all other applicable regulations.

**560.60. Exempt signs.** (a) *On-premises.* The following on-premises signs shall be exempt from the regulations of this chapter:

- (1) Official public notices or signs required by local, state or federal regulations.
  - (2) Governmental signs, including but not limited to traffic control and other regulatory purpose signs, street signs, informational signs, danger signs and railroad crossing signs.
  - (3) Official government flags and emblems, provided such signs shall not be placed or maintained in the public right-of-way.
  - (4) Incidental notification signs, provided each sign shall not exceed three (3) square feet in area, not more than two (2) such signs shall be located on a zoning lot, and such signs shall not be placed or maintained in the public right-of-way and shall not be illuminated.
  - (5) Historic plaques placed by recognized historical agencies, provided such signs shall not be placed or maintained in the public right-of-way, shall not be illuminated, and shall not exceed four (4) square feet in area.
  - (6) Religious symbols attached to institutional and civic buildings, provided such symbols shall not be placed or maintained in the public right-of-way and shall not be illuminated.
  - (7) Interior signs.
  - (8) Murals.
  - (9) Address signs less than one (1) square foot in area, not to exceed two (2) such signs per zoning lot.
- (b) *Off-premises.* No off-premises signs shall be exempt from the regulations of this chapter.

**560.70. Prohibited signs.** The following signs shall be prohibited in all zoning districts, except as otherwise specified in this chapter:

- (1) A mural that does not have permission of the owner of the property on which it is located or is graffiti.
- (2) Audible signs.



(3) Any sign not listed as either permitted or conditional or any sign not determined by the zoning administrator to be substantially similar to a sign listed as permitted or conditional in the manner provided for in Chapter 525, Administration and Procedures, governing determination of substantially similar uses.

(4) Any sign relating to sexually oriented uses and prohibited by the regulations governing such uses in this ordinance.

(5) Backlit awning or canopy signs.

(6) Balloon signs.

(7) Dynamic and dynamic changeable copy roof signs, on-premises.

(8) Freestanding flag signs.

(9) Off-premises roof signs that project beyond the face of any wall of the building on which they are mounted.

(10) Off-premises signs painted on the exterior of a building.

(11) Off-premises signs that do not comply with the regulations of this chapter.

(12) On-premises signs with moving or swinging parts or elements, except in the downtown districts and CM4 District or as a window sign.

(13) Searchlights and strobe lights, except as allowed in section 545.720, Permitted temporary uses and structures.

(14) Signs attached to skyway bridges and intended to be read from the public right-of-way.

(15) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing signage.

(16) Signs placed or maintained on natural features.

(17) Snipe signs.

(18) Stringer signs.

**560.80. Nonconforming signs.** (a) *Relocation.* Signs and sign structures which are moved shall be brought into compliance with all applicable regulations of this chapter.

(b) *Reconstruction.* Nonconformities that are completely or substantially reconstructed that include changes to building placement or design shall be subject to the findings and procedures for expansion or alteration of nonconforming uses and structures as specified in Chapter 545, Use Regulations.

(c) *On-premises signs.* A nonconforming on-premises sign shall be subject to the provisions of section 560.170, Maintenance and repair.

(d) *Off-premises signs.* The following provisions shall apply to nonconforming signs:

(1) Off-premises signs lawfully existing at the time of adoption of this chapter which do not conform to the regulations of this chapter may continue to exist, but shall not be enlarged, relocated, or altered to include electronic lighting devices, except in compliance with this chapter.

(2) Maintenance and repair, including replacement, restoration, improvement, and changing of off-premises sign messages is allowed. Conversion of an existing non-conforming off-premises sign to include digital or electronic elements or animation shall be subject to provisions of this chapter.

(3) Following damage or destruction, replacement of a nonconformity shall mean that the off-premises sign face or sign structure, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the conditions that preceded damage or destruction. Nonconformities that are completely or substantially reconstructed that include changes to the placement or design, including use of electronic elements or animation, of the off-premises sign face or sign structure shall be subject to section 545.940, Expansion or alteration of nonconforming uses and structures.

(4) A nonconforming off-premises sign which is damaged or destroyed by any cause or means to the extent that the cost of restoration exceeds one-half ( $\frac{1}{2}$ ) of its replacement cost and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, shall not be reconstructed except in conformity with all applicable regulations of this chapter. When a building permit to reconstruct or replace the nonconforming off-premises sign face or sign structure in its pre-existing design and not enlarge, relocate or expand the nonconforming off-premises sign face or sign structure is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Use of digital or electronic elements or animation for reconstruction or replacement of a nonconforming off-premises sign shall be subject to all applicable regulations of this chapter. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(5) A nonconforming off-premises sign which is discontinued for a continuous period of one (1) year shall be deemed to be abandoned and may not thereafter be reestablished or resumed except in conformity with all applicable regulations of this chapter.

(6) A painted wall sign with changed advertising copy or graphics painted over an existing nonconforming painted wall sign shall be prohibited.

(e) *Off-premises sign area credits.* The zoning administrator shall maintain an account of approved sign permits for removal of nonconforming off-premises sign face area from qualifying locations, and shall maintain a record of such nonconforming off-premises sign area credits used. Removal of the off-premises sign face shall include removal of all parts of the sign structure, including footings, and shall include

removal of all nonconforming off-premises signs on the affected zoning lot. Nonconforming off-premises sign area credits may be reserved and used only by the original owner of the credits within five (5) years of the removal of the nonconforming off-premises sign face area. Qualifying locations are any location that is not within an Opportunity Billboard District.

**560.90. Illumination of signs.** (a) *On-premises, in general.* All on-premises lighted signs shall comply with the performance standards governing lighting contained in Chapter 550, Development Standards, and may be illuminated as follows where allowed by Table 560-1, Specific Standards for Signs in the Urban Neighborhood, RM1 and PK1 Districts, Table 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts, Table 560-3, Specific Standards for Signs in the Downtown Districts, and Table 560-4, Specific Standards for Signs in the Production Districts, and subject to all other applicable regulations of this chapter:

(1) *Backlit.* A light source contained within the sign element or sign cabinet that illuminates by shining through a translucent surface or sign face, except where only the letters, numbers or logos of the sign copy are illuminated.

(2) *External.* A light source outside the sign element or sign cabinet that illuminates by directing light onto the sign surface, such as by floodlight or spotlight.

(3) *Internal.* A light source contained within the sign cabinet that illuminates by directing light onto the sign surface, or that illuminates only the letters, numbers or logos of the sign copy, and which is not backlit.

(b) *Lighted on-premises signs in the urban neighborhood or residential mixed-use districts.* Lighted signs in the urban neighborhood or residential mixed-use districts shall not be backlit, shall be no closer than twenty (20) feet from the nearest urban neighborhood district or residential mixed-use district property line, and shall be illuminated only by white or amber light.

(c) *Lighted on-premises signs in all other districts.* Lighted signs facing and on property adjacent to or across a street or alley from an urban neighborhood or residential mixed-use district shall not be backlit, and shall be no closer than twenty (20) feet from the nearest urban neighborhood district or residential mixed-use district boundary.

(d) *Off-premises lighted signs.* All off-premises lighted signs shall comply with the performance standards governing lighting contained in Chapter 550, Development Standards. Off-premises signs that employ electronic devices shall be subject to the applicable provisions of the billboard district where the sign is located, as established by Table 560-5, General Billboard District Standards, Table 560-6, Opportunity Billboard District Standards, or Table 560-7, Downtown East or Downtown West Entertainment Billboard District Standards. Illuminated off-premises signs shall not exceed the maximum luminance standard provided in the applicable billboard district in which it is located.

(e) *Flashing or animated off-premises signs.* Flashing or animated off-premises signs shall be subject to the applicable provisions of the district where the sign is located.

(1) *Downtown East or Downtown West Entertainment Billboard District.* Flashing, blinking, and/or animated off-premises signs, including but not limited to traveling lights or other means not providing constant illumination, shall be permitted in the Downtown Entertainment Billboard District.

(2) *Downtown Entertainment Area.* Flashing off-premises signs shall be permitted in this area provided the messages and/or imagery are displayed in a static manner for a minimum of eight (8) seconds. Animated off-premises signs shall be prohibited in the downtown entertainment area.

(3) *Downtown Opportunity Billboard District.* Flashing and/or blinking off-premises signs shall be permitted in the Downtown Opportunity Billboard District provided that outside the Downtown Entertainment Billboard Districts and Downtown Entertainment Area flashing signs containing changing written messages shall be limited to the news, weather, time or other public service message with a vertical dimension that shall not exceed two (2) feet.

(4) *Limited Access Roadway Opportunity Billboard District.*

a. Flashing off-premises signs shall only be permitted on Interstate 94 and on Interstate 35-W north of 31st Street East, subject to the following:

1. The messages and/or imagery shall be displayed in a static manner for a minimum of eight (8) seconds.
2. Flashing signs shall be a minimum of two thousand five hundred (2,500) feet from any other off-premises flashing sign reading to the same directional traffic.

b. Flashing off-premises shall comply with all applicable provisions of this ordinance, except that existing nonconforming off-premises signs shall be allowed to be converted to flashing off-premises signs and shall not be subject to section 545.940, expansion or alteration of nonconforming uses and structures, for the conversion, provided the dimensions, height and orientation of the sign match the conditions that preceded the conversion, the sign meets the requirements of this section and the applicant complies with the credit requirements of section 560.80(e).

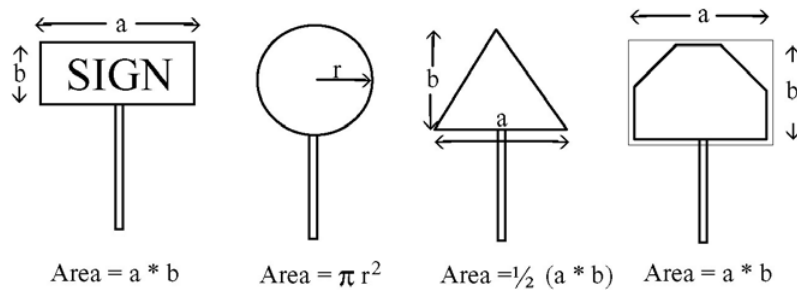
## ARTICLE II. ON-PREMISES SIGNS

**560.100. Specific on-premises sign requirements.** All on-premises signs shall be regulated by this article, except as otherwise required in this zoning ordinance.

**560.110 Computations.** (a) *Sign face area.*

(1) *Framed signs.* The area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle or circle, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the frame or cabinet.

### Sign Face Area



(2) *Back-to-back signs.* When the faces of a back-to-back sign are parallel or within thirty-five (35) degrees of parallel, the sign face area shall be determined on the basis of only one (1) side of such sign. If the sign faces are not within thirty-five (35) degrees of parallel, the sign face area shall be determined on the basis of the sum of the areas of each sign face.

(3) *Freestanding signs.* For freestanding signs that have a solid base, the size of the base shall not be included in the total sign face area.

(4) *Three (3) dimensional signs.* For globe signs, three (3) dimensional, three (3) or more sided signs, or signs with indistinct sign faces, the sign face area shall be determined on the basis of the maximum surface area visible at any one (1) time.

(5) *Individual elements.* When signs are constructed of individual elements attached to a building or wall, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the sign elements.

(6) *Awnings, canopies and marquees.* When signs are incorporated into awnings, canopies and marquees, the sign area shall be determined by computing the area of an imaginary rectangle drawn around the sign. Legally nonconforming backlit awnings and canopies, with or without signage, shall be considered a sign and shall be included in the calculation of total permitted building sign area.

(7) *Banners.* When signs are incorporated into banners, the sign area shall be determined on the basis of the outer dimensions of the banner.

(8) *Building façades.* Backlit building façades, with or without signage, shall be included in the calculation of total permitted building sign area.

(b) *Sign height.* Sign height shall be calculated as the vertical distance from the natural grade measured at a point either at the curb level or ten (10) feet away from the front center of the sign, whichever is closer, to the upper-most point used in measuring the area of a sign.

**560.120. On-premises sign permitting, installation and maintenance.** (a) *Sign hangers to be licensed.* No person shall install, reconstruct, alter, repair or remove any sign or submit a sign permit application without first having secured a sign hanger's license from the licensing official.

(b) *Permits required.* No person shall install any sign without first obtaining a permit from the zoning administrator. An application for a sign permit shall be filed on a form approved by the zoning administrator along with all supporting documentation including the permit fee. The fee for such permit shall be as set forth in Chapter 525, Administration and Procedures.

(c) *Exceptions.* No sign permit shall be required for the installation of the following signs:

(1) Any sign that is less than eight (8) square feet in area.

(2) Portable signs less than twelve (12) square feet in area.

(3) Temporary signs less than eight (8) square feet in area and six (6) feet in height.

(4) Signs placed on the inside of any building that are not visible or intended to be visible from the exterior of the building.

(5) Window signs, except a dynamic sign.

(6) Replacement of the changeable copy portion of a sign having a stationary framework or structure.

(7) Approved signs loosened from their supports and taken down, painted and replaced without any change having been made in their size, form, or illumination, or in the ownership thereof.

(8) Painted wall signs.

(9) On-premises incidental signs guiding traffic safely to parking spaces, loading spaces, stacking lanes, entry and exit drives, direction of traffic flow, and pedestrian ways that do not exceed four (4) square feet in area and four (4) feet in height and that bear no commercial speech.

**560.130. Mounting of signs.** All signs shall be mounted in one (1) of the following manners:

(1) Flat against a building or wall.

(2) Back-to-back in pairs or otherwise arranged in such a manner so that the back of the signs will be screened from public view.

(3) Otherwise mounted so that the backs of all signs showing to public view, including all parts of the sign structure, shall be painted a dark or neutral color and shall be well maintained.

**560.140. Installation of signs.** Signs shall be subject to the provisions of the building code and state electrical code.

**560.150. Height over public property.** (a) *Public streets, public sidewalks or public pathways.* Unless a greater height is required by Chapter 95, Projections and Encroachments, the minimum height of a sign that projects over a public street, public sidewalk or public pathway shall be located not less than eight

(8) feet above the ground or pavement. Signs that do not project more than six (6) inches from the building are exempt from this provision.

(b) *Public alley.* The minimum height of a sign that projects over a public alley shall be located not less than fifteen (15) feet above the ground or pavement.

**560.160. Signs not to be a traffic hazard.** No sign shall be installed in a way that obstructs clear vision of persons using the streets, or may be confused with any authorized traffic sign, signal, or device. In addition, a sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty (150) feet before said sidewalk line, shall not have red, green or amber illumination.

**560.170. Maintenance and repair.** (a) *Maintenance required.* All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports, framework or other material, broken or missing faces or missing letters. The zoning administrator may order the removal of any sign that is not maintained.

(b) *Activities considered normal maintenance and repair.* Normal maintenance and repair shall include activities such as replacement, restoration or improvement. Following damage or destruction, replacement of a nonconformity shall mean that the sign face or sign structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the conditions of the sign face or sign structure that preceded damage or destruction. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(c) *Items not considered normal maintenance and repair.* Changes made to the location, size, height or bulk of the sign or addition of illumination are not considered normal maintenance and repair and shall require that a nonconforming sign be brought into conformance with all requirements of this chapter.

**560.180. Unsafe signs.** Signs which are deemed unsafe by the zoning administrator shall be either repaired or removed immediately.

**560.190. Complete removal of signs.** Whenever a sign of any type is removed, either intentionally, accidentally or by an act of nature, all supporting brackets, frames or other structural elements shall be removed completely.

**560.200. Surface repair.** Any surface from which a sign has been moved or removed shall be repaired with materials which match the existing background.

**560.210. Specific sign standards by zoning districts.** (a) *In general.* All on-premises signs shall conform to the applicable standards of Table 560-1, Specific Standards for Signs in the Urban Neighborhood, RM1 and PK1 Districts, Table 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts, Table 560-3, Specific Standards for Signs in the Downtown Districts, and Table 560-4, Specific Standards for Signs in the Production and Transportation Districts, and all other applicable regulations of this chapter.

(b) *Abbreviations.* For purposes of Table 560-1, Specific Standards for Signs in the Urban Neighborhood, RM1 and PK1 Districts, Table 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts, Table 560-3, Specific Standards for Signs in the Downtown Districts, and Table 560-4, Specific Standards for Signs in the Production Districts, "sq. ft." shall mean square feet, and "ft." shall mean feet.

(c) *References to primary building wall.* For purposes of Table 560-1, Specific Standards for Signs in the Urban Neighborhood, RM1 and PK1 Districts, Table 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts, Table 560-3, Specific Standards for Signs in the Downtown Districts, and Table 560-4, Specific Standards for Signs in the Production Districts, references to "primary building wall" shall be measured in linear feet.

(d) *Sign location.* Except where otherwise allowed in this ordinance, signs shall be placed on a primary building wall.

**Table 560-1 Specific Standards for Signs in the Urban Neighborhood, RM1 and PK1 Districts**

<i>Use</i>	<i>Sign Standards</i>
<b>COMMERCIAL USES</b>	
<b>Commercial Agriculture, Commercial Recreation and Assembly, Food and Beverages, General Retail Sales and Services, Lodging, Medical Facilities, and Office</b>	
<b>Commercial Agriculture, Commercial Recreation and Assembly, Food and Beverages, General Retail Sales and Services, Lodging, Medical Facilities, and Office</b> uses on a lot less than 20,000 sq. ft., except as noted below	One (1) wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building.
<b>Commercial Agriculture, Commercial Recreation and Assembly, Food and Beverages, General Retail Sales and Services, Lodging, Medical Facilities, and Office</b> uses on a lot of 20,000 sq. ft. or more, except as noted below	One (1) wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Bed and breakfast home Hospitality residence	One (1) nonilluminated, flat wall identification sign not exceeding four (4) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs.
Market garden	One (1) nonilluminated identification sign not exceeding eight (8) sq. ft. Maximum height of six (6) ft.
<b>Planned Unit Development</b>	As approved by CUP.



<b>INSTITUTIONAL AND CIVIC USES</b>	
<b>Community Services, Educational Facilities, Parks and Public Open Spaces, Recreational Facilities, and Social and Cultural Assembly</b>	
<b>Community Services, Educational Facilities, Parks and Public Open Spaces, Recreational Facilities, and Social and Cultural Assembly</b> uses, on a lot less than 20,000 sq. ft. except as noted below.	One (1) nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building.
<b>Community Services, Educational Facilities, Parks and Public Open Spaces, Recreational Facilities, and Social and Cultural Assembly</b> uses on a lot of 20,000 sq. ft. or more, except as noted below.	One (1) wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Cemetery	One (1) wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> per public driveway entrance not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Child care center	One (1) wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Community garden	One (1) nonilluminated identification sign not exceeding eight (8) sq. ft. Maximum height of six (6) ft.
Public park	One (1) wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated. Dynamic changeable copy signs shall be allowed accessory to parks only when located on the same zoning lot as an enclosed recreation center.
Religious place of assembly on a lot less than 20,000 sq. ft.	One (1) wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Religious place of assembly on a lot of 20,000 sq. ft. or more	One (1) wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding thirty-two (32) sq.

	ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
School, grades K—12	One (1) wall identification sign not exceeding thirty-two (32) sq. ft. per block face. Maximum height of twenty (20) ft. or top of wall, whichever is less. In addition, one (1) monument sign <sup>1</sup> not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed sixteen (16) sq. ft. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
<b>Planned Unit Development</b>	As approved by CUP.
<b>PRODUCTION AND PROCESSING</b>	
Art studio	One (1) nonilluminated, flat wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs.
<b>PUBLIC SERVICES AND UTILITIES</b>	As approved by CUP.
<b>RESIDENTIAL USES</b>	
<b>Cluster development</b>	As approved by CUP.
<b>Congregate Living</b>	
<b>Congregate Living</b> uses on a lot between zero (0) and 9,999 sq. ft. except as noted below	One (1) nonilluminated, flat wall identification sign not exceeding one (1) sq. ft. in area. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building.
<b>Congregate Living</b> uses on a lot between 10,000 and 43,559 sq. ft. except as noted below	One (1) nonilluminated wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building.
<b>Congregate Living</b> uses on a lot of 43,560 sq. ft. or more, except as noted below	One (1) wall identification sign not exceeding forty-eight (48) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building. In addition, one (1) monument sign <sup>1</sup> not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Emergency shelter	As approved by CUP.
<b>Dwellings</b>	
Single and two-family or three-family dwelling One (1) to three (3) dwelling units as part of a mixed-use building	One (1) nonilluminated, flat wall identification sign per dwelling unit not exceeding one (1) sq. ft. in area. Maximum height of fourteen (14) ft. or top of wall, whichever is less.
Multiple-family dwelling, four (4) units or more on a lot between zero (0) and 9,999 sq. ft.	One (1) nonilluminated wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building.
Multiple-family dwelling, four (4) units or more on a lot between 10,000 and 43,559 sq. ft.	One (1) nonilluminated wall identification sign not exceeding thirty-two (32) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs per building.
Multiple-family dwelling, four (4) units or more on	One (1) wall identification sign not exceeding forty-eight (48) sq. ft. Maximum height of twenty (20) ft. or top of wall, whichever is less. On a corner lot, two (2) such signs

a lot of 43,560 sq. ft. or more	per building. In addition, one (1) monument sign <sup>1</sup> not exceeding thirty-two (32) sq. ft. in area and eight (8) ft. in height. Either the wall sign or the monument sign <sup>1</sup> , but not both, may be illuminated.
Common lot development	As allowed for other dwellings based on the total number of units in the development.
<b>Planned Unit Development</b>	As approved by CUP.
<b>TRANSPORTATION, VEHICLE SERVICES, AND PARKING</b>	As approved by CUP.

<sup>1</sup>Monument signs, where allowed, may be located in a required front or corner side yard but shall be no closer than ten (10) feet from the nearest property line abutting an urban neighborhood or residential mixed-use district.

**Table 560-2 Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts**

Zoning District Sign Standards				
	<i>RM2, RM3</i>	<i>CM1</i>	<i>CM2, CM3</i>	<i>CM4</i>
<b>Signs Attached to Buildings</b>				
Size Allocation	One (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding or roof sign is on the same zoning lot. If there is no freestanding or roof sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall.			
Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall	30 sq. ft.			
Maximum number of signs	No limit within size allocation.			
Maximum area per sign, except projecting signs	180 sq. ft. except commercial shall not exceed 30 sq. ft.	45 sq. ft.	180 sq. ft.	180 sq. ft.
Maximum area per projecting sign	12 sq. ft.	16 sq. ft.	20 sq. ft.	48 sq. ft.
Lighting of signs	Yes, but no backlit signs.			
Maximum height of signs	20 ft. <sup>1</sup>	20 ft. <sup>1</sup>	34 ft.	No limit.
<b>Types of signs attached to buildings allowed</b>				
Wall signs	Yes			
Projecting signs	Yes, but a projecting sign shall not extend outward from the building more than four (4) ft.			
Awning, canopy and marquee signs	Yes, but no backlit awning or canopy signs.			
Dynamic changeable copy signs	No	No	Yes, see section 560.230.	Yes, see section 560.230.
Dynamic signs	No	No	Yes, see section 560.230.	Yes, see section 560.230.
Window signs	Yes			
Roof signs	Yes, see section 560.230.			

<b>Freestanding Signs</b>				
Size allocation	One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented.			
Maximum number of signs (See also section 560.230.)	One (1) per zoning lot.	One (1) per zoning lot.	One (1) per street frontage exceeding 200 ft, but not less than one (1) per zoning lot.	One (1) per zoning lot.
Maximum area per sign	32 sq. ft.	54 sq. ft.	80 sq. ft.	80 sq. ft.
Lighting of signs	Yes, but no backlit signs.			
Maximum height of signs	8 ft.	8 ft.	8 ft.	8 ft.
When not allowed	A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall.			
Location restriction	A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. and shall be no closer than ten (10) ft. from the nearest urban neighborhood or residential mixed-use district boundary.			
<b>Types of freestanding signs allowed</b>				
Monument Signs	Yes	Yes	Yes	Yes
Pole Signs	No	No	No	No
Dynamic changeable copy signs	No	No	Yes, see section 560.230.	Yes, see section 560.230.
Dynamic signs	No	No	Yes, see section 560.230.	Yes, see section 560.230.
Service area canopy signs	Yes, see section 560.230.			

<sup>1</sup> Where a building contains a nonresidential use above the ground floor, one (1) sign for such use not higher than thirty-four (34) feet shall be allowed.

**Table 560-3 Specific Standards for Signs in the Downtown Districts**

<b>Downtown District Sign Standards</b>			
	<i>DT1</i>	<i>DT2</i>	<i>Downtown Entertainment Area<sup>1</sup></i>
<b>Signs Attached to Buildings</b>			
Size Allocation	Two and one-half (2.5) sq. ft. of signage per one (1) ft. of primary building wall.		Eight (8) sq. ft. of signage per one (1) ft. of primary building wall.
	Sign area based upon one (1) primary building wall shall not be placed on any other wall.		
Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall	30 sq. ft.		45 sq. ft.
Maximum number of signs	No limit within size allocation.		

Maximum area per sign, except projecting signs	120 sq. ft.	300 sq. ft.
Maximum area per projecting sign	48 sq. ft.	80 sq. ft.
Lighting of signs	Yes, but no backlit signs.	
Maximum height of signs	48 ft.	No limit
<b>Types of signs attached to buildings allowed</b>		
Wall signs	Yes	
Projecting signs	Yes. A projecting sign shall not extend outward from the building more than four (4) feet except in the Downtown Entertainment Area where a projecting sign shall not extend outward from the building more than eight (8) feet.	
Awning, canopy and marquee signs	Yes, but no backlit awning or canopy signs.	
Dynamic changeable copy signs	Yes, see section 560.230.	
Dynamic signs	Yes, see section 560.230.	
Window signs	Yes	
Roof signs	Yes, see section 560.230.	
<b>Freestanding Signs</b>		
Size allocation	One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage.	
Maximum number of signs (See also section 560.230.)	One (1) per street frontage exceeding two hundred (200) ft, but not less than one (1) per zoning lot.	
Maximum area per sign	32 sq. ft.	
Lighting of signs	Yes, but no backlit signs.	
Maximum height of signs	8 ft.	
When not allowed	A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed two and one-half (2.5) sq. ft. of signage for each one (1) ft. of primary building wall.	A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed eight (8) sq. ft. of signage for each one (1) ft. of primary building wall.
Location restriction	A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. in height and shall be no closer than ten (10) ft. from the nearest urban neighborhood or residential mixed-use district boundary.	
<b>Types of freestanding signs allowed</b>		
Monument signs	Yes	
Pole signs	No	
Dynamic changeable copy signs	Yes, see section 560.230.	
Service area canopy signs	Yes, see section 560.230.	

<sup>1</sup> The Downtown Entertainment Area sign regulations shall govern all uses that have their main public entrance facing Hennepin Avenue within the following locations: (a) The north side of Hennepin Avenue between Tenth Street and Fifth Street, and (b) The south side of Hennepin Avenue between Ninth Street and Sixth Street.

**Table 560-4 Specific Standards for Signs in the Production and Transportation Districts**

<b>Production and Transportation Districts Sign Standards</b>	
<b>Signs Attached to Buildings</b>	
Size Allocation	One (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding or roof sign is on the same zoning lot. If there is no freestanding or roof sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. Sign area based upon one (1) primary building wall shall not be placed on any other wall.
Minimum sign area guaranteed for a ground floor nonresidential use	30 sq. ft.
Maximum number of signs	No limit within size allocation.
Maximum area per sign, except projecting signs	180 sq. ft.
Maximum area per projecting sign	20 sq. ft.
Lighting of signs	Yes, but no backlit signs.
Maximum height of signs	34 ft.
<b>Types of signs attached to buildings allowed</b>	
Wall signs	Yes
Projecting signs	Yes, but a projecting sign shall not extend outward from the building more than four (4) ft.
Awning, canopy and marquee signs	Yes, but no backlit awning or canopy signs.
Dynamic changeable copy signs	Yes, see section 560.230.
Dynamic signs	Yes, see section 560.230.
Window signs	Yes
Roof signs	Yes, see section 560.230.
<b>Freestanding Signs</b>	
Size allocation	One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage.
Maximum number of signs (See also section 560.230)	One (1) per six hundred (600) ft. of primary frontage or fraction thereof, but not more than two (2), and one (1) per secondary frontage of six hundred (600) ft. or more.
Maximum area per sign	80 sq. ft.
Lighting of signs	Yes, but no backlit signs.
Maximum height of signs	8 ft.
When not allowed	A freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall.
Location restriction	A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. in height and shall be no closer than ten (10) ft. from the nearest urban neighborhood or residential mixed-use district boundary.
<b>Types of freestanding signs allowed</b>	
Monument signs	Yes
Pole signs	No
Dynamic changeable copy signs	Yes, see section 560.230.

Dynamic signs	Yes, see section 560.230.
Service area canopy signs	Yes, see section 560.230.

**560.220. Special provisions for specific uses. (a) Multiple tenant buildings.**

(1) *Master sign plan required.* Any application for a sign permit for a multiple tenant building shall include a master sign plan for the building. Said plan shall be drawn to scale and fully dimensioned, showing any signage to be provided in compliance with the Minneapolis Code of Ordinances.

(2) *Allocation of signage.* The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of a multiple tenant building.

(b) *Nonconforming uses.* Newly established signs accessory to nonconforming nonresidential uses in the urban neighborhood and RM1 districts shall be limited to one (1) non-illuminated, flat wall identification sign, not to exceed sixteen (16) square feet in area and fourteen (14) feet in height. In addition, on a corner lot, two (2) such signs per building, except as otherwise allowed in the manner provided for in Chapter 545, Use Regulations, governing expansion or alteration of legal nonconforming uses and structures. Newly established signs accessory to nonconforming uses in the RM2, RM3, commercial mixed-use, downtown, production and transportation districts shall be subject to the regulations of the district in which it is located.

(c) *Planned unit developments.* Signs accessory to planned unit developments shall be allowed as approved by the conditional use permit, as specified in Chapter 550, Development Standards.

(d) *Sexually oriented uses.* All sexually oriented uses shall comply with the following sign requirements, notwithstanding any other provision of this ordinance:

(1) All signs shall be flat wall signs or window signs.

(2) Signs may be illuminated, except that flashing signs, including signs containing changing written messages, and signs with moving or swinging parts or elements shall be prohibited.

(3) The amount of allowable sign area shall be one (1) square foot of sign area per foot of lot frontage on a street. Window signs shall be included in the calculation of total allowed sign area.

(4) Window sign area shall be limited by the amount of total allowable sign area for the use, except that no merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from outside the building.

(e) *Secondhand goods store.* Portable signs, temporary signs, backlit signs and freestanding signs shall be prohibited for all secondhand goods stores.

(f) *Tobacco products shop.* Portable signs, temporary signs, backlit signs and freestanding signs shall be prohibited for all tobacco products shops.

(g) *Alternative financial establishment.* Portable signs, temporary signs, backlit signs and freestanding signs shall be prohibited for all alternative financial establishments.

(h) *Pawnshop.* Portable signs, temporary signs, backlit signs and freestanding signs shall be prohibited for all pawnshops.

**560.230. Special provisions for specific types of on-premises signs.** (a) *Awning, canopy and marquee signs.* Awning, canopy and marquee signs shall be painted on or affixed to an awning, canopy or marquee. No such sign shall extend outward from the awning, canopy or marquee on which it is located. Awning, canopy and marquee signs shall be included in the calculation of the total permitted building sign area.

(b) *Banners.*

(1) *Commercial banners.* Commercial banners shall be considered signs and therefore shall be included in calculating the total sign area of the site and shall be regulated as such. A commercial banner shall be considered a wall sign or a projecting sign.

(2) *Decorative banners.* Decorative banners shall be allowed in all districts, provided such banners comply with the following:

a. Commercial messages or logos shall be prohibited from decorative banners.

b. Decorative banners shall be exempt from the total allowable sign area for a site, provided the maximum aggregate area for decorative banners shall not exceed fifteen (15) percent of the total allowable sign area for a parcel, except that at least one (1) decorative banner not exceeding eight (8) square feet shall be allowed on a zoning lot.

c. The height of decorative banners shall comply with the district regulations for sign height.

(c) *Changeable copy sign, dynamic.* The dynamic changeable copy sign shall be limited to letters or numbers only. The background of the dynamic changeable copy sign shall be black and the text shall be colored.

(1) *Number of signs.* There shall not be more than one (1) dynamic changeable copy sign located on a zoning lot.

(2) *Location.* The dynamic changeable copy sign shall be located on a primary building wall or be part of a freestanding sign. If the dynamic changeable copy sign is part of a freestanding sign, the dynamic changeable copy portion shall be part of the continuous display surface of the sign. Except in the downtown districts, a dynamic changeable copy sign shall not be part of a projecting sign.

(3) *Size.* The maximum size of the dynamic changeable copy sign shall be sixteen (16) square feet. Dynamic changeable copy signs shall be included in the calculation of the total permitted sign area.



(4) *Height.* Notwithstanding Tables 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-use Districts, 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production and Transportation Districts, the maximum height of a dynamic changeable copy sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.

(5) *Duration of message.* The copy of the dynamic changeable copy sign shall remain static for a period of not less than fifteen (15) minutes. The transition from one (1) message to the next shall be direct and immediate, without any special effects.

(6) *Image characteristics and transition.* Dynamic changeable copy signs shall have a pitch of not greater than twenty (20) millimeters between each pixel. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

(7) *Luminance.* Between sunrise and sunset, the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits. All signs with a dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. Except for institutional and civic uses, the dynamic changeable copy sign shall not display messages or be illuminated when the use is closed.

(d) *Dynamic signs.* Except where allowed as-of-right in the Downtown Entertainment Area, dynamic signs may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Procedures, and the following:

(1) *Number of signs.* There shall not be more than one (1) dynamic sign located on a zoning lot.

(2) *Location.* Dynamic signs shall be subject to the following location restrictions:

a. The dynamic sign shall be located on a primary building wall or be part of a freestanding sign. If the dynamic sign is part of a freestanding sign, the dynamic portion shall be part of the continuous display surface of the sign. Except in the downtown districts, a dynamic sign shall not be part of a projecting sign. Dynamic signs shall be prohibited in PR1 Production Mixed-Use District.

b. The dynamic sign shall be located on a lot of not less than twelve thousand (12,000) square feet.

c. The dynamic sign shall be no closer than one hundred (100) feet from the nearest urban neighborhood or residential mixed-use district property line.

d. The dynamic sign shall be located on a lot that is part of an area of at least six hundred sixty (660) feet of continuous commercial mixed-use, downtown, or production zoning fronting along the same side of the street as the lot, without interruption by an urban neighborhood or residential mixed-use district.

(3) *Height.* Notwithstanding Table 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production and Transportation Districts, the maximum height of a dynamic sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.

(4) *Size.* Dynamic signs shall not exceed thirty-two (32) square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.

(5) *Duration of message.* The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects.

(6) *Image characteristics and transition.* Dynamic signs shall have a pitch of not greater than twenty (20) millimeters between each pixel. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

(7) *Luminance.* Between sunrise and sunset, the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits. All signs with a dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. Except for Institutional and Civic Uses, the dynamic sign shall not display messages or be illuminated when the use is closed.

(e) *Fence signs.*

(1) *In general.* Signs attached to fences shall be included in the calculation of maximum wall sign area allowed on a site and shall be regulated as such. Signs attached to fences shall not project beyond the edge of the fence.

(2) *In required yards.* Signs attached to fences, retaining walls or other similar structures may be located within a required yard, provided such sign, including the back of such sign, shall not be visible from any urban neighborhood or residential mixed-use district abutting such required yard.

(f) *Freestanding signs.*

(1) *In general.* Except for portable and temporary signs, not more than one (1) freestanding sign shall be permitted on a zoning lot, except as otherwise permitted in this chapter.

(2) *Institutional and civic uses in the RM2 and RM3 Districts.* Notwithstanding Table 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts, not more than one (1) freestanding sign shall be permitted per frontage.

(3) *Base of sign.* Landscaping or other decorative materials designed to screen the base of the freestanding sign and any light fixtures shall be provided. Such landscape or decorative materials shall be capable of screening the base of the sign all year and shall be well maintained.

(g) *Non-commercial speech.* Notwithstanding any other provisions of these sign regulations, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until

ten (10) days following the special election. These signs shall not be posted on the public right-of-way, including boulevard trees and utility poles.

(h) *Painted wall signs.* In addition to the sign allowances in the commercial mixed-use, downtown, production, and transportation districts, one non-illuminated painted wall sign shall be allowed per non-primary building wall, provided the sign not exceed thirty-two (32) square feet in area and complies with the maximum height of signs for that district as specified in Tables 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-Use Districts, 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production and Transportation Districts.

(i) *Portable signs.*

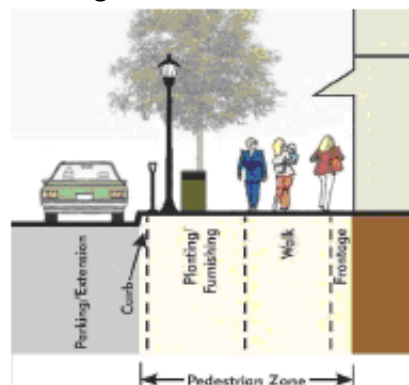
(1) *In general.* Portable signs shall be prohibited on the public right-of-way in the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River, except as required or permitted in connection with an approved valet parking license or sidewalk café permit.

(2) *Limits.* Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.

(3) *On the public right-of-way.* Portable signs may be allowed on the public right-of-way outside of the downtown area, as defined in section (1) above. Portable signs shall be placed in the Planting/Furnishing Zone or Frontage Zone, and shall be prohibited in the Walk Zone, as indicated in Figure 560-1. Portable signs shall not be attached to public infrastructure.

(4) *Exemption from regulations on number of freestanding signs.* Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

Figure 560-1 Walk Zone



(j) *Projecting signs.* A projecting sign may extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line. Subject to the sign height regulations, a projecting sign may extend two (2) feet per story, but not more than a total of ten (10) feet, above the roof line of a flat roofed

building. In the case of a mansard roof, a projecting sign may extend not more than four (4) feet above the deck line. In no case shall any element of the projecting sign be attached to the roof of the building.

(k) *Roof signs.* Notwithstanding the height limits of Tables 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-use Districts, 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production and Transportation Districts, one (1) roof sign shall be allowed, subject to the following:

(1) *Roof signs facing a public street frontage.* Roof signs identifying the name or logo of a building or use, facing a public street frontage, shall be subject to the following:

a. Signs shall be located on buildings that are not greater than six (6) stories and eighty-four (84) feet in height.

b. Signs shall be internally illuminated or non-illuminated individual letters and/or logo permanently affixed and attached to the parapet wall or building roof and shall face a public street.

c. Signs shall not extend outward more than six (6) inches from the structure.

d. Signs shall not be located more than five (5) feet from the face of the primary building wall.

e. Signs shall be included in the calculation of the total permitted sign area allowed on the primary building wall facing the same street frontage.

f. A roof sign may have a vertical dimension of two (2) feet per story, but not more than a total of five (5) feet, above the roof line of a flat roofed building, or the parapet wall, whichever is greater.

g. Between sunrise and sunset, the maximum luminance shall be five thousand (5,000) nits, and between sunset and sunrise, the maximum luminance shall be five hundred (500) nits.

(2) *Roof signs affixed flat on the roof and viewed from above.* Roof signs identifying the name or logo of a building or use, affixed flat on the roof and viewed from above, shall be subject to the following:

a. A roof sign shall be located on a building with a flat roof that exceeds fifteen (15) stories and shall be installed on or above the fifteenth (15<sup>th</sup>) story.

b. Notwithstanding the area limits of Tables 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-use Districts, 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production and Transportation Districts, a roof sign shall not exceed twenty-five (25) percent of the roof area on which the sign is located.

c. Signs shall be non-illuminated or externally illuminated in such a way that the light shall be aimed and shielded directly onto the roof sign only.

(l) *Service area canopy and pump island signs.*

(1) *Service area canopy signs.* Notwithstanding Tables 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-use Districts, 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production and Transportation Districts, twenty-five (25) square feet of signage per frontage may be applied to the faces of the canopy facing any street. Such signage may be lighted externally or internally, but no other part of the face of the service area canopy shall be illuminated. Service area canopy signs shall not extend beyond the face of the canopy.

(2) *Pump island signs.* Signs on pumps and pump islands shall be permanently affixed, non-illuminated, less than one (1) square foot in area and less than six (6) feet in height.

(m) *Temporary signs.*

(1) *In general.* All temporary signs shall be attached to a building except as otherwise provided below. Temporary signs shall be located on property that is owned by the person whose sign it is, shall not be located closer than eight (8) feet to any other zoning lot, shall not be illuminated, and shall not be placed on any utility pole, street light, similar object, or on public property.

(2) *Time.* Temporary signs shall be removed within fourteen (14) days after the sale, rental, lease or conclusion of the event which is the basis for the sign.

(3) *Sign area and number.* Temporary signs shall be exempt from the calculation of total permanent sign area allowed on the site, but shall meet the same dimensional, locational, total sign area and other applicable regulations for permanent signs.

(4) *Additional temporary signs.* One (1) additional temporary sign may be located on a property when:

a. The owner consents and that property is being offered for sale or lease through a licensed real estate agent. In urban neighborhood and RM1 districts, the sign shall not exceed eight (8) square feet in area and shall be freestanding. In all other districts, the sign shall not exceed thirty-two (32) square feet in area. Freestanding temporary signs shall not exceed six (6) feet in height. Temporary signs attached to walls shall comply with the maximum height of the applicable zoning district.

b. If not offered for sale or lease through a real estate agent, when the sign is owned by the property owner and that property is offered for sale or lease by the owner through advertising in a local newspaper of general circulation. In urban neighborhood and RM1 districts, the sign shall not exceed eight (8) square feet in area and shall be freestanding. In all other districts, the sign shall not exceed thirty-two (32) square feet in area. Freestanding temporary signs shall not exceed six (6) feet in height. Temporary signs attached to walls shall comply with the maximum height of the applicable zoning district.

c. On a day when the property owner is opening the property to the public, except the owner shall not use this type of sign in a residential zoning district on more than two (2) days in a year and the days must be consecutive. In all other districts, the owner shall not use this type of sign for more than fourteen (14) days in a year and the days must be consecutive.

d. The owner consents and that property is under active construction with valid building permits in force. In urban neighborhood and RM1 districts, the sign shall not exceed eight (8) square feet in area. In all other districts, the sign shall not exceed thirty-two (32) square feet in area. Freestanding temporary signs shall not exceed six (6) feet in height. Temporary signs attached to walls shall comply with the maximum height of the applicable zoning district.

(n) *Wall signs.*

(1) *In general.* A wall sign shall not extend outward more than twenty-four (24) inches from the structure, except a flat wall sign shall not extend outward more than six (6) inches from the structure. A wall sign shall not extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line, nor shall a wall sign extend beyond the corner of the building.

(2) *Exception.* Recognizing that certain buildings or uses may have unique identification needs, notwithstanding the height and area limits of Tables 560-2, Specific Standards for Signs in the RM2, RM3 and Commercial Mixed-use Districts, 560-3, Specific Standards for Signs in the Downtown Districts, and 560-4, Specific Standards for Signs in the Production Districts, a conditional use permit may be applied for, as provided in Chapter 525, Administration and Procedures, to allow not more than two (2) additional wall signs identifying the name or logo of a building or use in a building that exceeds six (6) stories or eighty-four (84) feet in height, subject to the following:

a. Signs shall be limited to individual letters or elements permanently affixed to the building wall.

b. Signs shall not exceed three (3) square feet of sign area for each one (1) foot of building wall to which such sign is attached or three hundred (300) square feet, whichever is less.

c. Not more than one (1) sign shall be located on a building wall.

d. The vertical dimension of such sign shall not exceed fourteen (14) feet.

(o) *Window signs.* Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 560.230(m).

**560.240. Sign adjustments.** (a) *Purpose.* Sign adjustments are intended to allow flexibility in the application of the sign regulations for properties located in a RM2, RM3, commercial mixed-use, downtown, production or transportation district by allowing sign adjustments that recognize unusual site conditions and that are consistent with the character of the area and the design of the site.

(b) *Procedure.* An application for a sign adjustment shall be considered an application for a conditional use permit or a variance, as specified in Chapter 525, Administration and Procedures. In addition to the conditional use permit or variance standards, the approval criteria of this article shall be met before a sign adjustment may be approved.

(c) *Approval criteria.* Adjustment to the number, type, height, area or location of allowed signs on property located in an RM2 or RM3 District or a commercial mixed-use, downtown or production or transportation district may be approved if the following criteria are met:

(1) The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

(2) The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

### ARTICLE III. OFF-PREMISES ADVERTISING SIGNS AND BILLBOARDS

**560.300. Billboard districts.** (a) *In general.* The following billboard districts are established and shall have boundaries as described in this section. In addition to section 560.330, off-premises signs shall be subject to specific district standards in this section.

(b) *General Billboard District.*

(1) *Boundaries.* The General Billboard District shall include areas directly abutting county-state aid roadways, municipal-state aid roadways and state trunk highways and within commercial mixed-use, downtown, and production zoning districts.

(2) *District standards.* Any off-premises sign constructed or relocated shall be located within six hundred sixty (660) feet from such county-state aid roadway, municipal-state aid roadway or state trunk highways.

(c) *Limited Access Roadway Opportunity Billboard District.*

(1) *Boundaries.* The Limited Access Roadway Opportunity Billboard District shall comprise areas within six hundred sixty (660) feet of limited access roadway where continuous to commercial mixed-use, downtown, or production districts and extends at least one thousand three hundred twenty (1,320) feet along and parallel to the limited access roadway without interruption by an urban neighborhood or residential mixed-use zoning district. The six hundred sixty (660) foot spacing distance shall be measured from the right-of-way for the limited access roadway perpendicular to the flow of traffic.

(2) *District standards.* Any off-premises sign constructed or structurally altered within six hundred sixty (660) feet from such limited access roadway shall comply with the applicable provisions of this chapter and shall be subject to all applicable regulations of this zoning ordinance.

(d) *Downtown Opportunity Billboard District.*

(1) *Boundaries.* The Downtown Opportunity Billboard District shall comprise the area bounded by the Washington Avenue, I-35W, I-94, and I-394/Third Avenue North (extended to the river), except that in no case shall an off-premises sign be constructed or structurally altered along or within three hundred (300)

feet of either side of Nicollet Avenue between Washington Avenue and Ninth Street South, between LaSalle Avenue and Marquette Avenue from Ninth Street South to Grant Street, or north of Washington Avenue extending to the Mississippi River.

(2) *District standards.* Any off-premises sign constructed or structurally altered within the Downtown Opportunity Billboard District shall comply with the provisions of this section and subject to all applicable regulations of this zoning ordinance.

(e) *Downtown East Entertainment Billboard District.* The Downtown East Entertainment Billboard District shall comprise the following area: Commencing at the intersection of Chicago Avenue and Seventh Street South, land that is north of Seventh Street South between Chicago Avenue and Ninth Ave South, north of Sixth Street South between Ninth Ave South and Eleventh Avenue, west of Eleventh Avenue between Sixth Street South and Fourth Street South, south of Fourth Street South between Eleventh Avenue and Chicago Avenue, and east of Chicago Avenue (aka Kirby Puckett Place) between Fourth Street South and Seventh Street South.

(f) *Downtown West Entertainment Billboard District.* The Downtown West Entertainment Billboard District shall comprise the following area: Commencing at the intersection of Sixth Street North and Hennepin Avenue, land that is south of Sixth Street North between Hennepin Avenue and Second Avenue North, east of Second Avenue between Sixth Street and Seventh Street North, north of Seventh Street North between First and Second Avenue North, east of First Avenue North between Seventh and Eighth Street North, north of Eighth Street North between First Avenue North and Hennepin Avenue, and west of Hennepin Avenue between Sixth Street and Eighth Street North.

(g) *Downtown Entertainment Area.* The Downtown Entertainment Area shall comprise those properties with frontage along the north side of Hennepin Avenue between Tenth Street and Fifth Street, and those properties with frontage along the south side of Hennepin Avenue between Ninth Street and Sixth Street shall be considered the Downtown Entertainment Area for purposes of this section.

**560.310. Height computations.** (a) *In general.* Except for rooftop signs, the height of off-premises signs shall be calculated as the vertical distance from the natural grade measured at a point either at the curb level or ten (10) feet away from the front center of the sign, whichever is closer, to the upper-most point of the sign.

(b) *Off-premises rooftop signs.* The height of the off-premises sign above the roof shall be measured from the surface of the roof at the lowest point of mounting.

**560.320. General provisions.** The following provisions shall apply to all off-premises signs, except as otherwise provided:

(1) *Number of off-premises signs.* Only one (1) off-premises sign structure shall be allowed on a zoning lot, except as otherwise provided in this chapter. Multiple signs may be installed on a single sign structure as permitted by this ordinance.



(2) *Minimum commercial mixed-use/production zoning.* Except as provided in section 560.300, the following factors shall be considered in determining the roadway or roadways from which a sign is intended to be read:

- a. The angle of the off-premises sign to the roadway.
- b. The duration of the view of the message from the roadway.
- c. The distance the off-premises sign is from the roadway.
- d. Obstructions to the view of the message from the roadway.

(3) *Off-premises signs next to urban neighborhood or residential mixed-use districts.* Except as provided in section 560.300, no off-premises sign shall be located within the required spacing from an urban neighborhood or residential mixed-use zoning district fronting on either side of the roadway from which the off-premises sign is intended to be read. Spacing shall be measured from the closest urban neighborhood or residential mixed-use district boundary to a line projected from the nearest point of the off-premises sign perpendicular to the roadway.

(4) *Off-premises signs next to parks.* No off-premises sign, except where designated by the heritage preservation commission or where determined to be a contributing feature in an historic district, shall be located within three hundred (300) feet of a parkway or a public park of three (3) acres or more.

(5) *Historic preservation districts.* No off-premises sign shall be located on any historic preservation site or within any historic preservation district designated by the city council, except where designated by the heritage preservation commission or determined to be a contributing feature in an historic district.

(6) *Central riverfront.* No off-premises sign shall be allowed within the area bounded by I-35W, Plymouth Avenue North, Washington Avenue and the Mississippi River, except where designated by the heritage preservation commission, determined to be a contributing feature in an historic district, or if located within the Downtown Opportunity Billboard District. No freestanding off-premises sign shall be located within the Central riverfront district.

(7) *SH Shoreland and MR Mississippi River Corridor Critical Area Overlay Districts.* All off-premises signs located within the SH Shoreland and MR Mississippi River Corridor Critical Area Overlay Districts shall be subject to the provisions of Chapter 535, Overlay Districts.

(8) *Measurement of spacing between off-premises signs.* For the purpose of measuring spacing, the off-premises sign shall be the face displaying the copy or message and shall not include the structural members, frame or edge. The same factors shall be considered in determining the roadway or roadways and the direction or directions from which an off-premises sign is intended to be read. Required spacing shall be measured as follows:

- a. *General Billboard District.* Required spacing between signs shall apply to all off-premises signs on either side of the roadway that are intended to be read from the same direction. Spacing shall be measured by

projecting a line from the nearest points of the off-premises signs and measuring the distance between those points.

b. *Limited Access Roadway Opportunity Billboard District and the Downtown Opportunity Billboard District.* Required spacing between off-premises signs shall apply only to signs on the same side of the roadway that are intended to be read from the same direction. Spacing shall be measured by projecting a line from the nearest points of the off-premises signs perpendicular to the roadway or roadways from which they are intended to be read and measuring the distance along the roadway between those points.

(9) *Minimum lot frontage.* Minimum lot frontage shall be measured along the roadway from which the off-premises sign is intended to be read, measured between side lot lines of the zoning lot. In the Limited Access Roadway Opportunity District, lot frontage shall be measured parallel to the right-of-way of the limited access roadway. For the purposes of this chapter, a railroad right-of-way shall not constitute a zoning lot for purposes of minimum lot frontage.

(10) *Maximum off-premises sign area.* The maximum off-premises sign area shall apply to each side of the sign structure, whether a single-sided, back-to-back or v-type sign.

(11) *Backs of signs.* The back of each off-premises sign, including all parts of the off-premises sign structure and any temporary extensions, shall be painted a dark or neutral color and shall be well maintained. The structure of an off-premises sign, whether freestanding or mounted on a building or other structure, shall include a framing system consisting of painted black anodized steel. A sign that is integrated into the façade or elevation of the building such that the sign is framed by the structure is exempt from this provision.

(12) *Orientation of sign faces.* All off-premises signs consisting of back-to-back or parallel design shall be no greater than eight (8) feet apart. All back-to-back or parallel off-premises signs shall be designed with faces at an angle no greater than thirty-five (35) degrees. Off-premises wall signs shall be mounted parallel to the building, shall not project more than fifteen (15) inches from the building, and shall not be oriented to face urban neighborhood or residential mixed-use districts. Off-premises signs must be oriented toward the roadway along which the property has frontage. Off-premises signs shall not include more than two (2) sides and may not include more than one (1) sign face per side.

(13) *Location.* Freestanding off-premises signs shall conform to the yard requirements for a principal structure.

(14) *Obstruction.* No off-premises sign shall be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

(15) *Off-premises signs on bus shelters.* The provisions of this chapter shall not apply to off-premises signs placed on public transit, bus shelters and benches as specifically permitted by ordinance or franchise.

(16) *Roadway classification.* The classification of roadways shall be shown on the map entitled "Roadway Classification" maintained by the city engineer, as amended from time to time, which is incorporated into this chapter by reference and made a part hereof.

**560.330. Specific billboard district standards.** (a) *In general.* All off-premises signs shall conform to the applicable standards of Table 560-5, General Billboard District Standards, Table 560-6, Opportunity Billboard District Standards, Table 560-7, Downtown East and Downtown West Entertainment Billboard Districts, and all other applicable regulations of this chapter.

(b) *Abbreviations.* For purposes of Table 560-5, General Billboard District Standards, Table 560-6, Opportunity Billboard District Standards, Table 560-7, Downtown East and Downtown West Entertainment Billboard District Standards, "sq. ft." shall mean square feet, and "ft." shall mean feet.

**Table 560-5 General Billboard District Standards**

<i>General Billboard District</i>	
<b>Nonconforming sign area credits</b>	Not required.
<b>Minimum commercial mixed-use or production zoning</b>	The off-premises sign shall be located within a minimum of one thousand three hundred twenty (1,320) ft. of continuous commercial mixed-use or production zoning along and parallel to both sides of the roadway from which the off-premises sign is intended to be read.
<b>Minimum lot frontage</b>	50 ft.
<b>Maximum sign area</b>	300 sq. ft.
<b>Maximum sign height</b>	The top of the off-premises sign shall not exceed twenty-five (25) ft. above the roof. No off-premises sign shall be placed on the roof of any building exceeding two (2) stories in height or where the roof is more than twenty-eight (28) ft. above grade.
<b>Lighted sign</b>	Permitted subject to luminance regulation; not facing urban neighborhood or residential mixed-use districts.
<b>Luminance<sup>1</sup></b>	Maximum of seven thousand (7,000) nits from 6:00 a.m. to 9:00 p.m.; and maximum of five hundred (500) nits from 9:00 p.m. to 6:00 a.m.
<b>Animated signs</b>	Not permitted.
<b>Flashing signs</b>	Not permitted.
<b>Freestanding signs</b>	Permitted.
<b>Minimum sign spacing</b>	Six hundred sixty (660) feet from an urban neighborhood or residential mixed-use district; One thousand (1,000) feet from an off-premises sign on either side of the roadway.
<b>Temporary extensions</b>	Not permitted.

<sup>1</sup>Luminance is the physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

**Table 560-6 Opportunity Billboard District Standards**

	<i>Downtown Opportunity Billboard District</i>	<i>Limited Access Roadway Opportunity Billboard District</i>
<b>Nonconforming sign area credits</b>	<p>Prior to issuance of a permit to construct or structurally alter any off-premises sign within any Opportunity Billboard District, the applicant shall provide, or establish to the satisfaction of the zoning administrator, nonconforming off-premises sign area credits equivalent to the removal of two (2) square feet of nonconforming off-premises sign face area from qualifying locations for each one (1) square foot of total off-premises sign face area proposed, pursuant to the provisions of section 560.80; or in the case of an electronic off-premises signs, the applicant shall provide, or establish to the satisfaction of the zoning administrator, nonconforming off-premises sign area credits equivalent to the removal of four (4) square feet of nonconforming off-premises sign face area from qualifying locations for each one (1) square foot of total off-premises sign face area proposed, pursuant to the provisions of section 560.80. Provided, if credits under this section were used to permit the initial establishment of the off-premises sign, the applicant shall be required to provide only two (2) additional square feet of nonconforming off-premises sign face area from a qualified location for each one (1) square foot proposed for conversion to a flashing off-premises sign.</p> <p>This provision does not apply to properties located in the Downtown East or Downtown West Entertainment Billboard District.</p>	
<b>Minimum commercial mixed-use, downtown or production zoning</b>	At least one thousand three hundred twenty (1,320) feet of continuous parallel commercial mixed-use, downtown, or production zoning along both sides of the roadway from which the off-premises sign is intended to be read, or can be read.	At least one thousand three hundred twenty (1,320) feet of continuous commercial mixed-Use, downtown, or production zoning along and parallel to the limited access roadway from which the off-premises sign is intended to be read, or can be read.
<b>Minimum lot frontage</b>	Fifty (50) feet for an off-premises sign not exceeding three hundred (300) square feet; one hundred (100) feet for an off-premises sign over three hundred (300) square feet.	Fifty (50) feet for an off-premises sign not exceeding three hundred (300) square feet; one hundred (100) feet for an off-premises sign over three hundred (300) square feet.
<b>Maximum off-premises sign area</b>	Six hundred seventy-two (672) square feet plus up to twenty-five (25) percent temporary extension of the basic off-premises sign face.	Six hundred seventy-two (672) square feet plus up to twenty-five (25) percent temporary extension of the basic off-premises sign face.
<b>Maximum off-premises sign height</b>	The top of the off-premises sign shall not exceed thirty-five (35) feet above the roof. No off-premises sign shall be placed on the roof of any building exceeding three (3) stories in height or where the roof is more than forty (40) feet above grade.	Thirty-five (35) feet from grade. If located on a roof, the top of the off-premises sign shall not exceed thirty-five (35) feet above the roof. No off-premises sign shall be placed on the roof of any building exceeding three (3) stories in height or where the roof surface is more than forty (40) feet above grade. <sup>1</sup>
<b>Freestanding off-premises signs</b>	Not permitted.	Permitted.
<b>Lighted sign</b>	Permitted subject to luminance provision.	Permitted subject to luminance provision.

<b>Luminance<sup>2</sup></b>	Maximum of seven thousand (7,000) nits from 6:00 a.m. to 9:00 p.m.; and maximum of five hundred (500) nits from 9:00 p.m. to 6:00 a.m.	Maximum of seven thousand (7,000) nits from 6:00 a.m. to 9:00 p.m.; and maximum of five hundred (500) nits from 9:00 p.m. to 6:00 a.m.
<b>Flashing signs</b>	Not permitted except as provided in section 560.90.	Not permitted except as provided in section 560.90.
<b>Animated signs</b>	Not permitted except as provided in section 560.90.	Not permitted.
<b>Minimum off-premises sign spacing</b>	<p>Two hundred (200) feet from an urban neighborhood or residential mixed-use district; one thousand (1,000) feet from an off-premises sign on the same side of the roadway, except as described in this section.</p> <p>In order to allow structural alteration or reconstruction of existing off-premises signs in the Downtown Opportunity Billboard District that may not meet the one thousand (1,000) foot spacing requirement of the district, the required spacing between existing off-premises signs may be reduced by one (1) foot for each two (2) square feet, or four (4) square feet in case of electronic signs, of nonconforming off-premises sign face area removed by the applicant from qualifying locations, pursuant to the provisions of section 560.80. In no case may the required spacing be reduced to less than five hundred (500) feet. This special spacing provision applies only where the structurally altered or reconstructed off-premises sign is located on or within one hundred (100) feet of the zoning lot where the original off-premises sign was located immediately before such alteration or reconstruction.</p>	Six hundred (600) feet from an urban neighborhood or residential mixed-use district located along and on the same side of the limited access roadway; one thousand (1,000) feet from an off-premises sign on the same side of the roadway; two thousand five hundred (2,500) feet from an off-premises flashing sign reading to the same directional traffic.
<b>Temporary extensions</b>	Off-premises signs in the Opportunity Billboard Districts may have temporary extensions of not more than six (6) feet from the top, eighteen (18) inches from the sides, and fifteen (15) inches from the bottom, up to a maximum of twenty-five (25) percent of the sign, provided that temporary extensions shall be completely removed not later than ninety (90) days after installation and the total combined period of temporary extensions for a sign shall not exceed one hundred eighty (180) days per year.	

<sup>1</sup>A sign in excess of height limits may be allowed as a conditional use in the Limited Access Roadway Opportunity Billboard District, subject to the provisions of Chapter 525.

<sup>2</sup>Luminance is the physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

**Table 560-7 Downtown East and Downtown West Entertainment Billboard District Standards**

	<i>General Standards</i>	<i>Additional Standards for Off-Premises Signs on a Regional Sports Arena</i>
<b>Nonconforming sign area credits</b>	Not required.	
<b>Maximum number of off-premises signs per zoning lot</b>	None.	
<b>Maximum off-premises sign area</b>	The off-premises sign shall not exceed the square footage equal to ten (10) times the building perimeter as measured at the foundation wall. Off-premises signs lawfully existing at the time of the adoption of this ordinance shall not be included in the calculation of the total amount of off-premises signage allowed this section.	Signs applied flat on the roof and which are intended to be primarily viewed from above shall not be included in calculating the total sign area of the site.
<b>Maximum off-premises sign height</b>	If located on a roof, the top of the off-premises sign shall not exceed forty-five (45) feet above the roof. No off-premises sign shall be placed on the roof of any building exceeding four (4) stories in height or where the roof is more than fifty-six (56) feet above grade.	Signs attached to the wall or roof of a regional sports arena may extend as high as twenty (20) feet above the top of the building wall.
<b>Lighted signs</b>	Permitted subject to luminance provision.	
<b>Freestanding Signs</b>	Not permitted except that existing nonconforming, freestanding off-premises signs shall be allowed to be converted to flashing or animated off-premises signs using sign credits. The converted signage shall be in the same location and shall be the same size or smaller than the existing.	One (1) freestanding sign not exceeding thirty-five (35) feet in height shall be allowed. The sign may have signage on up to two (2) sides with a maximum of one thousand two hundred (1,200) square feet of signage on each side. If the sign includes both on-premises and off-premises advertising, the total amount of signage shall not exceed one thousand two hundred (1,200) square feet on each side.
<b>Luminance<sup>1</sup></b>	Maximum of seven thousand (7,000) nits from 6:00 a.m. to 9:00 p.m.; and maximum of five hundred (500) nits from 9:00 p.m. to 6:00 a.m.	
<b>Animated signs</b>	Permitted, subject to the provisions of section 560.90. Animated signs on billboards placed on lots located on the south side of Sixth Street South shall face north.	
<b>Flashing signs</b>	Permitted, subject to the provisions of section 560.90. Flashing signs on billboards placed on lots located on the south side of Sixth Street South shall face north.	
<b>Signs with moving or swinging parts</b>	Permitted. Off-premises signs with moving or swinging parts or elements shall not project beyond the zoning lot.	
<b>Minimum sign spacing</b>	None.	

<sup>1</sup>Luminance is the physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

**560.340. More restrictive provisions to apply.** If a provision of this chapter conflicts with any other ordinance or other provision of law, the more restrictive provision shall apply.

**560.350. Billboard permitting, installation, and maintenance.** (a) *Billboard erectors to be licensed.* No person shall install, reconstruct, alter, repair or remove any billboard or submit a sign permit application without first having secured a license from the licensing official.

(b) *Permits required.* No person shall paint or install any billboard without first obtaining a permit from the zoning administrator. An application for a sign permit shall be filed on a form approved by the zoning administrator along with all supporting documentation including the permit fee. The fee for such permit shall be as set forth in Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances.

(c) *Exceptions.* No sign permit shall be required for the installation of the following signs:

- (1) Replacement of the changeable copy portion of a billboard having a stationary framework or structure.
- (2) Repainting any legal, existing billboard when there is no change in copy or size for which previous permits had been issued.

## CHAPTER 565. DEFINITIONS

**565.10. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in this chapter of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

### **565.20. Definitions beginning with A.**

*Affordable housing.* Residential housing affordable to and occupied by households earning a percentage of the area median household income as specified in the Unified Housing Policy.

*Alley.* A service roadway within a right-of-way providing a secondary means of motor vehicle access to abutting property and not intended for general traffic circulation.

*Alternative financial establishment.* A person, firm, association, corporation or partnership engaged in the business or service of check-cashing or making loans to be repaid in one (1) lump sum or in installments over a set period of time, either collateralized or not, for which there is a fee or service charge, or interest received, including but not limited to loans collateralized by personal check, payroll check, wage assignment or personal property title, or collateralized with the promise to relinquish possession of any personal property upon default. Alternative financial establishment includes but is not limited to consumer small loan lenders, currency exchanges, industrial loan and thrifts, and regulated loan companies, as defined and licensed by the Minnesota Department of Commerce. Alternative financial establishment does not include federal or state chartered banks, credit unions, or savings banks, nor does it include a person, firm, association, corporation or partnership that provides the service of cashing checks, drafts, money orders, or travelers' checks for a fee, incidental to the person's primary business and the charge for cashing a check or draft does not exceed one dollar (\$1.00) or one (1) percent of the value of the check or draft, whichever is greater. An alternative financial establishment shall not include any use which could be defined as a pawnshop.

*Ammunition.* Cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

*Amphitheater.* An outdoor venue used for music, entertainment, performances, and similar public assembly events.

*Animal boarding.* A facility or service where animals are kept or maintained (day or overnight), for the care, training, exercising, and/or socializing by a person other than the owner of the animals for a fee. Animal boarding may include incidental grooming, dog walkers or training services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

*Animal shelter.* A facility that houses homeless, lost, or abandoned animals or provides temporary boarding services for domestic animals.

*Antique firearm.* Any firearm (including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898.



*Antiques and collectibles store.* An establishment where used property or cultural or collectible objects such as stamps, coins, sports memorabilia, and art works are sold for collective purposes, where all or a substantial part of the value of the property is derived from its age, uniqueness or historical association.

*Apiary.* The assembly of one (1) or more colonies of honeybees at a single location.

*Aquaculture.* The cultivation, maintenance, and harvesting of aquatic species.

*Aquaponics.* The combination of aquaculture and hydroponics to grow food or ornamental crops and aquatic species together in a recirculating system without any discharge or exchange of water.

*Arbor.* A landscape structure consisting of an open frame with horizontal and/or vertical latticework often used as a support for climbing food or ornamental crops. An arbor may be freestanding or attached to another structure.

*Assisted living.* A facility registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

*Automobile repair, major.* An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (store only in underground tanks), motor oil, lubricants, grease and minor accessories may be sold. Major repair may include all activities or repair or servicing of automobiles allowed in a minor automobile repair establishment, and rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rust-proofing, or other similar repair or servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

*Automobile repair, minor.* An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), motor oil, lubricants, grease, and minor accessories may be sold. Minor repair may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, engine repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other activities of repair or servicing of automobiles, except rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rustproofing. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

*Awning.* A roof-like cover, often constructed of fabric, plastic, vinyl, metal or glass, designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.

**565.30. Definitions beginning with B.**

*Bank or financial institution.* A bank, trust company, bank and trust company, or savings bank organized under the laws of the State of Minnesota, or any national banking association or affiliate exercising trust powers in Minnesota. A bank or financial institution shall not include any use which could be defined as an alternative financial establishment.

*Banner.* A piece of fabric or similar lightweight material generally with no enclosing framework, which is designed either for decoration or to provide signage, and which may be mounted to a pole or building at one (1) or more edges.

*Bar.* A use primarily engaged in the sale of alcoholic beverages for consumption on the premises that is not a nightclub, restaurant or theater. A bar may also be referred to as a cocktail lounge, pub, saloon, or tavern. Providing live entertainment or recorded music with or without a stage may be incidental and accessory to the principal use in terms of floor area, but is not the primary attraction during business hours open to the public. An entrance fee is not typically charged during open hours of operation, but may be charged to view the entertainment.

*Bay window.* A projection from a building primarily constructed of windows that is one (1) or more feet above the adjacent grade.

*Bed and breakfast home.* An establishment in a private dwelling that provides temporary accommodations to overnight guests for compensation. Bed and breakfast homes are distinguished from short-term rental units by the use standards in this zoning ordinance.

*Birth center.* A facility licensed by the Department of Health (DOH) for the primary purpose of performing low-risk deliveries that is not a clinic or hospital and where births are planned to occur away from a residence. Additional services provided may include prenatal care, parenting classes and postpartum care.

*Block.* A tract of land bounded by streets, or by a combination of streets, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the city.

*Block face.* The half block area of property facing a street. Corner properties shall be considered part of two (2) block faces, one (1) for each of the two (2) intersecting streets.

*Board and care home.* A facility licensed by the Minnesota Department of Health (DOH) where one (1) or more persons who are not capable of self-preservation receive personal or custodial care (assistance with bathing, dressing and supervision).

*Board of adjustment.* The board of adjustment of the City of Minneapolis.

*Brewery or distillery.* A use engaged in primarily producing liquor that may or may not include a taproom, tasting room, or dining area. Providing live entertainment or recorded music with or without a stage may be incidental and accessory to the principal use in terms of floor area, but is not the primary attraction during business hours open to the public. An entrance fee is not typically charged during open hours of operation, but may be charged to view the entertainment.

*Building.* Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building official.* The individual designated by the director of the department of community planning and economic development to serve as the city's building official pursuant to Minnesota Statutes, Section 326B.133.

*Bulk regulations.* Standards and controls that establish the maximum size of structures and the buildable area within which structures may be located, including height, floor area ratio, gross floor area, lot coverage, and yard requirements, but excluding residential density regulations.

#### **565.40. Definitions beginning with C.**

*Canopy.* A structure, often constructed of fabric, plastic, vinyl, metal or glass, with supports attached to the ground, sheltering an area or forming a sheltered walk to the entrance of a building.

*Canopy tree.* A deciduous tree that commonly grows to a mature height of thirty-five (35) feet or greater.

*Child care center.* A facility, other than a family or group family day care home, in which a child care program is operated for children under thirteen (13) years of age. A child care center may include a facility, such as a preschool or early childhood learning center, in which educational programs are provided for children up to an age eligible to enter kindergarten or their parents.

*City.* The City of Minneapolis.

*City assessor.* The City Assessor of the City of Minneapolis or their authorized representative.

*City finance officer.* The City Finance Officer of the City of Minneapolis or his or her authorized representative.

*City council.* The City Council of the City of Minneapolis.

*City engineer.* The director of the department of public works or their designee.

*City planning commission.* The City Planning Commission of the City of Minneapolis.

*Clinic.* An establishment where patients are admitted for medical or dental exams and treatment on an outpatient basis only. A use providing only counseling services shall not be considered a clinic.

*Club or lodge.* An establishment in which a limited group of people are organized to pursue common social or fraternal goals, interests or activities, and usually characterized by certain membership restrictions, payment of fees or dues, regular meetings and a constitution or bylaws.

*Cluster development.* A unified development of not less than two (2) dwelling units or rooming units, either attached or detached, in which one (1) or more principal buildings are grouped together in order to preserve common space for the benefit of the residents of the development. Cluster development allows flexibility in the location of residential structures and the size of individual lots in order to encourage a variety of housing types and the efficient use of land. Rooming units shall only be allowed as

generally allowed for congregate living uses. Nonresidential uses shall only be allowed as allowed by this ordinance.

*Coffee shop.* An establishment engaged principally in the sale of coffee and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

*Cold frame.* An unheated outdoor structure built close to the ground, typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from cold weather.

*Commercial speech.* Speech advertising a business, profession, commodity, service or entertainment.

*Common lot development.* A development of two (2) or more dwelling units with two (2) principal residential structures on a shared zoning lot that isn't a cluster development or a planned unit development.

*Communication exchange.* A building where phone calls are switched to and from major feeder lines, where internet service providers route internet traffic between their networks, or where some other form of electronic communication exchanges occur. Communication exchange shall not include a telecommunication tower, antenna or base site.

*Community center.* An establishment operated by a non-profit organization or government agency, which includes recreational and cultural facilities, meeting rooms, social service facilities and public health facilities, or any combination thereof, and that is not a public park. Community center uses may include after-school programs and tutoring.

*Community correctional facility.* A facility where one (1) or more persons placed by the court, court services department, parole authority, or other correctional agency having dispositional power over a person charged with or convicted of a crime or adjudicated delinquent reside on a twenty-four (24) hours per day basis, under the care and supervision of the Department of Corrections (DOC) or Hennepin County, or licensed by the Department of Corrections as a corrections facility, excluding detention facilities. The maximum capacity shall not exceed thirty-two (32) persons.

*Community garden.* A use in which land managed by a group of individuals is used to grow food or ornamental crops for donation or for use by those cultivating the land and their households. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

*Community provisions facility.* A facility that provides services such as a food shelf, free clothing, meals or supplies, or day shelter. Ancillary services such as counseling or vocational training may be provided. Treatment for chemical dependency and overnight shelter are prohibited.

*Community supported agriculture drop-off/pick up.* Location where a farmer delivers or distributes farm shares and individuals pick up their shares at a set time weekly, biweekly or monthly.

*Composting.* The natural degradation of organic material, such as yard and food waste, into soil.

*Crushing and processing for recycling or disposal of concrete, asphalt, and rock.* A use in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled. A concrete, asphalt and rock crushing facility does not include:

- a. The use on a public roadway construction or repair project approved by the city engineer of equipment which directly moves along the roadway surface and grinds, or grinds, reconstitutes and resurfaces the roadway; or
- b. The temporary on-site crushing, grinding, or pulverizing of a razed building, parking area or structural materials, which are subject to Chapter 389 of the Minneapolis Code of Ordinances.

*Contractor's office.* An office providing building construction or property maintenance services, and which does not involve outdoor storage of machinery or equipment. Examples include but are not limited to plumbing, electrical and cleaning contractors.

*Contractor's yard.* An establishment providing general contracting or building construction services, and which involves outdoor storage of machinery or equipment.

*Convention center, public.* A convention center operated by the City of Minneapolis.

*Curb level.* The level of the established curb in front of a building or structure measured at the center of such front. Where no curb elevation has been established, the city engineer shall establish such curb elevation.

#### **565.50. Definitions beginning with D.**

*Daily living skills.* Personal management and social skills, including but not limited to home care maintenance, food preparation, personal care, money management, and child rearing skills, that are necessary for adequate functioning on an independent basis.

*Day care.*

*Family day care.* Day care for no more than ten (10) children at one (1) time, of which no more than six (6) are under school age, and which is licensed to operate as a family day care home.

*Group family day care.* Day care for no more than fourteen (14) children at one (1) time and which is licensed to operate as a group family day care home.

*Day labor agency.* An establishment engaged in the temporary employment of persons on a daily basis where persons wait on the premises for work assignments or transportation to work assignments.

*Demolition.* The act of moving or razing a building, including the removal, substantial removal, or relocation of sixty (60) percent or more of the building's exterior. The building's roof shall constitute twenty (20) percent of the total exterior above the finished floor of the first story. The remainder shall be a calculation of the percent change to the perimeter of the building, measured per story, in linear feet. For the purpose of this definition, removal shall include any adjustment to fenestration or wall location from the finished floor to the surface of the floor above.

*Developmental achievement center.* A facility in which a program of care, supervision, training or habilitation services, including adult day care, that is licensed by the Minnesota Department of Human Services (DHS) is provided to functionally impaired persons for less than twenty-four (24) hours per day.

*Dormitory.* A building operated by a college or university offering an accredited course of study, which is occupied only by university or college students and support staff who receive from the dormitory lodging or meals on the premises for compensation.

*Drive-through facility.* A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-up windows, menu boards, order boards or boxes, drive-in restaurants, and drive-up banks and automated teller machines. Drive-through facilities shall not include the direct refueling of motor vehicles, car washes, parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer's arrival, or parking and loading spaces used for the donation of secondhand goods.

*Driveway.* The area used for vehicular access to an off-street parking area from a street or alley. Driveway shall also include the area used for vehicular access to areas of the zoning lot other than an off-street parking area.

*Drug store.* A convenience retail store with a pharmacy.

*Dwelling.* A building, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation.

*Accessory dwelling unit.* A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is subordinate in area to the principal dwelling.

*Multiple-family dwelling.* A building, or portion thereof, containing three (3) or more dwelling units, not including an accessory dwelling unit.

*Single-family dwelling.* A building containing one (1) dwelling unit only, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this ordinance. A detached accessory dwelling unit shall not be considered a single-family dwelling unit for the purposes of this ordinance.

*Two-family dwelling.* A building containing two (2) dwelling units only, neither of which is an accessory dwelling unit, and each of which is separated from the other by an unpierced wall extending from ground to roof for at least eighty (80) percent of the length of the structure or an unpierced ceiling and floor extending from exterior wall to exterior wall.

*Three-family dwelling.* A building containing three (3) dwelling units only, none of which are an accessory dwelling unit, and that are attached vertically or horizontally.

*Dwelling unit.* One (1) or more rooms, designed, occupied, or intended for occupancy as a separate contiguous living quarter, with a single kitchen facility, sleeping area, and bathroom provided within the unit for the exclusive use of a single household.

**565.60. Definitions beginning with E.**

*Educational arts center.* A facility owned and operated by a non-profit organization where lessons in the performing and visual arts are offered, including music, theater and dance.

*Emergency shelter.* Any facility that provides sleeping accommodations and restroom facilities on a day-to-day basis to persons without permanent housing, for periods of greater than twenty-four (24) hours and less than six (6) months.

*Entertainment venue.* A building, facility, room, or portion thereof used for events or shows where activities are generally of a spectator nature that typically charge an entrance fee, but are not an amphitheater, convention center, nightclub, reception or meeting hall, regional sports arena, or theater (indoor). Spectator areas are primarily for standing room with limited seating. Business hours open to the public are set around scheduled events or shows.

*Exhibition or temporary market.* A temporary exhibition, sale, flea market, show or exposition of arts, crafts, antiques, or secondhand goods sold at tables, stalls, or booths at a fixed location.

**565.70. Definitions beginning with F.**

*Family.* A person or persons as defined in Chapter 244 of the Minneapolis Code of Ordinances.

*Farmers' market.* A publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold. Non-agricultural products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area. Canopies may be allowed in order to provide protection from the elements for both the operators and the products.

*Farmstand.* A temporary structure for the display and sale of food or ornamental crops grown at a community garden, market garden or urban farm.

*Fence.* A structure providing a barrier or screening, but not protection against the elements, erected to provide privacy or security which defines a private space and enhances the design of individual sites.

*Firearm.* Any device, designed to be used as a weapon, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other form of combustion, but excluding antique firearm, "BB" gun, scuba gun, stud or nail gun used in the construction industry, or pop gun or toy gun.

*Firearms dealer.* Any person engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of repairing firearms.

*Floor area, gross (GFA).* The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include basement floor area when one-half (½) or more of the basement height is above natural grade for more than fifty (50) percent of the total perimeter. The gross floor area shall also include elevator shafts and stairwells to each floor,

penthouses, attic space having headroom clearances that meet building code minimum ceiling heights, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, and floor space used for mechanical equipment, except equipment located on the roof, unless otherwise specified in this chapter. The gross floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet, assuming one (1) floor for each fourteen (14) feet in height. In determining the gross floor area of an individual use within a multiple tenant building, the gross floor area is the sum of the gross horizontal areas measured from the interior faces of the interior walls of the space occupied by the use. Gross floor area shall include space devoted to structured off-street parking or loading facilities, including aisles, ramps and maneuvering space. Detached structures accessory to residential uses with three (3) units or less shall not count toward the gross floor area for the purpose of calculating the maximum floor area allowed on a lot.

*Floor area ratio.* The floor area ratio of the building or buildings on any zoning lot is the gross floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

*Fraternity or sorority.* A building which is occupied only by a group of university or college students and support staff who are associated together in a fraternity or sorority, which is officially recognized by a college or university offering an accredited course of study, and who receive from the fraternity or sorority lodging or meals on the premises for compensation.

*Frontage.* All the property abutting one (1) side of a street between the two (2) nearest intersecting streets measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street. In addition, frontage shall include all property abutting a limited access roadway right-of-way.

*Primary frontage.* For the purposes of applying the on-premises sign regulations, the frontage toward which the use faces or is oriented. Only one (1) such primary frontage shall be allowed on a zoning lot.

*Secondary frontage.* For the purposes of applying the on-premises sign regulations, a frontage that is not the primary frontage.

#### **565.80. Definitions beginning with G.**

*Gas station.* An establishment that includes the sale or dispensing of gasoline, diesel fuel, or any other internal combustion engine fuel to the public.

*Golf course.* A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelter or other appurtenant structures. Practice driving ranges may also be located on the golf course. Miniature golf courses shall not be included in this definition.

*Goods and services corridor.* A linear feature mapped in the city's comprehensive plan providing guidance related to commercial activity.



*Grade.* The lowest point of elevation of the surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

*Grade, natural.* The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

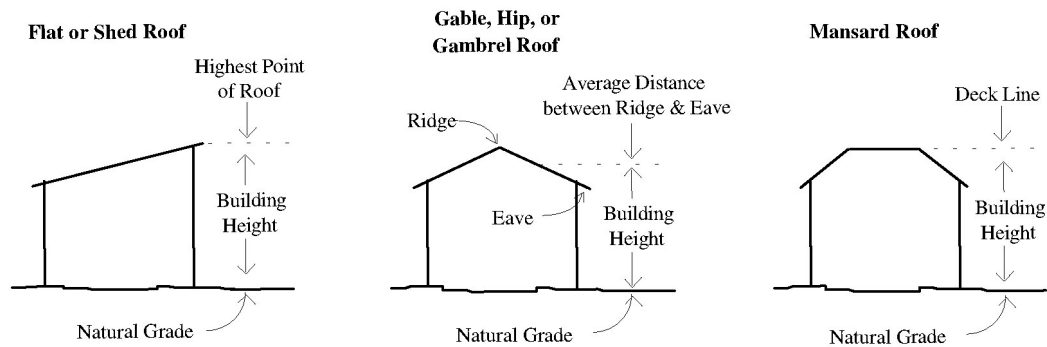
*Greenhouse.* A permanent structure that is devoted to the protection or cultivation of food or ornamental crops and constructed at least partially with glass, glass-like, or translucent material to optimize growing conditions with natural light.

*Grocery store.* A retail sales and services establishment where a majority of the sales area is dedicated to the sale of food products such as staple foods and accessory food items.

**565.90. Definitions beginning with H.**

*Habitable.* Suitable for a person to live in. References to habitable spaces, areas, and portions of dwellings shall include kitchens, hallways, bathrooms, closets, and unfinished areas easily converted to livable spaces, such as attics and basements, but does not include an attached accessory use designed or intended to be used for the parking of vehicles. References to habitable buildings shall include all habitable spaces and all attached structures to the habitable space including an attached accessory use designed or intended to be used for the parking of vehicles.

*Height, structure or building.* The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure, unless otherwise exempted or defined in this ordinance. Where the roof is the highest point of the structure, height is measured to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding fifty (50) percent of the building width below a gable, hip and gambrel roof shall be included in the measured vertical distance. On a corner lot, height shall be measured on that side of a building facing the front lot line. On a through lot, height shall be measured on that side of a building facing the front lot line where the natural grade is lowest.



Height, structure or building

*Home occupation.* An occupation or profession carried on by a member of the household residing on the premises, conducted as an incidental and accessory use of a dwelling. Also referred to as live-work.

*Hoop house.* A temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent material for the purposes of growing food or ornamental crops. A hoop house is considered more temporary than a greenhouse.

*Hospital.* An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation.

*Hospitality residence.* A facility owned and operated by a non-profit organization that provides temporary housing to families of children being treated for life-threatening illnesses.

*Hotel or hostel.* An establishment containing rooming units providing short-term, temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.

*Hours open to the public.* The time during which a use is open to or does receive clients, customers, members, or guests.

*Hydroponics.* The growing of food or ornamental crops, in a water and fertilizer solution containing the necessary nutrients for plant growth.

#### **565.100. Definitions beginning with I.**

*Impervious surface.* Any material which significantly reduces or prevents natural absorption of stormwater into the soil and cause water to run off the surface in greater quantities and at an increased rate of flow. Impervious surfaces include, but are not limited to, buildings or other structures with roofs, sidewalks, and all stone, brick, concrete, or asphalt surfaces.

*Indoor recreation area.* An establishment providing indoor recreation facilities such as bowling, pool/billiards, table tennis, and video and arcade games.

*Inebriate housing.* A facility that provides housing twenty-four (24) hours per day to persons who are chemically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988. It does not include any facility licensed by the Minnesota Department of Human Services (DHS), Minnesota Department of Corrections (DOC), or any other county, state, or federal community correctional facility.

*Intentional community.* A group of two (2) or more persons living together as a single household, sharing in the management of resources and household expenses, that meets the requirements of Chapter 244, Housing Maintenance Code. An intentional community shall share an entire dwelling unit and may not function as a rooming house unless it is part of an intentional community cluster development.

*Intentional community cluster development.* An establishment operated by a non-profit organization, government agency, or healthcare agency, which includes dwelling units or rooming units and a common building with shared facilities.

*Intermodal containerized freight facility.* A facility that serves as a transfer point for containerized freight between rail and truck transportation modes. The principal activity is the transfer of freight containers or truck semitrailers between rail cars and trucks.

**565.110. Definitions beginning with J.**

**565.120. Definitions beginning with K.**

*Kitchen.* A room or area for the cooking or preparation of meals. At minimum, a kitchen shall be comprised of storage and workspace, a sink, a refrigerator, an oven, and a stove. Appliance components may be combined so long as all components are provided.

**565.130. Definitions beginning with L.**

*Laboratory, medical or dental.* An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

*Landscaping material sales.* An establishment where products related to the planting, maintaining, or harvesting of trees, shrubs, plants, grasses or sod, fertilizers, soils, chemicals, or other goods and related products are sold to lawn and garden supply stores, landscape contractors, other retail outlets, or directly to the consumer in bulk quantity using heavy equipment to load, unload, or deliver products. Includes the sale and loading or unloading of bulk rock, mulch, soil, or similar materials utilizing heavy equipment.

*Lawn and garden supply store.* An establishment where products related to the planting, maintaining, or harvesting of trees, shrubs, plants, grasses or sod, fertilizers, soils, chemicals or other goods and related products are sold in small quantity to the public. Does not include the use of heavy equipment to load, unload, or deliver product to the consumer.

*Library, public.* A library operated by Hennepin County.

*Licensing official.* The individual designated by the director of the department of community planning and economic development to serve as the city's licensing official or their authorized representative.

*Limited access roadway.* Those roadways and roadway segments, including entrance and exit ramps and approaches, that are designated to prohibit nonmotorized traffic, and include I-35W, I-94, I-394, and Highway 62.

*Limited production and processing.* Small-scale assembly, disassembly, fabrication, manufacturing, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption in a manner that is consistent and compatible with retail sales and services. Limited production and processing does not include processing of raw materials or production of primary materials, except for food and beverage

products, and shall not include any use which may be classified as a moderate- or high-impact production and processing use. Wholesale and off-premises sales accessory to limited production or processing uses shall be permitted.

*Limousine service.* An establishment owning, leasing or operating by contract limousines and providing some or all of the following services such as dispatching, advertising, maintenance, insurance, record keeping, driver assignments and other related services.

*Loading space.* An off-street space or berth used for the temporary parking of a vehicle while loading or unloading cargo, products or materials from such vehicle.

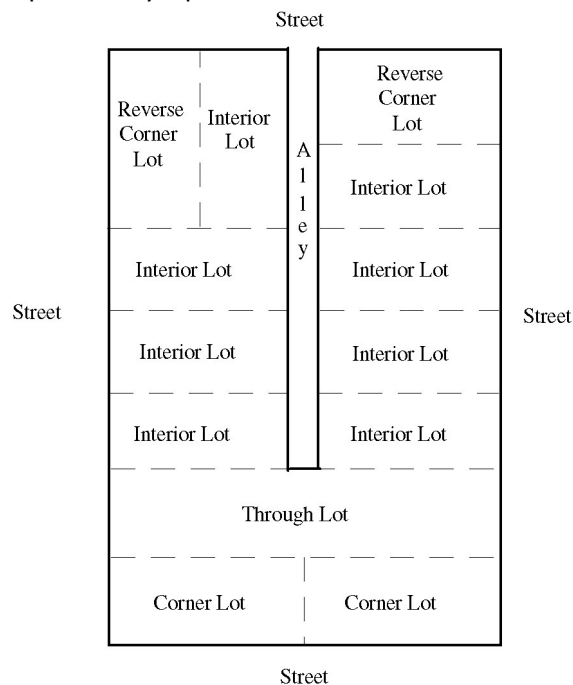
*Lot.* A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law.

*Corner lot.* A lot with frontage on two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

*Reverse corner lot.* A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.

*Through lot.* A lot that fronts upon two (2) generally parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

*Zoning lot.* A single, buildable parcel of land under common ownership or control, occupied by one (1) or more principal buildings or uses, accessory buildings or uses, and all yards and open spaces, as required by the zoning ordinance. A zoning lot may consist of more than one (1) platted lot, but shall not be separated by a public street.



Zoning lot

*Lot area.* The area bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, street or alley right-of-way.

*Lot coverage.* The area covered by principal and accessory structures. Lot coverage shall not include awnings, canopies, balconies, eaves, and signs that meet the standards for permitted obstructions in required yards.

*Lot depth.* The average distance between the front lot line and the rear lot line of a lot.

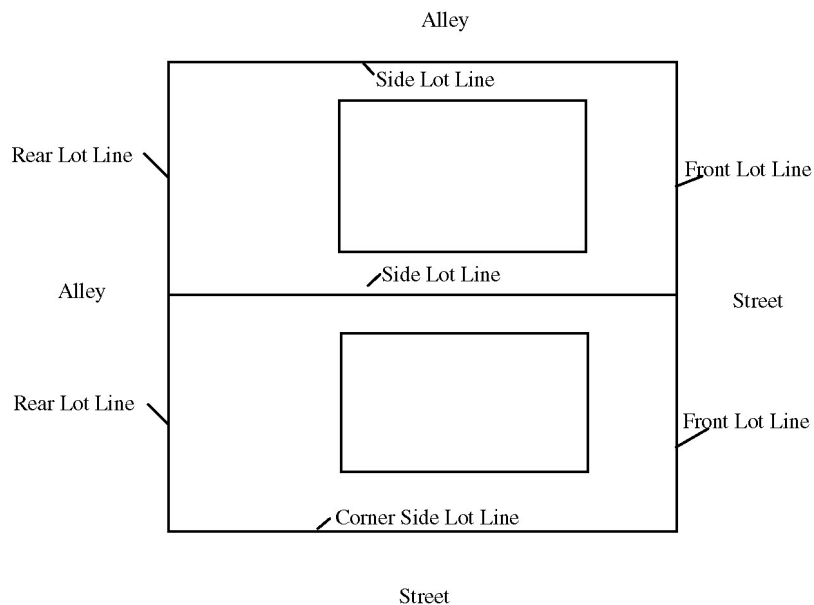
*Lot line.* A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or alley or any other public space.

*Corner side lot line.* A side lot line which adjoins a public street.

*Front lot line.* A boundary of a lot which is along an existing or dedicated public street, but not an alley. On a corner lot, the front lot line shall be the lot line that is in line with the predominant platting orientation of the block.

*Rear lot line.* The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

*Side lot line.* Any boundary of a lot which is not a front lot line or a rear lot line.



Side lot line

*Lot of record.* A parcel of land of which the plat, deed, or similar instrument has been duly recorded in the Office of the Hennepin County Recorder or Registrar of Titles.

*Lot width.* The distance between the side lot lines of a lot measured along a straight line parallel to the front lot line immediately in back of the required front yard. Where no front yard is required, lot width is the distance between the side lot lines of a lot measured along the front lot line.

*Luminance.* The physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

**565.140. Definitions beginning with M.**

*Manufactured home park.* A development of two (2) or more manufactured homes as defined in Minnesota Statutes, Chapter 327.

*Market garden.* An establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building, to be sold or donated.

*Marquee.* A permanent, roof-like structure projecting over an entryway, parallel to the ground, generally designed and constructed to provide protection from the elements.

*Massage and bodywork establishment.* Any establishment wherein massage and/or bodywork is offered or provided to members of the public.

*Mayor.* The Mayor of the City of Minneapolis.

*Medical helistop.* An identifiable landing area for discharging and picking up passengers and goods, by helicopter or similar vertical lift aircraft, located on the property of a hospital. No refueling or servicing of aircraft, or permanent facilities, including terminals, hangars, warehousing or storage, are permitted.

*Medication-assisted treatment site.* A facility licensed by the state of Minnesota, providing short-term in-patient care to persons with substance use disorders undergoing medically-assisted detoxification or withdrawal treatment. Not to include similarly licensed services within an existing state licensed hospital.

*Mini-market.* A type of farmers market, limited to five (5) or fewer market vendors, whose primary purpose is to improve access to locally grown agricultural products.

*Motel.* An establishment containing rooming units designed primarily for temporary, short-term accommodations with rooms having a separate entrance providing direct access to the outside.

*Motor freight terminal.* A building or area in which freight is assembled or stored for routing in intrastate or interstate shipment, and which is not a package delivery service.

*Motorized scooter.* Any two (2) wheeled device that is powered by an electric motor or an internal combustion engine that has handlebars, wheels up to ten (10) inches in diameter and is designed to be stood or sat upon by the operator. This definition excludes motorcycles and segways.

*Mural.* A hand-painted, hand-tiled, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. A mural does not include displays with electrical or mechanical components or a changing image art display.

**565.150. Definitions beginning with N.**

*Neighborhood electric vehicle.* A four-wheeled, battery powered electric motor vehicle that, for the purposes of this zoning ordinance, includes both neighborhood electric vehicles and medium speed electric vehicles as defined in Minnesota Statutes, Section 169.011.

*Nightclub.* An assembly use engaged in the sale of alcoholic beverages for consumption on the premises within a building, facility, room, or portion thereof containing a stage used for live or recorded music and with minimal or no seating. Providing entertainment is the predominant attraction during business hours open to the public and an entrance fee is typically charged.

*Non-commercial speech.* Dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

*Nonconforming lot, legal.* A lot of record, lawfully existing on the effective date of this chapter or amendment thereto that does not comply with one (1) or more of the lot area or lot width regulations applicable in the district in which it is located.

*Nonconforming structure, legal.* A structure or portion thereof, lawfully existing on the effective date of this chapter or amendment thereto that does not comply with one (1) or more of the bulk regulations applicable in the zoning district in which it is located.

*Nonconforming use, legal.* A use of land or structures, lawfully existing on the effective date of this chapter or amendment thereto that currently is not allowed, or that does not comply with one (1) or more of the regulations applicable in the zoning district in which it is located.

*Nursing home.* A facility for aged, chronically ill, or incurable persons licensed by the Minnesota Department of Health providing nursing care and related medical services.

**565.160. Definitions beginning with O.**

*Outdoor recreation area.* An establishment providing outdoor recreation facilities such as a golf driving range, skating rink, miniature golf course or other nonmotorized amusement. An outdoor recreation area shall not include an outdoor theater.

*Outdoor sales and display.* The outdoor placement or presentation of goods, materials or merchandise for sale on the premises.

*Outdoor storage.* The outdoor placement or depositing of goods, materials, equipment, stock or supplies.

*Overlay district.* A zoning district that encompasses one (1) or more primary zoning districts or portions thereof and that imposes additional requirements, or relaxes one (1) or more standards required by the primary zoning district.

*Overnight shelter.* A facility providing temporary housing for a period of time not to exceed twenty-four (24) hours to persons without permanent housing.

**565.170. Definitions beginning with P.**

*Package delivery service.* A use which transports individual packages for expedited delivery in single rear axle straight trucks or smaller vehicles, where no single item weighs over one hundred fifty (150) pounds.

*Park, neighborhood.* A public park less than six (6) acres, designed to serve a single neighborhood.

*Park, public.* A park operated by the City of Minneapolis, including all park buildings.

*Parking aisle.* The clear area for either one- or two-way traffic movement and maneuvering between rows of parking spaces.

*Parking facility.* An area, either a parking lot or garage, that provides short-term or long-term off-street parking for motor vehicles. Parking facility includes designated locations for vehicles engaged in loading or unloading of passengers or goods. Parking facility does not include commercial or industrial yard areas for storage, handling, processing, pickup or delivery of goods, materials or equipment, such as building materials sales yards, scrap/salvage yards, metal milling facilities, contractor yards and other similar uses. A parking facility may be a principal or an accessory use.

*Parking garage.* A structure or any portion thereof designed for the parking of one (1) or more motor vehicles, not including display or storage of motor vehicles for sale.

*Parking lot.* A ground level, open area used for the short-term or long-term parking of motor vehicles. A parking lot includes the top level of a parking garage when one-half (½) or more of the top level is within four (4) feet above or below the adjacent sidewalk grade.

*Parking space.* A space of definite length and width designed for parking of motor vehicles within a parking area that is directly accessible to a parking aisle or driveway. Said space shall be exclusive of such drives, aisles or entrances giving access thereto, and curbing.

*Pawnshop.* An establishment where money is loaned on security of personal property pledged as collateral for the loan and where such pledged items may be sold to the general public.

*Performing, visual or martial arts school.* A facility providing lessons for artistic activities including, but not limited to dance, music, painting, karate, and yoga. A performing, visual or martial arts school shall not include shower facilities.

*Pergola.* A building-like structure with columns supporting an elevated trellis over which vines or plants may grow.

*Pet supply store.* An establishment that primarily sells food and other supplies for household pets. Commercial establishments that sell dogs, cats, and rabbits from breeders are not allowed.

*Phased development.* Two (2) or more development projects undertaken or to be undertaken by the same developer or proposer that the city determines will have effects on the same geographic area and that are or will be undertaken over a limited period of time.

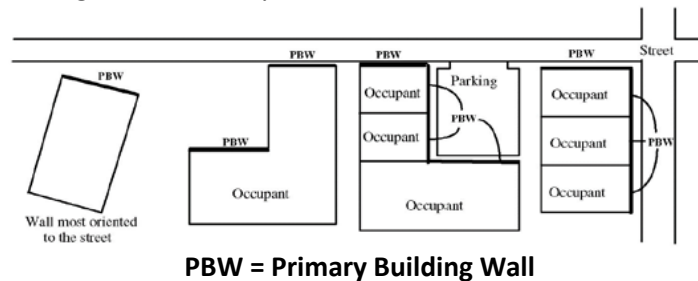


*Planned unit development.* A large-scale integrated development, often including two (2) or more uses, planned and developed under unified ownership or control.

*Planning director.* The director of the department of community planning and economic development or their designee.

*Plaza.* An exterior open space designed for community gathering that is primarily hardscaped and accessible to the public, fronting along a public street, public sidewalk, or public pathway. Plazas shall include those on privately-owned property, public property and public right-of-way intended for active or passive use by the general public for circulation, seating, or activity space.

*Primary building wall.* For the purpose of applying on-premises sign regulations, a primary building wall is an exterior building wall that faces a street or public pathway, or an exterior building wall that faces an on-site accessory parking area. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented.



*Principal entrance.* A door, other than a vehicle access door, that is designed as a principal means of access by the customers, occupants, employees or guests of the building. A building may have more than one (1) principal entrance.

*Produce and craft market.* A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors consisting of agricultural producers, home processors, food market manufacturers, food market distributors and craft producers that manufactures or crafts non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public. A minimum of thirty (30) percent of market vendors in produce and craft markets shall be food market vendors (agricultural producers, food market manufacturers, food market distributors, or home processors).

*Production or processing.* The assembly, disassembly, fabrication, manufacture, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption.

*Public pathway.* Any publicly owned pathway, greenway, or bike trail, including but not limited to the Midtown Greenway, Loring Greenway, or the Humboldt Greenway.

*Public realm.* Open spaces (public and semi-public) such as streets, sidewalks, bike paths, parks, and plazas, but not including parking lots, where buildings interface with public/semi-public open space.

**565.180. Definitions beginning with Q.**

**565.190. Definitions beginning with R.**

*Railroad right-of-way.* A strip of land with tracks and auxiliary facilities for track operation such as signals or crossing arms, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

*Reception or meeting hall.* Also known as a banquet hall or a rental hall. A building, facility, room, or portion thereof, which is rented, leased, or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged.

*Recycling center.* A use performed in an enclosed building where scrap or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled through hand or mechanical means, including but not limited to scrap iron and other metals, paper, rags, bottles, plastics, and aluminum cans. A recycling center shall not include automobile wrecking or dismantling; processing of used tires; milling, shredding, crushing, or grinding; or the use of any chemical processing or cleaning.

*Recycling facility.* A use performed in an enclosed building where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics, and aluminum cans. A recycling facility shall not include automobile wrecking or dismantling or metal shredding.

*Regulatory services director.* The director of the department of regulatory services or their designee.

*Religious place of assembly.* A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs, or a special purpose building that is architecturally designed or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

*Research, development and testing laboratory.* An establishment in which facilities for scientific research, investigation, testing or experimentation are located, but not facilities for the manufacture of products, except as incidental to the main purpose of the laboratory.

*Residential hospice.* A facility that provides twenty-four-hour per day residential and support services in a home-like setting for hospice patients as an integral part of the continuum of home care provided by a hospice licensed by the Minnesota Department of Health.

*Restaurant.* An establishment engaged in on-site food preparation with adequate kitchen facilities for retail sale of food and beverages, which may include table service to customers or preparation for off-site consumption. This includes establishments previously known as sit down restaurants, fast food restaurants, and delicatessens. The use may include the incidental sale of alcoholic beverages, provided the use complies with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter. A restaurant is distinguished from a nightclub, bar, or entertainment venue, but may include live entertainment or recorded music that is incidental and accessory to the principal use in terms of floor area and is not the primary attraction during business hours open to the public. An entrance fee is not typically charged to view the entertainment.

*Roof, flat.* A roof slope with a two-foot rise over a twelve-foot run or less.

*Rooming unit.* One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter that is not a dwelling unit.

**565.200. Definitions beginning with S.**

*School, K–12.* A use which meets state requirements for elementary or secondary education.

*School, vocational or business.* A use which meets state requirements for a vocational or business school.

*Scrap/salvage yard, metal milling facility.* A use where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans. A scrap/salvage yard, metal milling facility may include automobile wrecking or dismantling.

*Secondhand goods store.* An establishment other than an antiques and collectibles store, used bookstore, clothing consignment store or pawnshop, which engages in the sale of used clothing, furniture, household appliances or other household items.

*Service area canopy.* A roof-like structure attached to or detached from the principal building that provides overhead protection to exterior customer service areas.

*Service bay.* An enclosed area designed and used for the service of not more than one (1) motor vehicle at a time.

*Sexually oriented use.* An adult entertainment center, adults-only bookstore or video store, adults-only motion picture theater, or any other use that is distinguished or characterized by an emphasis on matters or conduct depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochism. The definitions below are applicable to sexually oriented uses:

a. *Adult entertainment center.* An enclosed building or a part of an enclosed building, wherein an admission is charged for entrance into the facility, or for food, alcoholic beverages or other beverages intended for consumption within the facility, wherein may be observed, or which contains one (1) or more mechanisms which when activated permit a customer to view, one (1) or more live persons unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals.

b. *Adults-only bookstore or video store.* An establishment having as a substantial or significant portion of its stock in trade for sale, rental or display, books, magazines, periodicals, films, videos, digital video disks, slides, or other media, which are distinguished or characterized by an emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochism, or an establishment with a segment or section devoted to the sale, rental or display of such material which comprises fifteen (15) percent or more of the total sale, rental or display area of such establishment, or five hundred (500) square feet, whichever is less. An adults-only bookstore or video store also shall include an establishment that offers films, videos, digital video disks, slides or similar media for viewing on premises.

c. *Adults-only motion picture theater.* An enclosed building used regularly and routinely for presenting programs or material distinguished or characterized by an emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochism, for observation by patrons therein.

d. *Nudity.* The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the depiction of covered male genitals in a discernibly turgid state.

e. *Sadomasochism.* The derivation of sexual pleasure from the infliction of pain or from the condition of being fettered, bound or otherwise physically restrained.

f. *Sexual conduct.* Acts of masturbation, sexual intercourse or fondling or other erotic physical contact with a person's genitals, pubic area, buttocks, anus or, if such person be a female, her breast.

g. *Sexual excitement.* The condition of human male or female genitals when in a state of sexual stimulation or arousal.

*Shopping center.* A unified development of three (3) or more ground floor commercial uses, excluding offices and medical facilities, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage. A shopping center shall not include:

a. A storefront building or group of storefront buildings where each use includes a separate principal customer entrance facing the street.

b. A commercial or mixed-use building with a separate principal customer entrance for each ground floor use with street frontage with any on-site parking facilities located at the interior or rear of the site.

*Sign.* A structure, fixture, placard, announcement, declaration, image, device, demonstration, logo or insignia used for direction, information, identification, attraction, or to advertise or promote any business, product, activity, service, interest or entertainment.

*Animated sign.* A sign with a progression of frames which give the illusion of motion, moving objects, moving patterns or bands of lights and shapes; or that gives the visual impression of movement.

*Awning sign.* A sign printed on or in some fashion attached directly to an awning.

*Back-to-back sign.* A sign structure with two (2) sign faces oriented in opposite directions and spread not more than two (2) feet apart.

*Balloon sign.* A sign consisting of a bag or similar device made of lightweight material supported by helium, hot, or pressurized air, which is greater than eighteen (18) inches in diameter.

*Building sign.* A sign attached to a building, including but not limited to an awning, canopy, or marquee, wall, projecting or window sign.

*Canopy sign.* A sign printed on or in some fashion attached directly to a canopy.

*Changeable copy sign, dynamic.* A sign or portion thereof with letters or numbers only that can be electronically changed or rearranged without altering the face or the surface of the sign.

*Changeable copy sign, manual.* A sign or portion thereof with letters or numbers only that can be manually changed or rearranged without altering the face or the surface of the sign.

*Dynamic sign.* A sign, or any element of a sign, which provides the ability to change text or images, or exhibits changing effects in order to provide intermittent illumination or the illusion of such illumination, or any series of imagery or display which may appear to move or change, including changes produced by any electronic method. A dynamic sign is not a changeable copy sign, dynamic.

*Flag sign.* A sign consisting of fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

*Flashing off-premises sign.* A sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination or the illusion of intermittent flashing light by any means. Also, any mode of lighting which resembles zooming, twinkling or sparkling.

*Freestanding sign.* A sign which has supporting framework that is placed on, or anchored in, the ground and which is independent of any building or other structure.

*Identification sign.* A sign containing principally the name of the individual or establishment occupying the premises, and which also may include the street address, telephone number or other information identifying the use.

*Illuminated sign.* A sign lighted by or exposed to artificial lighting either on or in the sign or directed toward the sign.

*Interior sign.* A sign which is located within the interior of any building, or within an enclosed courtyard, that is not visible from the property line or public right-of-way.

*Marquee sign.* A building sign painted on or attached to a marquee.

*Monument sign.* A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

*Off-premises advertising sign or billboard.* A sign which directs attention to a business, establishment, product, service, interest, activity or entertainment not exclusively related to the premises where such sign is located.

*On-premises sign.* A sign which directs attention to or promotes a business, establishment or activity conducted, or a product, service, interest or entertainment sold or offered, on the premises where such sign is located.

*Painted wall sign.* A wall sign that is hand-painted directly on the exterior wall of a structure.

*Pole sign.* A freestanding sign which has its supportive structure anchored in the ground or on a solid base not at least as wide as the sign, or which has a sign face elevated above the ground or base by one (1) or more poles or beams and with an open area between the sign face and the ground or base of more than one (1) foot.

*Portable sign.* A sign which is designed or intended to be moveable, including by trailer or on its own wheels, even though the wheels of such sign may be removed.

*Projecting sign.* A sign which projects from a wall of a building in such manner that the sign face is perpendicular to the wall, or a sign which is suspended from a soffit or other permanent roof overhang.

*Roof sign.* A sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a gambrel, gable or hip roof.

*Service area canopy sign.* A sign which is part of, or attached to, a service area canopy.

*Snipe sign.* A sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.

*Stringer sign.* A sign that is made of commercial or decorative pennants, flags or streamers which are attached to a string, rope or cable.

*Temporary sign.* A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials that is intended to be, or is determined by the zoning administrator to be, displayed for a limited period of time.

*Wall sign.* A sign attached parallel to, or painted on, a wall, which is supported by such wall, and which displays only one (1) sign surface, or a sign attached parallel to, or within forty-five (45) degrees of parallel, or painted on, the surface of the lower slope of a mansard roof.

*Window sign.* A sign that is placed inside a window or upon the surface of a window and is visible or is intended to be viewed from the exterior of the window.

*Sign face.* The surface of the sign upon, against or through which the message or the sign is exhibited.

*Sign structure.* A structure including the supports, uprights, bracing and framework which supports or is capable of supporting a sign.

*Single room occupancy housing.* A facility providing housing that is operated by a non-profit organization, government agency, or healthcare agency, as defined in and meeting the requirements of Chapter 244, Housing Maintenance Code. It does not include:

- a. State credentialed care facilities.
- b. Supportive housing.

*Single room occupancy housing unit.* Any rooming unit, operated by a non-profit organization, government agency, or healthcare agency, as defined in and meeting the requirements of Chapter 244, Housing Maintenance Code.

*Skyway.* An enclosed, elevated pedestrian bridge extending from building face to building face that spans a public street, public alley, or is located within private property.

*Snow storage site.* A use in which a principal activity is the storage of snow, transported from an off-site location.

*Sports and health facility.* An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms. A sports and health facility shall not include any use which could be defined as an indoor recreation area.

*State credentialed care facility.* A congregate living use where two (2) or more persons reside under the care and supervision of a program licensed by the State of Minnesota or Hennepin County providing supportive services for a period of more than thirty (30) days, including assisted living, board and care home, and nursing home facilities. State credentialed care facilities shall not include:

- a. Inebriate housing.
- b. Any facility licensed by the Minnesota Department of Corrections (DOC) or any other County, State, or Federal community corrections facility.
- c. Fraternities, sororities, or other student housing.

- d. Single room occupancy housing, as defined in this ordinance.
- e. Any facility providing in-patient treatment for active use of illegal substances.

*Storefront building.* A mixed-Use or multiple story building, which may share a common wall with one (1) or more buildings, all of which front within five (5) feet of a front lot line or public sidewalk, and where each ground floor use includes a separate principal customer entrance facing the street.

*Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor surface directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused underfloor space shall be considered a story. Rooftop features used exclusively for mechanical equipment, elevators, and stairways shall not be considered a story. Mezzanines, as determined by the building code, shall not be considered a story.

*Story, half.* A partial story that meets the following criteria:

- a. The half story will be located on a principal residential structure with a height of two and one-half (2.5) stories or less. A partial story located on any other structure or on a principal residential structure with a height greater than two and one-half (2.5) stories shall be considered a full story.
- b. Habitable space located under a gable or hip roof and all of the roof rafters shall be located within two (2) feet of the floor joists, except at gable ends or where dormers are allowed.
- c. Dormers on the half story will meet the following standards:
  - 1. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
  - 2. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
  - 3. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.

*Street.* A right-of-way which affords a primary means of motor vehicle access to abutting property.

*Structure.* Anything constructed or erected with a more or less fixed location on the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, docks and any objects or things permanently attached to the structure.

*Accessory structure.* A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including but not limited to garages, sheds, above-ground swimming pools, and fences.

*Principal residential structure.* Any structure containing a principal residential use.

*Supportive housing.* A facility that provides housing for twenty-four (24) hours per day and requires participation by residents in programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. It does not include:

- a. Senior housing with services designed specifically to serve the needs associated with the aging of the residents.
- b. Inebriate housing.
- c. Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- d. Any other county, state or federal community correctional facility.
- e. Fraternities, sororities or other student housing.
- f. Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- g. The use of one (1) dwelling unit on one (1) zoning lot.

**565.210. Definitions beginning with T.**

*Taxicab service.* An establishment which provides taxicab facilities and services such as radio dispatching, color rights, advertising, telephone listings, maintenance, insurance and driver assignments.

*Theater, indoor.* A building, facility, room, or portion thereof used for live performances or presentations or motion pictures where spectators primarily utilize fixed seating.

*Towing service.* An establishment engaged in the towing or storage of damaged or impounded vehicles. Such use shall not include the wrecking or dismantling of vehicles.

*Top plate.* The part of a stud wall directly below and abutting the roof rafters.

*Trellis.* A framework over which vines and plants may grow that is not a pergola. A freestanding trellis or a trellis attached to and supported by a building extending out from the building more than five (5) feet shall be considered a fence.

**565.220. Definitions beginning with U.**

*Urban farm.* An establishment where food or ornamental crops are grown or processed to be sold or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, greenhouses, vertical farms, aquaponics, aquaculture, hydroponics, and rooftop farms.

*Use.* The purpose or activity for which the land or buildings thereon are designed, arranged, intended, occupied or maintained.

*Accessory use.* A use of land or of a building or portion thereof incidental and subordinate to a principal use.

*Conditional use.* A use which, because of its unique characteristics, cannot be properly classified as a permitted use in a district but which may be allowed in such zoning district upon demonstrating that such use will comply with all of the conditions and standards of this zoning ordinance.

*Permitted use.* A use which may be established in a particular district or districts.



*Principal use.* The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

**565.230. Definitions beginning with V.**

*Variance.* Departure from the literal requirements of this zoning ordinance where practical difficulties exist because of special conditions or circumstances unique to a site.

*Vehicle.* A vehicle shall include the following:

a. *Commercial vehicle.* A motor vehicle designed and registered as a truck and licensed under the motor carrier laws of the State of Minnesota for the transportation or property but not persons, or a motor vehicle designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry ten (10) or more persons or any number of persons for a fee. Commercial vehicle includes vehicles commonly called trucks, delivery vans, buses, taxicabs, limousines, and other similar vehicles.

b. *Inoperable vehicle.* A vehicle that is abandoned or lacking vital component parts essential to its mechanical functioning, including but not limited to the engine, drive train, and wheels; or a vehicle that is so mechanically defective as to be unsafe for operation; or a vehicle that does not display a current license plate, current license tab, or current registration.

c. *Motor vehicle.* A vehicle that has its own motive power and that is used for the transportation of people or goods on streets. Motor vehicle includes passenger automobiles, trucks and commercial vehicles, and recreational vehicles with motive power.

d. *Passenger automobile.* A motor vehicle designed to carry less than ten (10) persons, including the driver. Passenger automobile includes vehicles commonly called cars, minivans, passenger vans, sport utilities, motorcycles and pickups, and that is not a commercial vehicle.

e. *Recreational vehicle.* A vehicle with or without motive power, which is designed for sport or recreational use or which is designed for human occupancy on an intermittent basis. Recreational vehicles include, but are not limited to, snowmobiles, boats, trailers, motor homes, campers, all-terrain vehicles and similar items for personal recreation.

**565.240. Definitions beginning with W.**

*Wet bar.* A secondary beverage preparation area not intended as a kitchen. A wet bar may consist of no more than the following: storage and workspace, single-basin sink and under-counter refrigerator.

*Wholesale establishment.* A business establishment engaged primarily in selling to retailers for resale.

**565.250. Definitions beginning with X.**

**565.260. Definitions beginning with Y.**

*Yard.* An open space on the same zoning lot with a use, building or structure which is unoccupied and unobstructed from its lowest surface level to the sky, except as otherwise provided by this zoning ordinance. A yard extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

*Corner side yard.* A yard located immediately adjacent to and extending along the corner side lot line between the front yard and the rear lot line.

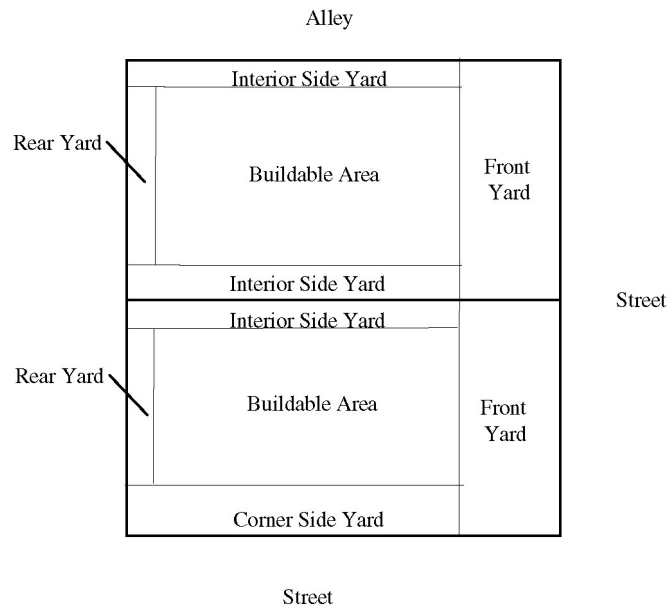
*Front yard.* A yard located immediately adjacent to and extending along the full length of the front lot line between the side lot lines.

*Interior side yard.* A yard located immediately adjacent to and extending along another zoning lot or an alley between the front yard and the rear lot line.

*Rear yard.* A yard located immediately adjacent to and extending along the length of the rear lot line between the side yards.

*Side yard.* Either a corner side yard or an interior side yard, unless otherwise specified by this zoning ordinance.

*Landscaped yard.* A front, side or rear yard that is required to be landscaped, as specified in this zoning ordinance.



**565.270. Definitions beginning with Z.**

*Zoning administrator.* The individual designated by the director of the department of community planning and economic development to serve as the city's zoning administrator or their authorized representative.

*Zoning district.* An area or areas within the limits of the city within which uniform regulations and requirements govern the use, placement, spacing and size of land and structures.

Section 2. The effective date of all the ordinance amendments herein described shall be July 1, 2023.

## Title 22. Land Subdivision

### CHAPTER 598. LAND SUBDIVISION REGULATIONS.

Section 1. That Section 598.100 of the above-entitled ordinance be amended to read as follows:

**598.100. Protection of natural features.** (a) *In general.* All subdivision development shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, to contribute to ecological function, and to minimize negative impacts on and the alteration of the natural environment. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable federal, state or local regulations:

(1) Lands within fifty (50) feet of a protected water, as governed by the SH Shoreland Overlay District.

(2) Lands within primary conservation areas, bluff setbacks, and ordinary high water level (OHWL) setbacks, as governed by the MR Mississippi River Corridor Critical Area Overlay District.

(3) Wetlands. It is in the public interest to achieve no net loss in the quantity, quality, and biological diversity of existing wetlands, and to increase the quantity, quality, and biological diversity of wetlands by restoring or enhancing diminished or drained wetlands. No development, grading, alteration of the natural character of the land, or construction of structures, roadways or other impervious surfaces, shall occur within fifty (50) feet of any vegetated wetland, including wetlands as defined in section 404, Federal Water Pollution Control Act Amendments of 1987 or the Minnesota Wetland Conservation Act of 1991, as governed by the SH Shoreland Overlay District.

(4) Significant trees or plant communities including remnant stands of native trees or remnant prairie grasses, trees or plant communities that are rare to the area or of particular horticultural or landscape value, or trees with a diameter at breast height of twelve (12) inches or larger.

(5) Steep slope areas. The applicable provisions of Chapter 535, Overlay Districts, shall apply to lands within the SH Shoreland and MR Mississippi River Corridor Critical Area Overlay District. Development outside the SH Shoreland and MR Mississippi River Corridor Critical Area Overlay District shall avoid placement of structures, parking lots or other impervious surfaces on slopes of eighteen (18) percent or greater, and the necessity to alter such slopes for purposes of construction. Where development does occur on such steep slope areas greater than ten (10) feet in height, such development shall be subject to the following conditions:

a. The foundation and underlying material shall be adequate for the slope condition and soil type.

b. The development shall present no danger of falling rock, mud, uprooted trees or other materials.

c. The development shall include adequate provision for stormwater runoff and temporary and permanent erosion and sedimentation control.

d. The developed slope shall be visually consistent with surrounding architectural and natural features.

(6) Habitats of threatened or endangered wildlife, as identified on federal or state lists, including the federal Endangered Species Act, and the Minnesota County Biological Survey.

(b) *Mitigation*. Where preservation is not consistent with the reasonable use of land, the city may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to mitigate the effects of the subdivision and protect or enhance the natural features of the land.

Section 2. That Section 598.145 of the above-entitled ordinance be amended to read as follows:

**598.145. Tax parcel split or combination.** The city shall not require a property owner to prepare and record a plat or registered land survey or prepare a minor subdivision to combine tax parcels under one (1) tax or property identification number for the sole purpose of receiving a single-tax statement. The city shall not require a property owner to prepare and record a plat or registered land survey or prepare a minor subdivision where two (2) or more platted lots that were combined under one (1) tax or property identification number for the sole purpose of receiving a single-tax statement are assigned new tax or property identification numbers for two (2) or more of the platted lots. For tax parcel splits or combinations the following conditions shall be met:

- (1) The split or combination does not create split zoning on one (1) or more of the parcels.
- (2) The minimum lot width, lot area, and setbacks of the district in which the parcels are located are maintained.
- (3) The split or combination does not eliminate street or alley access or frontage or create a land-locked lot or parcel.
- (4) The split or combination does not create a nonconformity to the zoning ordinance, subdivision ordinance design standards for large lots, or building code, except the maximum lot size requirement may be exceeded in the case of recombining tax parcels of an existing two-family dwelling previously subdivided along a party wall.

Section 3. That Section 598.230 of the above-entitled ordinance be amended to read as follows:

**598.230. Design requirements.** The following requirements shall apply to all subdivisions:

(1) *General standards*.

a. All lots shall have frontage on a public street as approved by the planning commission and sufficient to provide access to it for emergency vehicles as well as for those needing access to the property in its intended use, except where specifically exempted in section 598.260, planned unit development and cluster design, or where designated as an outlot.

b. A subdivision shall not result in more than one (1) zoning classification on a single lot.

c. A subdivision shall not result in the creation of a nonconforming structure, use or lot.

(2) *Streets.*

a. Streets shall conform to the comprehensive plan and official map, if any, and right-of-way map, if any. Streets shall be platted as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys. The city engineer shall review and approve any street to be platted to ensure that it is adequate to provide appropriate access to the subdivision.

b. All new streets shall make connection to existing streets as approved by the city engineer. Streets shall intersect at right angles or radial to curved streets whenever practical.

c. Any street designated as a major street shall be platted to the width and alignment as approved by the city engineer, but in no case shall be less than as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys.

(3) *Alleys.* Where proposed or required by the planning commission, alleys shall be platted as designated in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys. Dead end alleys shall be prohibited.

(4) *Sidewalks.* Sidewalks shall be provided within the dedicated non-pavement right-of-way of streets as shown in Table 598-1, Street, Alley and Sidewalk Design for Plats and Registered Land Surveys.

(5) *Utility easements.* If required by the city engineer, utility easements shall be shown on the preliminary and final plat or registered land survey. Where no alleys are provided, utility easements required by the city engineer shall be not less than five (5) feet on side lot lines and not less than ten (10) feet on rear lot lines or based upon a utility plan approved by the city engineer.

(6) *Floodplains.* All lots within a floodplain district shall contain a building site at or above the regulatory flood protection elevation, and shall comply with the standards of the Floodplain Overlay District as specified in Chapter 535, Overlay Districts. No land shall be subdivided which is held unsuitable for development by the city planning commission for reason of flood hazard.

(7) *Outlots.* Any lot which due to the existing grade, physical conditions, hazard of flooding, or of a size, shape or in a location not conforming to these regulations and therefore not suitable for development, may be platted as an outlot.

**Table 598-1 Street, Alley and Sidewalk Design for Plats and Registered Land Surveys**

<b>Category</b>		<b>Residential Development</b>	<b>Non-Residential Development</b>
<b>Streets</b>			
Major	Minimum width/pavement Maximum grade*	80/48 ft. 5%	80/52 ft. 5%
Minor	Minimum width/pavement Maximum grade**	60/32 ft. 10%	66/54 ft. 10%
Cul-de-sac	Minimum diameter/pavement Maximum	90/70 ft. 500 ft.	100/80 ft. 500 ft.

<b>Alleys</b>	Minimum width/pavement	16/14 ft.	18/16 ft.
	Corner cut	10 ft.	20 ft.
<b>Sidewalks</b>	Minimum width	5 ft.	6 ft.

\*Maximum run of 350 ft.

\*\*Maximum run of 200 ft.

Section 4. That Section 598.240 of the above-entitled ordinance be amended to read as follows:

**598.240. Residential development design.** The following requirements shall apply to residential subdivisions:

(1) *Blocks.* Blocks shall be not less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet long and shall be of a minimum width to provide two (2) tiers of lots. Through lots shall be avoided. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways. Sidewalks or pedestrianways, not less than ten (10) feet wide, may be required through the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation or other community facilities.

(2) *Lot dimensions.*

a. *Single-, two- and three-family dwellings.* Lot width shall be not less than the minimum requirements set forth by the zoning ordinance, except lots shall not be less than fifty (50) feet in width where no alley is provided. Lot area shall be not less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the single-, two-, and three-family zoning lots, including the subject zoning lot, located in whole or in part within three hundred fifty (350) feet or the average of the single-, two-, and three-family zoning lots, including the subject zoning lot, located in whole or in part within the same zoning district within three hundred fifty (350) feet, whichever is greater, where such average lot area is nine thousand (9,000) square feet or more. Where such greater minimum lot area applies, the maximum lot area requirement shall be one hundred thirty (130) percent of said average minimum lot area. No lot shall be created which has more than five (5) sides.

b. *Multiple-family dwellings with four (4) or more dwelling units.* Lot width and lot area shall be not less than the minimum requirements set forth by the zoning ordinance except where no alley is provided, in which case the required minimum lot width shall be increased by ten (10) feet. No lot shall be created which has more than five (5) sides.

(3) *Solar access.* All lots in subdivisions of forty (40) acres or more shall be platted in an orientation to maximize solar exposure.

(4) *Reverse frontage lot(s).* Reverse frontage lots, those platted in reverse orientation to the rest of the block, shall be prohibited. Reverse corner lots are also reverse frontage lots.

(5) *Existing two-family dwelling.* Notwithstanding the requirements of this chapter, lots with an existing side-by-side two-family dwelling of one (1) or more stories may be subdivided along the party wall to allow separate ownership of each side of the building provided that covenants are recorded that set forth

the requirements for exterior maintenance of the building and grounds, the requirements for reconstruction if one (1) or both sides of the building are damaged or destroyed, and state that the parcels may be used separately as long as the existing building is continued and that thereafter the lots shall be combined to make a single parcel or otherwise be enlarged to conform to the requirements of these land subdivision regulations. Evidence of proper filing of the covenants shall be submitted to the zoning administrator before the approval will be in effect.

Section 5. That Section 598.260 of the above-entitled ordinance be amended to read as follows:

**598.260. Planned unit development and cluster design.** Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and may include a deed restriction designating the following:

(1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).

(2) Provision for access to each lot that does not have frontage on a public street.

(3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.

(4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.

(5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

Section 6. That Chapter 598, Land Subdivision Regulations, of the Minneapolis Code of Ordinances be amended by adding thereto a new section 598.325 to read as follows:

**598.325. Governing body approval certificates.** The governing body approval certificate on the plat or registered land survey shall be signed by the city clerk. The signature of the city clerk certifies the approval of the city planning commission, including endorsements required by the Minneapolis City Charter, and the approval of the plat or registered land survey by the city council, if appealed.

Section 7. The effective date of all the ordinance amendments herein described shall be July 1, 2023.