



AGENDA
Planning Commission
In-Person / Electronic Meeting

New Brighton City Hall; 803 Old Hwy 8 NW
Upper Level Conference Room and via Zoom
December 20, 2022 | 6:30 p.m.

- **Attend the meeting in Person:** Members of the public and the Planning Commission may attend the meeting in person. Attendees required to wear masks and comply with social distancing parameters regardless of vaccination status.
- **Join the meeting electronically:** Members of the Planning Commission may attend the meeting remotely pursuant to MN Statutes 13D.021. If you need to interact with our public officials or staff but are not comfortable or able to attend the meeting in person, please join the meeting electronically by clicking (no app needed): <https://us02web.zoom.us/j/89862402361?pwd=MWtPelRNTGt2RmR2TktwSkM0R1VHdz09> (no app needed) or use your Zoom app to join by entering: Meeting ID: 898 6240 2361 and Passcode: 867530.

I. Call to Order

II. Roll Call*

- | | |
|-----------------------------------|--------------------------------|
| ▪ Chair Todd Biedenfeld | ▪ Commissioner Youssef Enanaa |
| ▪ Vice Chair Jeanne Frischman | ▪ Commissioner Robert Harrison |
| ▪ Commissioner Liza Allen | ▪ Commissioner Tim McQuillan |
| ▪ Commissioner Ellie Dostal Dauer | ▪ Commissioner Eric Nelsen |

III. Approval of Agenda

IV. Approval of the November 15, 2022 Minutes

V. Report from City Council Liaison

* A quorum of the City Council may be present.

VI. Public Hearings

VII. Business Items

- 1. Ordinance 893 – Mixed Use Zoning Districts:** Updates to Chapter 6 of the Zoning Code to create new mixed use zoning districts to govern land development in areas guided for Mixed Use Neighborhood and Mixed Use Regional by the City's 2040 Comprehensive Plan.

VIII. Adjournment



**MINUTES
PLANNING COMMISSION
November 15, 2022 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m.

II. Roll Call

Members Present.....Commissioners Liza Allen, Todd Biedenfeld, Jeanne Frischman, Robert Harrison, Tim McQuillan, Eric Nelsen, and Student Commissioner Ellie Dosal Dauer

Members Absent.....Commissioner Youssef Enanaa

Also PresentBen Gozola – Assistant Director of Community Assets and Development, and Abdullahi Abdulle-Councilmember

III. Approval of Agenda

Motion by Commissioner Frischman, seconded by Commissioner Nelsen, to approve the November 15, 2022 agenda as presented.

A roll call vote was taken.

Approved 6-0.

IV. Approval of Minutes

Minutes from October 18, 2022

Motion by Commissioner McQuillan, seconded by Commissioner Nelsen, to approve the October 18, 2022 meeting minutes as presented.

A roll call vote was taken.

Approved 4-0-2 (Commissioner Frischman and Harrison abstained).

V. Report from City Council Liaison

Councilmember Abdulle provided the Commission with an update from the City Council. He thanked everyone that was involved in the recent election, noting the election was a tremendous success.

VI. Public Hearing

(A) Ordinance 893 – Mixed Use Zoning Districts: Updates to Chapter 6 of the Zoning Code to create new mixed use zoning districts to govern land development in areas guided for Mixed Use Neighborhood and Mixed Use Regional by the City’s 2040 Comprehensive Plan.

Assistant Director of Community Assets and Development Gozola reported Ordinance 893 is intended to establish new mixed use zoning regulations for the City. The proposed language would replace existing mixed use requirements with new regulations that follow the recommendations of the recently completed Vision Silver Lake Road 2040 project. 2040 Comprehensive Plan approved in 2019 following a 2.5 year long planning process. Vision Silver Lake Road 2040 Planning Process and zoning standards recommendations concluded on 9/27/22 following a year-long public outreach effort. Authoring of Ordinance 893 initiated to create new mixed use zoning districts based on public feedback to date. A public hearing was noticed for October 18th just in case staff was able to complete work on the new districts. Staff was unable to meet that date, so the Planning Commission tabled the public hearing to the subsequent November 15th meeting date. Staff provided further comment on the proposed Ordinance language and recommended approval.

Commissioner Harrison asked if vegetation could be used along building frontages and facades. Assistant Director of Community Assets and Development Gozola explained staff has not spelled this out in the language, but could consider adding this. He anticipated proposed vegetation would have to be reviewed on a case by case basis.

Chair Biedenfeld asked if the material variation language was too strict. Assistant Director of Community Assets and Development Gozola indicated staff was working to strike a balance between having proper requirements in place while not being so rigid people won’t invest in the community.

Chair Biedenfeld stated he did not want to see the City placing undue burdens on developers if they are meeting current trends and market desires. He indicated he liked the idea of projects having solar when possible if properly screened. Assistant Director of Community Assets and Development Gozola stated staff understood this to be the case.

Further discussion ensued regarding screening and berms.

Commissioner Frischman encouraged the City to put water conservation initiatives into the ordinance. Assistant Director of Community Assets and Development Gozola explained the City was working to create a Climate Action Plan that would address this matter. He commented further on the zoning code rewrite which was currently underway and noted water

conservation could be considered within this document as well. He anticipated the zoning code rewrite would be completed by the end of 2023.

Commissioner Frischman suggested large overhead doors on automotive service buildings remain closed if adjacent to a residential neighborhood. Assistant Director of Community Assets and Development Gozola stated he could add language to address this concern.

Chair Biedenfeld stated this was a fair point and suggested staff also consider how to address the overhead doors at the car wash on Silver Lake Road.

Commissioner McQuillan recommended the chemicals stored by micro-breweries be addressed within the proposed Ordinance.

Chair Biedenfeld supported the parking space requirements being reconsidered. Assistant Director of Community Assets and Development Gozola noted the parking requirements were at the discretion of the Planning Commission and City Council.

Chair Biedenfeld understood some flexibility was required at times, he did not support setting a parking ratio of 1.2.

The Public Hearing was opened at 8:01 p.m.

There were no comments from the public.

Motion by Commissioner McQuillan, seconded by Commissioner Nelsen to close the Public Hearing.

A roll call vote was taken.

Approved 6-0.

Commissioner Frischman asked what the next steps were for this Ordinance. Assistant Director of Community Assets and Development Gozola explained this Ordinance would go to the City Council for consideration and potential adoption. If the Ordinance were adopted, it would be published in the Star Tribune. He anticipated the proposed Ordinance would not go before the City Council until December. He explained if the Commission would like they could table action on this Ordinance to allow staff time to make suggested changes and the Ordinance could be reviewed in December and then be forwarded onto the City Council in January.

Commissioner Frischman supported the Ordinance being tabled and further considered by the Commission in December.

Chair Biedenfeld and Commissioner McQuillan agreed.

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to table action on Ordinance 893 - Mixed Use Zoning Districts: Updates to Chapter 6 of the Zoning Code to create new mixed use zoning districts to govern land development in areas guided for Mixed Use Neighborhood and Mixed Use Regional by the City's 2040 Comprehensive Plan to the December 20, 2022 Planning Commission meeting.

A roll call vote was taken.

Approved 6-0.

VII. Business Items

Chair Biedenfeld welcomed Commissioner Harrison and Student Commissioner Dauer to the Planning Commission.

VIII. Adjournment

Motion by Commissioner Frischman, seconded by Commissioner Allen, to adjourn the meeting.

A roll call vote was taken.

Approved 6-0.

Meeting adjourned at 8:21 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development

Agenda Section:	VII
Item:	1
Report Date:	12/15/22
Meeting Date:	12/20/22

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION: Ordinance 893 – Mixed Use Zoning Districts: Updates to Chapter 6 of the Zoning Code to create new mixed use zoning districts to govern land development in areas guided for Mixed Use Neighborhood and Mixed Use Regional by the City’s 2040 Comprehensive Plan.	
DEPARTMENT HEAD’S APPROVAL: _____	CITY MANAGER’S APPROVAL: _____

Action Requested: <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Informational Form of Action: <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Contract/Agrmnt <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Other Votes Needed: <input checked="" type="checkbox"/> Majority (3 votes) <input type="checkbox"/> Super Majority (4 votes) <input type="checkbox"/> Unanimous <input type="checkbox"/> N/A
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<u>Summary Statement:</u>	<ul style="list-style-type: none"> Ordinance 893 is intended to establish new mixed use zoning regulations for the City. The proposed language would replace existing mixed use requirements with new regulations that follow the recommendations of the recently completed Vision Silver Lake Road 2040 project.
<u>Recommendation(s):</u>	<ul style="list-style-type: none"> Review the revisions to proposed Ordinance 893 since 11/15/22; Recommend further updates, additions, and changes; Either table the Ordinance for additional work or recommend approval (with or without changes) for Council consideration.
<u>Applicable Deadlines:</u>	<ul style="list-style-type: none"> As a City driven process, there is no deadline that must be met with this update. Development in mixed use areas that comes forward while new zoning districts are being created would need to proceed as either a Planned Unit Development (PUD) or a Planned Residential Development (PRD).

<u>Legislative History:</u>	<ul style="list-style-type: none"> ▪ 2040 Comprehensive Plan approved in 2019 following a 2.5 year long planning process ▪ Vision Silver Lake Road 2040 Planning Process and zoning standards recommendations concluded on 9/27/22 following a year-long public outreach effort ▪ Authoring of Ordinance 893 initiated to create new mixed use zoning districts based on public feedback to date ▪ A public hearing was held on November 15th, 2022, but the item was tabled for updates and revisions as requested by the Planning Commission
<u>Strategic Priority:</u> <input checked="" type="checkbox"/> Sustainable & Reliable Infrastructure <input type="checkbox"/> Operational Effectiveness <input checked="" type="checkbox"/> Environment & Sustainability <input checked="" type="checkbox"/> Diversity, Equity, & Inclusion <input checked="" type="checkbox"/> Livable Community <input type="checkbox"/> N/A	
<u>Financial Impact:</u> Is there a financial consideration? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: \$ _____ Financing Sources: <input type="checkbox"/> Budgeted <input type="checkbox"/> Budget Modification <input type="checkbox"/> New Revenue <input type="checkbox"/> Use of Reserves <input type="checkbox"/> Other	
<u>Attachments:</u>	<ol style="list-style-type: none"> 1. <i>Staff Report</i> 2. <i>Ordinance 893</i> 3. <i>Existing Mixed Use Regulations for Reference</i> 4. <i>Vision Silver Lake Road 2040 Final Findings & Recommendations</i> 5. <i>Summary Publication Resolution</i>



Ben Gozola, AICP
Assistant Director of Community Assets and Development

Staff Report

To: **Planning Commission**

From: Ben Gozola, *Assistant Director DCAD*

Meeting Date: **12-20-22**

INTRODUCTION

On 11-15-22, the Planning Commission reviewed the initial draft of Ordinance 893 which (once approved) will establish three new Mixed Use Zoning districts in the City of New Brighton. Discussion was held on the 42-page ordinance, and direction was given to staff on needed updates and changes. The 12-20-22 will focus on the requested updates, and any further changes needed prior to consideration by Council in January 2023.

ORDINANCE BACKGROUND

The City's 2040 Comprehensive Plan, completed following 2.5+ years of public meetings and input, identified multiple new nodes of "mixed use development" in areas of the City that were well positioned for potential redevelopment and/or expansion of current development. Rather than immediately pen new zoning for these mixed use areas, the City acquired a grant in 2020 (subsequently delayed by the pandemic) to complete additional public outreach to learn what the public would like to see as these areas developed in the future. The resulting Vision Silver Lake Road 2040 project took approximately one year to complete, and culminated in specific recommendations from the consultant on recommended zoning standards to incorporate into the new ordinance. Ordinance 893, if approved, will establish new mixed use zoning language based on all public input to date.

VISION SILVER LAKE ROAD 2040 RECOMMENDATIONS

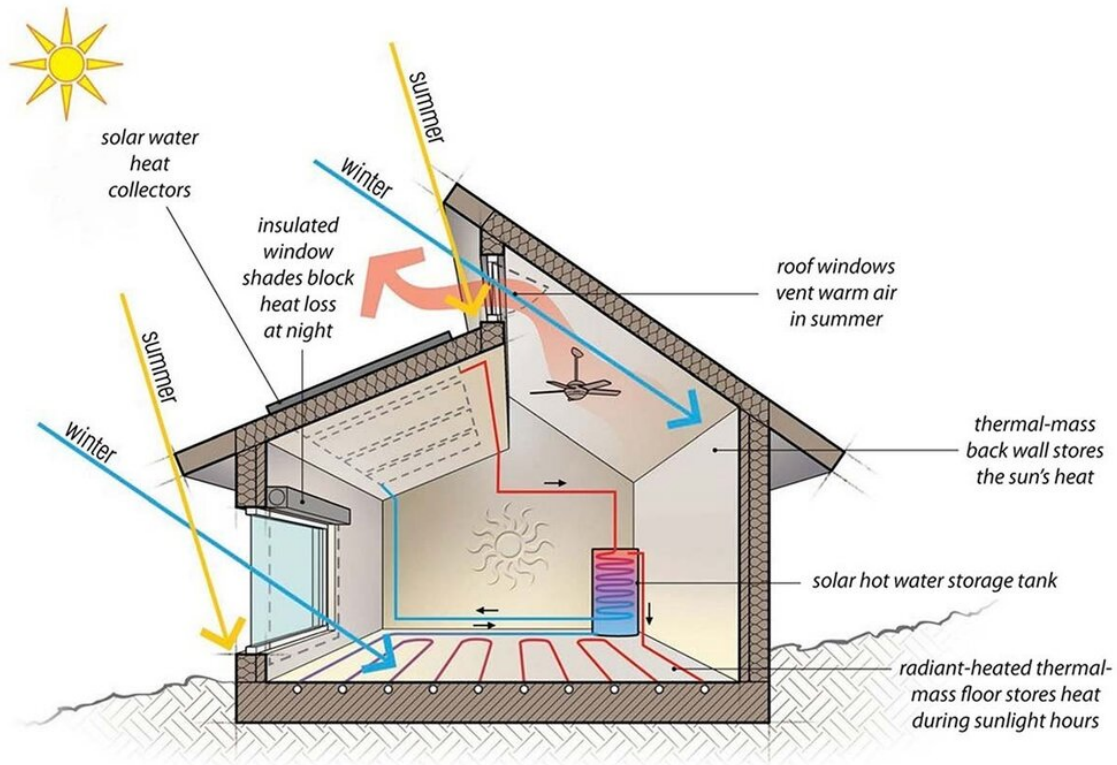
The final summary recommendations coming out of the Vision Silver Lake Road 2040 process are provided following this report as **Attachment (A)** for your reference. The final two pages summarize over 20 recommended zoning standards on everything from building placement to parking to façade requirements. As we review the ordinance line-by-line in this report, we will call out each of the Consultants recommendations as they are addressed within the proposed language.

ORDINANCE 893 UPDATES SINCE 11-15-22

The following updates were made to Ordinance 893 in light of direction received at the 11-15-22 Planning Commission meeting.

- **Page 5, Table 6-1, Line 105.** Side-by-side townhomes were identified as being exempt from the 12 foot ground story height requirement.

- **Page 12, Lines 213 to 216.** The “Materials” section of the ordinance was updated to include language on solar energy installations. This section largely states that solar is an acceptable installation in the mixed use districts subject to accessory use standards in Section 6-540(8)(G). Exemptions are given for (2) two specific types of solar installations:
 - **Passive solar energy designs.** Architectural designs specifically geared towards collecting, storing, and distributing solar heat gains to reduce the demand for space heating. An example of this type of design is shown below (credit: the Princeton Student Climate Initiative)



- **Building Integrated solar energy systems.** Solar energy systems installed flush with the building which also provide the outer layer of the structure. Examples of these types of installations include:



- An installation with angled panels like this would **not** be allowed as a “building integrated system” as the equipment is not flush with building and is not serving as the outer layer of the structure:



- **Page 28, Lines 517 to 520.** A section on “flammable liquids and hazardous materials” was added to make both subject to review and approval by the Fire Marshall, and to state that all such uses shall be done in accordance with applicable local, county, state, and/or federal regulations.
- **Page 32, Lines 613 to 614.** This new requirement will mandate that businesses related to automotive services keep all doors leading to indoor servicing spaces closed when not in use to bring vehicles into and out of the building.
- **Page 40 & 41, Lines 814 to 862.** Section 6-540(8)(G), referenced earlier, spells out the various standards that solar energy systems must meet if installed in a mixed use zoning district.
 - Sub (1) prohibits stand alone installations. Solar must be accessory to a primary use and a primary building.
 - Sub (2) establishes sizing requirements, and links the size of a system to what can be screened by the building design and other features to ensure the system is not prominently visible from primary or secondary roadways. Note that this standard is currently silent on what can be viewed from the interior of the property.
 - Sub (3) requires solar installations to adhere to height maximums, and limits ground installations to 15' in height.
 - Sub (4) establishes specific setbacks for ground-mounted solar equipment, and clarifies that roof systems may not extend beyond the exterior perimeter of the building.
 - Sub (5) limits bracket mounting to flat roofs, and requires flush mounting on pitched roofs.

- Sub (6) prohibits installations within drainage, roadway, or trail easements.
 - Sub (7) requires the color of systems to integrate with the building
 - Sub (8) requires underground wiring and stipulates other requirements for the collection system.
 - Sub (9) requires the solar energy equipment being installed to meet industry standards.
 - Sub (10) requires the solar energy equipment being installed to have industry certification.
 - Sub (11) requires that grid connected systems have details worked out with the local utility prior to installation.
 - Sub (12) sets up requirements if a system is ever abandoned.
 - Sub (13) requires all solar installations be governed by a building permit.
- **Page 43, Table 6-8, Line 900.** Allowed administrative adjustments have been expanded to include varying plane depth and screening standards. As requested, residential development was prohibited from adjustments to minimum parking requirements.

RECOMMENDATIONS

- **Review revisions to proposed Ordinance 893;**
 - **Recommend updates, additions, and changes;**
 - **Either table the Ordinance for additional work or recommend approval (with or without changes) for Council consideration.**
-

The following report sections provide a complete overview of the ordinance as presented in November, and are provided again here for reference.

ORDINANCE 893 OVERVIEW

Ordinance 892 proposes amendments to Chapters 2 & 6 of the New Brighton Zoning Code as follows.

Section 1: Changes to Zoning Code Chapter 2 to add new definitions.

- **Lines 12 – 15.** States that all existing language in Chapter 2 will remain unchanged with the exception of the new definitions being added on lines 16 through 22.
- **Lines 16 – 18.** Introduces a new definition for “Live Work Units:” essentially dwelling units with square footage specifically set aside for their business operations.
- **Lines 19 – 23.** Introduces a new definition for “Personal Services” which will be an all-encompassing term used to describe service industries relating to personal care or care of a person’s possessions (i.e. barber shops, beauty salons, fitness studios, music schools, tanning salons, photo studios, etc).
- **Lines 24 – 26.** Introduces a new definition for “Places of Public Assembly” which will be an all-encompassing term used to describe meeting halls, churches, auditoriums, an similar facilities intended for the gathering of large groups of people.

Section 2: Changes to Zoning Code Chapter 6 to eliminate existing mixed use zoning districts in favor of three (3) new mixed use districts.

- **Line 29.** Maintains the entirety of existing Article 1 (I-1 Light Industrial District) unchanged
- **Line 30.** Maintains the entirety of existing Article 2 (I-2 Heavy Industrial District) unchanged
- **Line 31.** Maintains the entirety of existing Article 3 (I-3 Limited Industrial District) unchanged
- **Line 32.** ELIMINATES the entirety of existing Article 4 (MX Mixed Use District)
- **Line 33.** ELIMINATES the entirety of existing Article 5 (MX-G Mixed Use District)
- **Line 35. Creates the header for a new Article 4. Mixed Use Districts.** This one article is formatted to include all three mixed use districts into one area of code.

- **Lines 36 – 49. Purpose.** This language is new and provides the City’s overarching set of reasons for creating mixed use zoning districts. The Planning Commission and Council are free to add, edit, or delete provisions as you see fit. The intent is to tell the reader what the City intends to accomplish within these mixed use districts.
- **Lines 50 – 60. Districts Established.** This language introduces the three new mixed use zoning districts being created: the Mixed Use Regional (MUR) District, the Mixed Use Neighborhood (MUN) District, and the Mixed Use Exchange (MUE) District.
- **Lines 61 – 93 Applicability.** This section provides immediate clarification on how existing development is or is not impacted by the creation of these new zoning districts. In general, legal nonconformities are allowed to stay, but cannot be expanded unless the property is brought into conformance with code. With these provisions, we provide avenues for expansion that would otherwise not be available.
 - Lines 63 - 64: acknowledges that uses which become legal nonconforming because of Ordinance 893 are protected and can continue to operate.
 - Lines 65 - 72: allows legal nonconforming **uses** to expand up to 15% of the existing gross floor area via special use permit provided the expansion does not significantly impede implementation of further development in the mixed use areas.
 - Lines 73 - 93: allows an avenue to expand legal nonconformities relating to **building placement or size** provided specific conditions can be met.
- **Lines 94 – 98. Conflicts.** This language acknowledges that zoning is rarely perfect (especially when done piecemeal), so should there be conflicts between these new provisions and standards elsewhere in code, the provisions within this new article will apply. Subsection 2 clarifies that zoning code text will prevail if there are identified conflicts between the code text and the provided figures.
- **Lines 99 – 105. Building Height.** The following HKGI recommendations are addressed in this section.

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Size</i>	
Building height - maximum	<ul style="list-style-type: none"> • 6 stories - I-694 • 4 stories - Rice & Mississippi, County Road E West/St. Anthony
Ground story height - minimum	12 ft.
Upper stories step back – required above a specific story	<ul style="list-style-type: none"> • Above 4 stories; step back of 8 to 15 ft. from front façade - I-694 • Not required - Rice & Mississippi, County Road E West/St. Anthony

The language in Section 6-515 explains to the reader that allowing (and requiring) taller buildings creates compact development, space for pedestrians, open space, and works to create a visible identity for mixed use areas. Table 6-1 (line 101) establishes the various height standards for all three mixed use zoning districts following the recommendations which came out of the Vision Silver Lake Road 2040 study shown above.

- MUE standards in Table 6-1 reflect current height requirements from the existing MX district although the “lesser of” standard between 3 stories or 40 feet has been eliminated to be more consistent with the two new mixed use districts.
- Required upper story step backs are proposed to only be required if/when the development site is directly adjacent to R-1 zoned land. Staff did not require step backs from the freeway in this initial draft as we failed to see what would be accomplished. If the City wanted full height anywhere in the I-694 district, along the highway would seem to be the most logical place to maximize height to achieve a sound wall effect along the highway. Additionally, the City did not require upper-story setbacks on the Exchange Apartments building (adjacent to R-3A), so adding required step backs now seemed inappropriate.
- **Lines 106 – 256. Building Placement, Orientation, and General Development Standards.** Section 6-515 includes six separate subsections dealing with setbacks, entrances, building design, materials, ground floor transparency, and screening.

The following HKGI recommendations are addressed in the first two subsections of 6-515 (Build to Areas and Side & Rear Setbacks):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Placement</i>	
Front yard setback - replace with build-to-zone including minimum and maximum	
• Minimum	5, 10, or 15 ft.
• Maximum	20, 25, or 30 ft.
Side yard setback – minimum	5 to 10 ft.
Rear yard setback – minimum	5 to 15 ft., potentially larger adjacent to lower density residential districts
Street frontage – minimum coverage	50% to 80%

- Lines 109 to 116 establish new “build-to” regulations for mixed use development, set up side and rear yard setbacks, and discuss how architectural elements on buildings can relate to these requirements.
 - Rather than requiring a minimum front yard setback, mixed use areas will now have a mandatory “build to” area to ensure buildings are drawn towards roadways creating a visually interesting corridor while hiding parking lots, outdoor storage, and other features which tend to distract from sites.

- Requirements in Table 6-2 largely come from the HKGI recommendations resulting from the Vision Silver Lake Road 2040 project.
- Lines 116 to 118 provide figures to illustrate build-to areas on a single building development site, and build-to areas on a multi-building development site.
- Lines 119 to 122 establish side and rear yard setback standards for all three of the mixed use districts. Again, proposed standards either come from HKGI recommendations (MUR and MUN), or from existing standards (MUE setbacks are proposed to match existing MX standards).
- Lines 123 to 126 allows specific building elements (i.e. planter boxes, signs, awnings, etc) to extend into build-to areas and setbacks.

The following HKGI recommendations are addressed in subsection (2) of 6-515 (Public Entrances):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Façade</i>	
Placement of entries - minimum	At least one entry placed on street façade
Spacing of entries on street façade – maximum distance between	At least every 60 to 75 ft.

- Lines 128 to 131 requires one public entry facing a primary or secondary street, or facing the corner of both streets.
- Lines 132 to 135 clarify that on sites with multiple buildings, there will likely be buildings interior to the site that are not on a primary or secondary street. In those cases, the primary entrance must adjoin a provided pedestrian walkway.

The following HKGI recommendations are addressed in subsection (3) of 6-515 (Façade Design and Articulation):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Size</i>	
Building length - maximum	100 to 250 ft.
<i>Building Façade</i>	
Street façade articulation - minimum	At least every 40 to 55 ft.

- Lines 140 to 190 attempt to address the scale of future buildings, the quality of future buildings (i.e. detail of design), and the visual interest of future buildings (i.e. required changes in plane depth to avoid long, continuous walls).

- Lines 142 to 148 do depart from HKGI's recommendation of a 250 maximum building length in favor of a general maximum of 350 feet (akin to the new Exchange Apartment Building) with the ability to have greater lengths if the applicant can demonstrate the design will actually contribute to meeting the purpose and intent of the mixed use district OR will provide a pseudo-sound wall against freeway noise (i.e. the anticipated Benedictine expansion).
- Lines 149 top 163 list various architectural details that must be incorporated into building designs. We've done our best to keep this fairly wide open to allow for architectural creativity while still prohibiting boring.
- Line 164 includes a figure (6-C) to illustrate how some of the various architectural details can be incorporated into buildings.
- Lines 165 to 190 focus on requirements to vary the plane depth of building facades to add visual interest to buildings in the mixed use districts. Requirements follow recommendations from HKGI with clarifications added from similar regulations researched in preparing these regulations.

The following HKGI recommendations are addressed in subsections (4) and (5) of 6-515 (Materials and Ground Floor Transparency):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Size</i>	
Street façade transparency - minimum	40 to 60%
Exterior building materials	Specify allowed, prohibited, primary, and secondary

- Lines 191 to 221 focus on desired materials and prohibited materials. Language here was guided by sample ordinances researched in preparing these regulations, and can be changed or amended as the Planning Commission and Council sees fit.
- Lines 222 to 239 speak directly to ground floor transparency of buildings. Transparency provides a linkage between the outside public realm and the adjacent built environment. According to Glenn Pape at Michigan State University:

"A typical example of transparency is a large shop front window that allows pedestrians to see into the store. Another example of transparency is outdoor seating at a café that extends the human activity through the front wall of the café. People perceive the possibility of human activity inside the café based on the seating outside, thus extending the activity through the façade and creating transparency even if there are no large windows or doors."

Setting a minimum requirement for transparency is a common standard in modern mixed use developments, and was one of the recommendations coming out of the Vision Silver Lake Road 2040

study. Within subsection (5), we establish standards for retail uses and other nonresidential uses. Residential uses would be exempt from a minimum ground floor standard under the proposed language.

The following HKGI recommendations are addressed in subsection (6) of 6-515 (Screening – Loading Service Areas, and Utilities):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Screening</i>	
Trash storage	Regulate outdoor placement and require screening
Mechanical equipment	Regulate outdoor placement and require screening

- Lines 240 to 255 require screening of loading docks, utility structures, service areas, trash enclosures, etc. meeting specific standards. Materials used must integrate with the building design and fulfill their intended purpose.
- Line 256 includes a Figure (6-E) to illustrate that creative integration of public art in screening methods will be accepted and is encouraged.

- **Lines 257 – 340. Parking.** Section 6-520 includes two subsections dealing with parking design and minimum & maximum parking thresholds.

The following HKGI recommendations are addressed in the subsections of 6-520 (Parking):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Façade</i>	
Parking structures on ground story	Consider requiring a liner building or occupied habitable space
<i>Parking</i>	
Placement of surface parking areas	Not permitted to be located between the front of the building and the street
Minimum number of vehicle parking spaces	Residential: 0.5 to 1 space per unit Non-residential: 1 space per 1,000 sq. ft.
Maximum number of vehicle parking spaces	Residential: 2.5 spaces per unit Non-residential: 5 space per 1,000 sq. ft.
Bicycle parking spaces/facilities	Consider minimum number of parking spaces, covered spaces, and shower/changing facilities

- Lines 258 to 267 describe what mixed use parking regulation are intending to accomplish, and establish where parking can be located.
- Line 268 introduces a Figure (6-F) to show allowed parking areas on a multi-building site.

- Lines 269 to 289 address screening requirements for parking areas.
- Lines 290 to 296 simply states the generally applicable technical design of parking lots will be consistent with the City's established standards in Zoning Code Chapter 11. Large parking lots will need to include room for pedestrian walkways.
- Lines 297 to 315 address the design of parking structures if proposed as part of a development. These requirements follow the recommendation from HKGI amongst others pulled from similar mixed use zoning districts reviewed in our research.
- Lines 316 to 323 set up minimum and maximum parking thresholds for various development types. Based on our recent research for the Exchange Apartments, staff is proposing a minimum of 1.5 space per unit for Residential as opposed to the 0.5 that came out of the Vision Silver Lake Road 2040 project. In speaking with other communities, 1.5 seems safe to avoid issues whereas 1.0 and below was causing problems in our peer cities. All other recommended standards are in line with HKGI recommendations.
- Lines 324 to 325 allows on street parking directly abutting the use to count towards required parking totals.
- Lines 326 to 331 allows for required parking to be met off site if within walking distance and the parking is legally accessible for the proposed use (i.e. allows for parking ramps to serve a greater area)
- Lines 332 to 334 encourage shared parking when possible and when supported by a shared parking study.
- Lines 335 to 339 refer off-street loading requirements to Chapter 11 of the Zoning Code
- Line 340 requires that bike racks be provided. Note that we did not get into minimum accommodations, shelters for bikes, or the requirement for shower & changing facilities in businesses, and instead are intending to let the market dictate when and where such improvements are necessary. The Planning Commission and City Council are welcome to add to this language as you see fit.
- **Lines 341 – 362. Site circulation and vehicular access.** Section 6-525 includes four subsections dealing with site design.
 - Lines 342 to 344 describe what the City is trying to accomplish with the regulations in 6-525 (i.e. minimize curb cuts, increase connectivity, and overall limit disruptions to the pedestrian environment in as much as possible).
 - Lines 345 to 347 limits block perimeters to 2000 feet or less. In looking at potential areas where new block could potentially be created, this seems like a very reasonable standard.
 - Lines 348 to 354 set out requirements on curb cuts and consolidation of such when possible.

- Lines 355 to 359 talk about how the City will treat vehicular entrances to buildings (i.e. underground parking areas).
- Lines 360 to 362 requires integrated parking lots and cross access agreements to avoid the situations where multiple individual side-by-side parcels are all self-contained and traffic must enter and exit each site from a public roadway rather than traveling between lots through private connections and drive aisles.
- **Lines 363 – 388. Pedestrian and Trail Accommodations.** Section 6-530 includes four subsections dealing with access points, trail connections, traffic/ped conflicts, and walkway design standards.

The following HKGI recommendations are addressed in the subsections of 6-530 (Parking):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Pedestrian and Open Space Facilities</i>	
Internal site walking facilities	Consider requiring walking facilities between the building, parking area, and the street

- Lines 364 to 367 requires the developer to consider and accommodate all pedestrian access points to the development site.
- Lines 368 to 370 requires a developer to incorporate a trail anytime a development site is integral to completing trail connections as identified in the City's new 2040 Parks Comprehensive Plan.
- Lines 371 to 373 demands that pedestrian facilities minimize conflicts with traffic at all points in as much as possible.
- Lines 374 to 388 establish design standards for pedestrian facilities within mixed use areas.
- **Lines 389 – 427. Open Space Requirements.** Section 6-535 includes six subsections detailing the need for open space and plazas as part of future development.

The following HKGI recommendations are addressed in the subsections of 6-530 (Parking):

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Pedestrian and Open Space Facilities</i>	
Trees and landscaping – minimum	Consider increasing amount of trees and landscaping to enhance quality of pedestrian environment
Outdoor open space - minimum	Consider requiring a minimum amount of private usable open space

- Lines 390 to 392 set up the reasons the City is establishing open space requirements for mixed use districts.
- Lines 393 to 396 establish minimum percentage of the net site area (total site area less public right of way) that needs to be designed as open space. Subsequent subsections describe different types of open space that contribute to this minimum requirement.
- Lines 397 to 401 allows for required open space to be aggregated into one area on multi-building sites if approved by the City.
- Lines 402 to 404 require at least 30% of the required open space to include landscaping (either passive/decorative or useable areas like grass lawns).
- Lines 405 to 417 require at least 75% of the required open space to be useable, and the subsections (A – E) dictate what is and is not acceptable to meet this requirement.
- Lines 418 to 424 outline maintenance requirements for open spaces.
- Lines 425 to 427 exempt open space developments from the landscaping standards of the site review process in Chapter 8 of the Zoning Code. Mixed use standards will apply instead.
- **Lines 428 – 865. Uses.** Section 6-540 is by far the largest section of new zoning regulations being introduced by Ordinance 893 as it deals with uses that’ll be allowed within the mixed use districts.

The following HKGI recommendations are addressed in Section 6-540:

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Pedestrian and Open Space Facilities</i>	
Drive-thru facilities	Located behind the building; queuing lanes cannot interfere with pedestrian network; similar materials and design as building

- Lines 429 to 473 explain how the use table in subsection (2) functions, and what the various symbols in the table mean.
- Lines 474 to 479 make up Table 6-7. Uses in Mixed Use Districts. As you’ll see, uses are broken up into Residential Uses, Civic and Institutional Uses, Commercial Uses, and Industrial Uses. Listed uses are all very straight-forward and are similar/identical to uses allowed in the City’s existing mixed use districts. One column for each mixed use district (MUR, MUN, and MUE) indicate whether the use is outright permitted (P), requires a Special Use Permit (S), or is prohibited (shaded cell). Interim uses could also be added with the “I” designation, but no such uses are proposed at this time. The final column indicates where the reader can look for requirements specific to that use. Highlights include:

- New “live-work unit” option for dwellings
 - “Places of Public Assembly” is a catch all term for social clubs, auditoriums, churches, etc.
 - “Micro-production facility (micro-brewery/micro-distillery)” has been added as a specially permitted use following regulations designed by Richfield. Associated tap rooms and cocktail rooms would be specially permitted accessory uses to an approved facility.
 - “Personal Services” is a proposed new term to cover establishments that primarily engage in providing services generally involving the care of a person, service for a person, or care of a person’s possessions.
- Lines 480 to 865 contain specific requirements for the various uses allowed by Table 6-7. These proposed requirements were assembled from various other codes, and were selected by staff as being appropriate to achieve the type of development the City is seeking in each mixed use district. The City Council and Planning Commission are free to add, delete, or edit uses & requirements as you see fit.
- **Lines 866 – 878. Specific Additional Requirements for the Mixed Use Exchange (MUE) District.** Section 6-545 simply carries over existing MX zoning standards into the new code to apply in the new MUE district which will be assigned to MX zoned properties.
 - **Lines 879 – 890. General Requirements for Mixing of Uses.** This section (6-555) simply explains that mixing of uses, as envisioned for these areas, is highly encouraged. Individual buildings are allowed to be single-use, but subsequent development of single-use buildings in the district should bring the mixing of uses called for by the Comprehensive Plan. Should one use type begin to dominate any given mixed use district, that dynamic can be used as grounds to deny future projects seeking to construct more of the same dominant use type.
 - **Lines 891 – 903. Administrative adjustment process.** The final section of the new zoning language (Section 6-560) attempts to build in some flexibility by allowing for staff authorized administrative adjustments. Given the City’s mixed use areas are fully built out and must be redeveloped to achieve change, it is highly likely that adherence to every requirement will likely be difficult in at least some cases. This provision is intended to assist when those problems arise, and will hopefully give staff ample leeway to work with the developer on solving code issues relating to setbacks, transparency, parking, etc.

Ordinance 893

ORDINANCE NO. 893
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**AN ORDINANCE AMENDING CHAPTER 6 OF THE NEW BRIGHTON ZONING CODE
ELIMINATING THE CITY'S EXISTING MIXED USE DISTRICTS IN FAVOR OF NEW
MIXED USE ZONING REGULATIONS TO GOVERN THE VARIOUS LANDS GUIDED AND
ZONED FOR MIXED USE THROUGHOUT THE CITY**

THE CITY OF NEW BRIGHTON ORDAINS:

SECTION 1. Chapter 2 of the Zoning Code of the City of New Brighton, Minnesota, is hereby amended as follows:

Article 1, Section 2-010 is restated and incorporated herein unchanged.

Sec. 2-020. Definitions.

All existing definitions are restated and incorporated herein unchanged subject to the following additions and edits. All numbering to be updated in consecutive order.

Live-Work Units. A personal residence that is specifically designed and located to allow accessory business use by the occupants of the residence. This may include office and service uses and retail sales of products produced on-site (art, crafts, etc.).

Personal Services: Establishments that primarily engage in providing services generally involving the care of a person, service for a person, or care of a person's possessions. Personal services may include but are not limited to: laundry services, barber shops, beauty salons, dentists, chiropractors, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Place Of Public Assembly: An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, and other similar activities, including buildings in which such functions and activities are held.

SECTION 2. Chapter 6 of the Zoning Code of the City of New Brighton, Minnesota, is hereby amended as follows:

29 Article 1 is restated and incorporated herein unchanged.

30 Article 2 is restated and incorporated herein unchanged.

31 Article 3 is restated and incorporated herein unchanged.

32 Article 4 is eliminated in its entirety.

33 Article 5 is eliminated in its entirety.

34 A new Article 4 is added as follows:

35 **Article 4. Mixed Use Districts**

36 **Section 6-500. Purpose.**

37 The purpose of the City's Mixed Use zoning classifications is to provide areas with a flexible approach
38 to land uses that enhance the character and usability of land within specific areas along the City's
39 primary commercial corridors. Development in these areas is intended to:

40 **(1)** Create a balanced mix of land uses;

41 **(2)** Support a sustainable and resilient local economy;

42 **(3)** Provide places to live, work, shop, and play;

43 **(4)** Improve the public realm through high quality architectural design and materials;

44 **(5)** Promote facilities to accommodate pedestrians, bicyclists, and transit users in addition to the
45 automobile;

46 **(6)** Encourage public and quasi-public open spaces within the corridor by allowing and encouraging
47 taller buildings for high-density uses;

48 **(7)** Encourage active lifestyles; and

49 **(8)** Maintain the character and integrity of adjacent residential neighborhoods.

Section 6-505. Districts Established.

- (1) Mixed Use Regional District (MUR)** nodes are located at the intersections of principal arterials and minor arterial roadways. Given their easy accessibility to the greater metropolitan area via the Interstate Highway system, these nodes are ideal to accommodate the City's highest intensity development accommodating civic, residential, retail, entertainment, and service opportunities.
- (2) Mixed Use Neighborhood District (MUN)** nodes are located along minor arterial roadways in locations with high redevelopment potential. Each node of MUN is well situated for higher-intensity development of retail, entertainment, service, and residential uses.
- (3) Mixed Use Exchange District (MUE)** encompasses the original mixed use zoning regulations adopted by the City. This classification is only assigned to mixed use areas existing prior to **<effective date of ordinance>**

Section 6-510. Applicability.

(1) Expansion of Nonconforming Uses.

- (A)** Legal nonconforming uses existing prior to **<effective date of ordinance>** may be maintained according to Zoning Code Chapter 8, Article 4, Nonconforming Use.
- (B)** The City Council may allow expansion of legal nonconforming uses in mixed use districts via issuance of a special use permit following the provisions of Zoning Code Chapter 8, Article 2.
 1. Expansions may be allowed up to fifteen (15) percent of the gross floor area provided the expansion meets all other applicable City requirements. Expansions in excess of fifteen (15) percent shall require adherence to the provisions of this article.
 2. Any expansion or modification of a legal nonconforming use should not significantly impede implementation of goals and policies of the Comprehensive Plan.

(2) Expansion of Dimensional or Bulk Nonconformities.

(A) Legally nonconforming buildings existing prior to <effective date of ordinance> that do not meet dimensional or bulk standards of the applicable Mixed Use zoning district may be expanded through review and approval of a special use permit following the provisions of Zoning Code Chapter 8, Article 2.

(B) Approval of the special use permit for expansion or modification of a legally nonconforming building shall require the following tests to be met:

1. The expansion or modification does not increase the overall, site-wide degree of nonconformity;
2. The applicant can demonstrate that zoning and Comprehensive Plan requirements are met to the greatest degree practical. These requirements include, but are not limited to: parking, landscaping, architectural design and facade treatment, and site design;
3. Proposed departures from Zoning and Comprehensive Plan requirements are addressed through superior design and/or additional community/site amenities;
4. The expansion or modification will not:
 - i. Significantly impede implementation of goals and policies of the Comprehensive Plan;
 - ii. Have undue adverse impacts on neighboring residential properties;
 - iii. Have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements; and
 - iv. Have undue adverse impacts on the public health, safety or welfare.

Section 6-515. Conflicts.

(1) Wherever specific provisions of this Article conflict with other articles in the zoning code, the provisions within this article shall apply.

(2) Illustrations that appear in this Article are for illustrative purposes only. In the event of a conflict between illustrations and text of the zoning code, the zoning code text shall apply.

Section 6-515. Building Height.

Within the City's mixed use areas, it is recognized that taller buildings are necessary to allow for a range of uses within a structure and encourage a compact form of development that is focused on pedestrian connections. Buildings with a consistent range of heights also help to define the street wall and create an architectural identity for a corridor or area. Table 6-1 establishes required building heights in the City's mixed use districts necessary to achieve these goals.

Table 6-1. Building Height Requirements

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>
Allowed Building Height Ranges			
Minimum Height ¹	2 stories (20')	2 story (20')	1 story (12')
Maximum Height	6 stories (72')	4 stories (48')	3 stories (40')
Individual Story Height Requirements			
Ground Story Minimum ²	12 feet	12 feet	12 feet
Ground Story Maximum	na	na	na
Upper story Minimums ²	8 feet	8 feet	8 feet
Upper Story Additional Setbacks (if directly adjacent to R-1 zoned property)			
5 th story	Standard setback + 8 feet	na	na
6 th story	Standard setback + 15 feet	na	na
¹ A parapet wall may be utilized to meet the minimum height requirement. Minimum height must be met on all sides of the building. ² Finished floor to ceiling. Side by side townhomes are exempt from the ground story minimum requirement.			

Section 6-515. Building Placement, Orientation, and General Development Standards.

In order to activate streets and enhance the pedestrian experience, buildings within mixed use areas are encouraged to be placed close to the street and oriented toward the public realm.

(1) Building Setbacks

(A) Build To Areas. Build-to areas are intended to bring building façades toward the street. A build-to area requires that a minimum portion of each development site's street frontage is occupied by a building, encouraging an active and interesting street frontage. Table 6-2 establishes build-to requirements for each mixed use district.

Table 6-2. Build-To Areas

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>
Primary Street Frontage Build-To Area			
Minimum	10 feet	10 feet	25 feet
Maximum	20 feet	20 feet	35 feet
Linear portion of build-to area that must contain building façade (minimum) ¹	50%	60%	50%
Secondary Street Frontage Build-To Area			
Minimum	10 feet	5 feet	25 feet
Maximum	30 feet	30 feet	35 feet
Linear portion of build-to area that must contain building façade (minimum) ¹	30%	30%	30%
¹ <i>Where the provided primary street build-to exceeds the minimum requirement, the required secondary street build-to may be reduced by an equal or lesser amount, subject to approval by the Department of Community Assets & Development.</i>			

Figure 6-A: Illustration of build-to areas for an MUR zoned parcel with one building

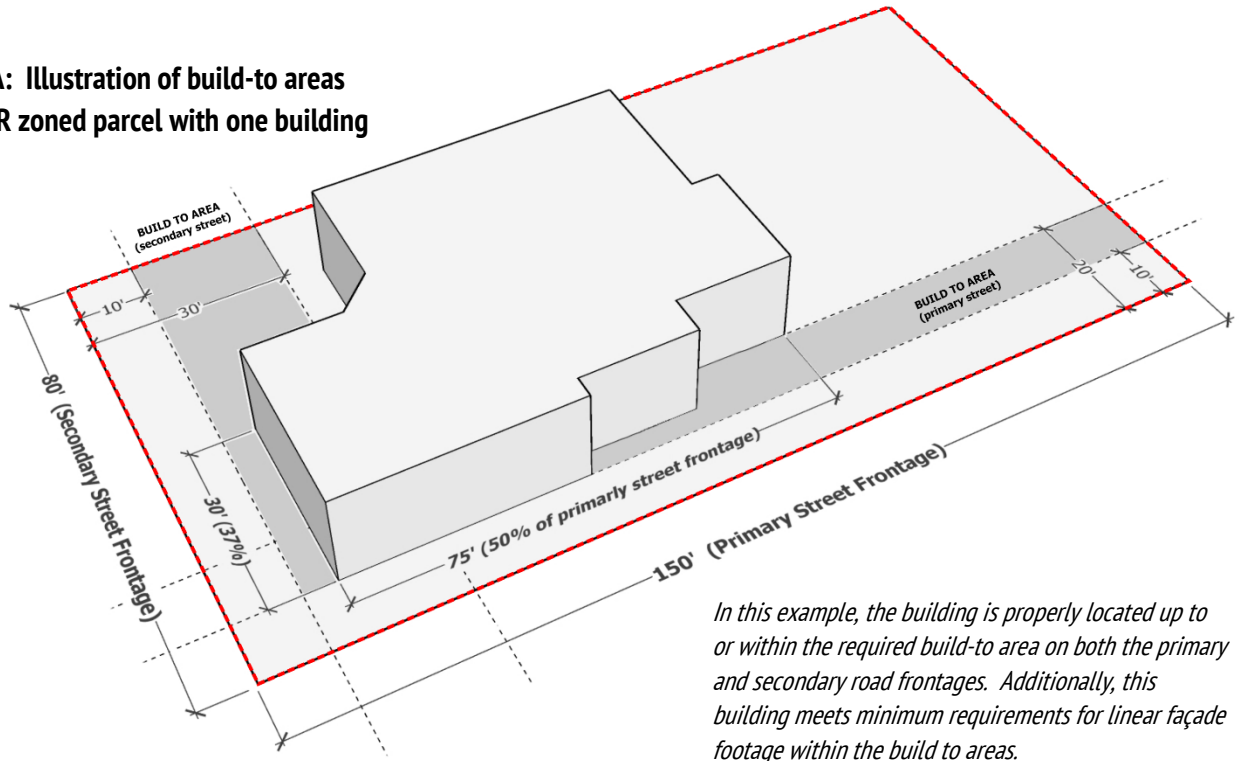
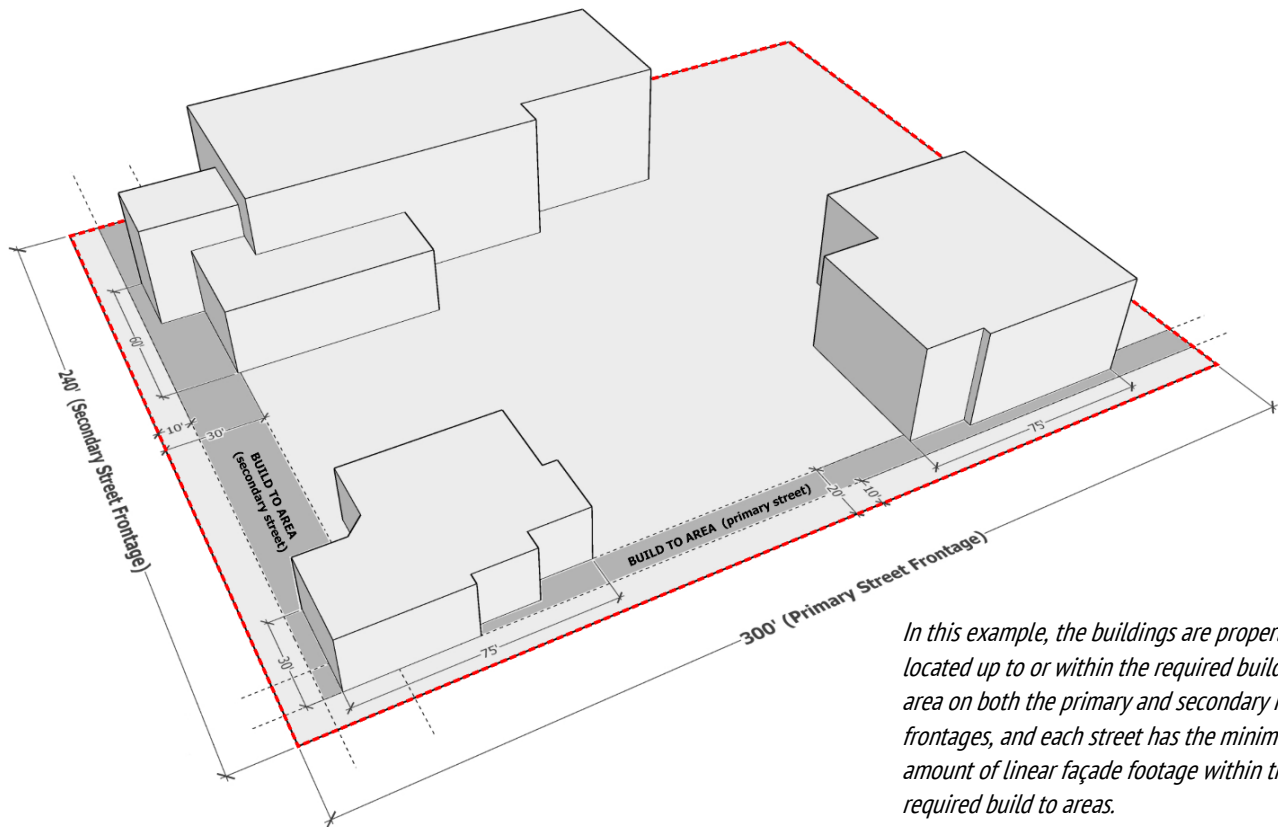


Figure 6-B: Illustration of build-to areas for an MUR zoned parcel with multiple buildings



(B) Side and Rear Setbacks. Table 6-3 establishes minimum side and rear setback requirements for all structures in the mixed use districts. Front setbacks are not required; instead, the build-to requirements of Section 6-515(1)(A) above must be followed.

Table 6-3. Required Side and Rear Setbacks

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>
Minimum Side Setback	10 feet	5 feet	5 feet
Minimum Rear Setback ¹	5 feet	5 feet	5 feet
¹ A minimum 25 foot rear yard setback shall be observed when the rear lot line is adjacent to R-1 or R-2 zoned property.			

(C) Setback and Right-of-Way Encroachments. Architectural elements (such as window planter boxes, eaves, balconies, projecting wall signs, canopies, awnings, etc) attached to the building façade may encroach into a required setback or build-to area up to three (3) feet on the ground floor, and up to five (5) feet at upper levels.

(2) Public Entrances.

(A) Unless deemed unfeasible through the site plan review process, all buildings in mixed use districts shall have at least one (1) public entry that faces the primary or secondary street serving the development site. For corner lots with more than one street frontage, the public entry may be oriented towards the corner.

(B) For development sites with more than one (1) structure, those buildings that do not directly front a street shall have at least one (1) primary entrance that adjoins a pedestrian walk. The primary entrance should be connected to the street by a walkway that is clearly defined and separated from parking areas.

(3) Building Design

Quality architecture is a vital component to creating a unique sense of place. Creative design that pays careful attention to the building's contribution to the public realm – through massing, form, materials, and its relationship to the street – is encouraged

(A) Façade Design and Articulation

1. Architectural quality & scale

- i. The maximum linear building length on any given side of a building shall not exceed 350 feet unless:
 1. The applicant can demonstrate that additional length will contribute to the project's ability to fulfill the purpose and intent of the mixed use district as outlined in section 6-500; or
 2. The building fronts a primary arterial roadway and will act as a sound wall for the surrounding area.
- ii. All façades of a building shall provide a level of finished architectural quality and be designed to human scale. Each façade shall contain at least one (1) change in color or texture. Additional detail should be incorporated into the façade design by the use of at least three (3) of the following methods:
 1. Reveals.
 2. Belt courses.
 3. Cornices.
 4. Expression of a structural or architectural bay.
 5. Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression.
 6. Change in material.
 7. Variation in rooflines.
 8. At the discretion of the Department of Community Assets and Development, other technique(s) proposed by an architect that accomplish similar results to options 1 – 7 above.

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Figure 6-C: Examples of various architectural details for incorporation into building designs

Belt Course



Reveals



Cornice



Expressed Bay



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2. Varying Plane Depth.

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- i. All façades of a building that face a street or a public space shall have at least one (1) variation in plane depth of at least one (1) foot for every fifty (50) linear feet of the length of the façade. All other façades shall have one (1) variation in plane depth of at least one (1) foot for every one hundred (100) linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.

- 172 ii. For single-family attached dwellings, façade(s) containing front doors shall have a
173 change in plane depth of at least one (1) foot either between each unit (i.e. varying
174 the plan depth of adjacent units), or changes within the frontal plane of every
175 individual unit.
- 176 iii. Non-permanent features such as canopies and awnings do not qualify as variation.
177 Plane depth variation may be accomplished through elements such as:
 - 178 1. Recessed entries.
 - 179 2. Porticos.
 - 180 3. Projecting porches.
 - 181 4. Upper level step backs.
 - 182 5. Dormers.
 - 183 6. Offsets in the general plane of the façade, including columns, pilasters,
184 protruding bays, reveals, fins, ribs, balconies, cornices, or eaves.
- 185 iv. The primary entrance of buildings in the mixed use districts shall be emphasized
186 through at least two (2) of the following architectural elements:
 - 187 1. Changes in wall plane or building massing.
 - 188 2. Differentiation in material and/or color.
 - 189 3. Higher level of detail.
 - 190 4. Enhanced lighting.

191 **(4) Materials**

- 192 **(A)** Only primary building materials shall be used for all façades. Primary building materials
193 include but are not limited to:
 - 194 **1.** Brick
 - 195 **2.** Stone
 - 196 **3.** Architectural pre-cast concrete
 - 197 **4.** Synthetic brick and masonry materials
 - 198 **5.** Hard coat stucco
 - 199 **6.** Integral textured colored concrete block
 - 200 **7.** Architectural metal panels

(B) Materials that are not allowed include, but are not limited to:

1. Plywood paneling.
2. Vinyl and aluminum siding.
3. Un-articulated large format concrete panels.

(C) Exterior insulating finishing system (EIFS) may be used as an accent material subject to the following restrictions:

1. EIFS must have a textured finish.
2. EIFS may not be utilized below the height of eight (8) feet on any building façade.
3. The total amount of EIFS may not exceed twenty-five (25) percent per building façade.
4. The allowable amount of EIFS may be consolidated on a façade(s) that does not face a street or public space provided that the total amount of EIFS, calculated cumulatively for the entire building, does not exceed twenty-five (25) percent.

(D) Solar Installations: solar energy installations on buildings are allowed subject to the requirements of Section 6-540(8)(G). Passive solar energy design and building-integrated solar energy systems that are flush with the building are exempt from Section 6-540(8)(G), and will be regulated like any other allowed building element.

(E) Material variation: All building façades that face a street or public space shall have at least one (1) variation in material to break the building up vertically. A change in material must be at least twelve (12) inches in height. Masonry patterns, such as headers or rowlocks, can count as a change of material. Windows, canopies, and doorways will not count as a change in material.

(5) Ground floor transparency.

(A) Retail uses. The façade facing the primary street frontage shall be at least sixty (60) percent transparent. All other façades facing a street or public space shall be at least thirty (30) percent transparent.

(B) All other nonresidential uses (excluding retail). The façade facing the primary street frontage shall be at least forty (40) percent transparent. All other façades facing a street or public space shall be at least twenty-five (25) percent transparent.

- (C) Transparency shall be calculated as the percentage of clear, non-reflective glass within the area between three (3) feet and eight (8) feet above the first floor finished elevation.
- (D) Transparent doors and window mullions shall count as part of the transparent area. Structural elements and opaque or reflective glass shall not count toward the transparency requirement, except that up to twenty (20) percent of the transparency requirement for any one (1) façade may be fulfilled by spandrel glass.
- (E) Glass display cases may count toward the transparency requirement only if they give the appearance of windows, are at least eighteen (18) inches deep, and are maintained with items of interest, including window display graphics.
- (F) For retail uses, windows at the ground floor shall be at least five (5) feet high.
- (G) Residential only buildings are exempt from a minimum ground floor transparency standard.
- (6) Screening—Loading, service areas, and utilities.**
- (A) All loading docks, utility structures, and other service areas associated with a building shall be fully screened from view by walls or fences.
- (B) Screening elements shall be composed of materials consistent with the primary building. Wood and vinyl fences shall not be allowed as screening materials. Screen walls and fences over ten (10) feet in length shall be bordered by a four-foot-wide landscape buffer.
- (C) Trash enclosures shall be compatible with the building design and materials and screened with full wall enclosures. Such enclosures may not be located between the building façade and the street.
- (D) All screening elements shall be at least as tall as the object (e.g. trash enclosure, loading dock, or utility structure) being screened.
- (E) Rooftop equipment shall be screened by parapets or enclosures. Screening elements shall be composed of forms, materials, and colors that are compatible with the architectural qualities of the building, including materials, scale, form, and color.
- (F) Wherever possible, exterior utility boxes and above-ground utility installations shall be located to the side or rear of buildings, and not visible from the street.

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Figure 6-E: Screening walls with landscaped buffers are required around all otherwise visible loading docks, utility structures, and service areas. Creative integration of public art as part of the screening (as shown here) is encouraged.



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Section 6-520. Parking.

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(1) Off-street parking placement and design. Streets are more vibrant and interesting to pedestrians if they are lined with buildings and active uses. Surface parking should be located behind buildings, toward the interior of lots, and should be screened from view from adjacent streets. Structured parking should be placed to minimize impacts on surrounding development and be designed to be compatible – in terms of form, materials, and architectural style – with adjacent development.

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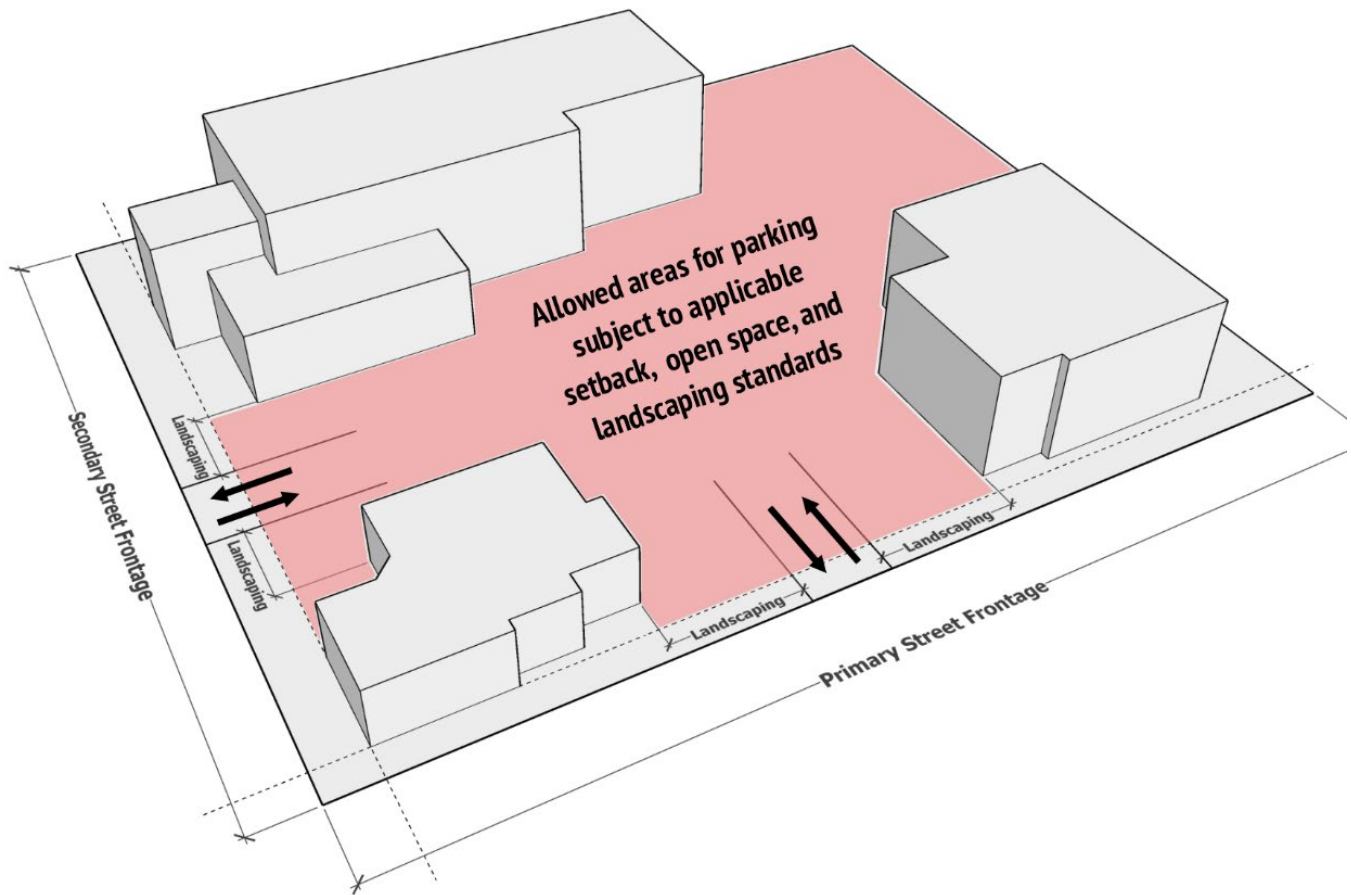
(A) Surface parking placement. Parking areas shall be located to the rear or side of the building. For development sites with more than one (1) building, parking is not allowed in front of the building(s) closest to the street, but is allowed to their sides and in front of permitted buildings interior to the development site (Figure 6-F).

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268 **Figure 6-F: Allowed parking areas on a multi-building site**



269 **(B) Surface parking buffers and screening.**

- 270 **1.** Where a surface parking lot directly abuts a street or public space, one (1) or more of the
271 following screening elements shall be used:
- 272 i. Minimum five-foot wide landscape buffer with grass, or groundcover plantings, and
273 trees located a minimum of thirty (30) feet on center. The landscape buffer may
274 also contain perennials and shrubs.

- ii. A vertical screening device, thirty (30) to forty-six (46) inches in height. The screening device may be a continuous masonry wall constructed of stone, brick, or split-face concrete block, a combination masonry pier and decorative iron railing, or any other decorative and durable screening device that is consistent with the materials of the primary building. Wood, chain link and vinyl picket fencing shall not be permitted.
 - iii. Where a parking lot's frontage along the street or public space is greater than twenty (20) linear feet, no more than thirty (30) percent of the screening requirement may be fulfilled by a landscape buffer.
2. Any surface parking lot that abuts a residentially zoned lot shall incorporate the following screening elements:
- i. A screen wall, at least six (6) feet in height, with materials that are consistent with the primary building.
 - ii. A landscaped buffer, at least six (6) feet in width, between the property line and the required screen wall.

(C) Surface parking design.

1. Parking areas shall meet the requirements for the design of off-street parking — including surfacing, landscaping, lighting, and space/aisle dimensions — as listed in Chapter 11 of the New Brighton Zoning Code.
2. Parking areas over twenty thousand (20,000) square feet shall contain a well-defined pedestrian walk, whether by change in paving material or landscaping, that connects the parking area to the adjacent street and the building(s) on site.

(D) Parking structure design.

1. Parking garage design should be compatible with adjacent buildings in terms of form, massing, scale, materials, and façade articulation.
2. Spandrel panels or opaque screening systems, such as louvers, at least thirty-six (36) inches in height shall be used to screen vehicles from view on all levels.
3. Any parking garage façade that is visible from public view shall be designed such that the internal ramping system is not visible.
4. Wherever possible, especially for parking garage façades that face a public street, the ground floor of the parking structure should incorporate retail, commercial, or other nonresidential uses to help activate the street.
5. Any ground-level façade of a parking garage that is visible from the street and does not provide retail, commercial, or other active ground floor uses shall include at least two (2) of the following design features:
 - i. Façade articulation through change in vertical plane or a change in building material.
 - ii. The use of windows or false windows defined by frames, lintels, or sills.
 - iii. Integration of multiple building entrances.
 - iv. Buffering along the street edge with landscaping, street trees, green walls, or trellises with vines.

(2) Parking Requirements. Large areas of free parking encourage automobile use and detract from the land available for high quality development. Strategies to utilize parking areas effectively, such as shared parking and parking structures, are highly encouraged. Especially within areas adjacent to transit services as they may change over time, reduced parking requirements encourage transit and other alternative modes of transportation.

(A) Minimum and Maximum Spaces. Table 6-5 specifies the number of parking spaces required by general use groups.

Table 6-5. Minimum and Maximum Parking Standards in All Mixed Use Districts ¹

Use Group	Minimum Required Parking ⁴	Maximum Allowed Parking ⁴
Light Industrial/Accessory Manufacturing	1 space / 1000 sq ft	5 spaces / 1000 sq ft
Lodging (hotels, extended stay, etc)	1 space / room	1.5 spaces / room
Office, Bank, etc.	1 spaces / 1000 sq ft	5 spaces / 1000 sq ft
Residential ²	1.5 spaces / unit	2.5 spaces / unit
Restaurant ³	4 spaces / 1000 sq ft	10 spaces / 1000 sq ft
Retail ³	3 spaces / 1000 sq ft	5 spaces / 1000 sq ft
Theater	1 space / 5 seats	1 space / 2 seats
All other uses	Uses not specifically listed above shall submit a parking analysis as part of development review for approval by the Department of Community Assets & Development.	

¹ Square feet is measured as gross floor area.

² In the MUE district, 50% of the required parking shall be provided as underground parking.

² Maximum parking for these uses may be increased by 2 spaces per 1000 square feet in the MUR district.

³ At the sole discretion of the City Council, minimum and maximum parking thresholds may be exceeded as needed if a parking study completed by a developer indicates fewer or additional spaces are justified to accommodate a proposed use.

(B) On-street parking. On-street parking spaces directly abutting the use may count toward the total number of required parking spaces for a given site

(C) Off-site parking. Parking requirements may be met off-site, up to a walking distance of one thousand (1,000) feet via a publicly accessible route from the use, subject to an off-site parking agreement. The publicly accessible route must be approved by the Department of Community Assets and Development. The off-site parking agreement must be submitted for approval as part of a development proposal, and once approved, recorded against all properties subject to the agreement.

(D) **Shared parking.** Shared parking is permitted and encouraged. Shared parking shall be approved subject to the review and approval of a shared parking study citing ULI accepted shared parking ratios, as may be amended.

(E) **Off street loading.** Provision of off-street loading spaces shall be guided by Section 11-050 of the New Brighton Zoning Code. Variations to required numbers and placement may be considered if justified by the proposed design and hidden by proposed screening methods. Special attention shall be placed on creating no conflicts of movement with vehicular traffic traveling to and from parking areas.

(F) **Bicycle parking.** Bicycle racks or storage shall be provided.

Section 6-525. Site circulation and vehicular access.

Access and circulation for automobiles should be designed to minimize the number of curb cuts, increase connectivity, and encourage shared access points from streets so that disruptions to the pedestrian environment are minimized.

(1) **Block sizes.** Where new public or private streets are proposed, blocks with a perimeter of one thousand six hundred (1,600) feet or less are encouraged; no block shall exceed two thousand (2,000) feet in perimeter.

(2) **Curb cuts.** For new development along existing streets where curb cuts already exists, the number of curb cuts to the site shall not be increased. Where possible, existing curb cuts should be consolidated, and access points shared as much as possible.

(A) Wherever possible, vehicular access to a site or building shall occur through an alley or on-site private drive aisle rather than by a curb cut from the street.

(B) Where an alley or on-site private drive aisle is not available, curb cuts along a secondary street, rather than the primary street, shall be utilized when possible.

(3) **Building vehicular entrances.** Vehicular entrances to buildings and parking garages that contain a ramp shall be screened from view of the street or adjacent public space in as much as possible. Where a vehicular entrance or ramp directly abuts a pedestrian walk, appropriate cautionary signs shall be used to alert pedestrians of the presence of vehicles and to inform drivers that pedestrians have the priority.

- (4) **Cross access and circulation.** Cross access and circulation across adjoining parcels is required where appropriate and feasible. Joint circulation shall be documented in a cross access and circulation easement and agreement.

Section 6-530. Pedestrian & Trail Accommodations.

- (1) **Access.** Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops if applicable. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.
- (2) **Trail Connections.** Planned trail connections as identified in the City's Comprehensive Parks Plan shall be accommodated and incorporated into projects as may be necessary by the Department of Community Assets & Development.
- (3) **Conflicts.** Pedestrian walkways and trails shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and between buildings.
- (4) **Design Standards.** Pedestrian access and walkways shall meet the following minimum design standards:
- (A) Access and walkways shall be well-lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
 - (B) Access and walkways shall be a minimum of six (6) feet of unobstructed width and meet City standards for surfacing of walkways or sidewalks;
 - (C) Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture or other equivalent means;
 - (D) A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel.

- (E) Trail designs shall meet requirements as spelled out by the Department of Community Assets & Development.

Section 6-535. Open Space Requirements

Parks, plazas, squares and other forms of public spaces play an important role in the quality of a place. Landscaped and hardscaped areas contribute to the public realm by providing places for people to gather, relax, and recreate.

- (1) **Open space required.** The following table sets forth the minimum amount of open space required, measured as a percentage of the net development site area (total site area less public right-of-way).

Table 6-6. Minimum Required Open Space

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>
Single Use Development	15%	15%	15%
Mixed Use Development	10%	10%	10%

- (2) **Aggregated open space.** Open space may be aggregated into larger parks, plazas, and squares for one (1) development site, rather than calculated per parcel, subject to approval by the Department of Community Assets & Development. In such cases, the parcel(s) required to meet any open space requirement must be identified and noted on an approved site plan to be approved during the development process.

- (3) **Minimum landscaping.** At least thirty (30) percent of the required open space area shall be composed of landscaped materials, including grass, trees, bushes, or other plantings. Landscaped open space may also be useable open space as required by subsection (4) below.

- (4) **Usable open space.** For all development sites, at least seventy-five (75) percent of the required open space must be usable open space.

(A) Usable open space includes open space which, by its configuration, size, and design, can be used for passive or active recreation.

(B) Usable open space includes plazas, parks, outdoor dining areas, courtyards and green roofs. Required buffers or parking lot landscaping shall not qualify as usable open space.

(C) Land with a slope steeper than one (1) foot (vertical) in three (3) feet (horizontal) shall not qualify as usable open space.

(D) Drainage ways, ponds, and other areas required for storm water quality or detention may qualify as usable open space if such areas are designed for passive or active use and are landscaped with grass, shrubs, and/or trees. Recommended plants for storm water detention areas is available through the Department of Community Assets & Development.

(E) Community gardens may count towards required & usable open space.

(5) **Maintenance.** The developer, its successor and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed in order to ensure the survival of any required landscaping. The city may require the removal and replacement of such landscaping where dead, diseased, or damaged landscaping is found. All property owners/occupants shall be responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and adjacent private property.

(6) **Landscaping Plan.** Landscaping requirements of the site plan approval process in Section 8-010 shall not apply within any mixed use zone. Instead, a landscaping plan shall be submitted at the time development is proposed which shows the requirements of this Article are being met.

Section 6-540. Uses

(1) Explanation of Use Table Structure

(A) Organization of Table 6-7

Table X-X organizes potential uses in the City's mixed use zoning districts by Use Classification and Use Types.

1. Use Classifications

The Use Classifications are: Residential Uses; Civic and Institutional Uses; Office Use; Commercial Uses; and Industrial Uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential and commercial uses). The Use Classifications then organize land uses and activities into specific "Use Types" based on common functional, product, or physical

characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

2. Use Types

The specific Use Types identify the specific uses that are considered to fall within characteristics identified in the use Classifications. For example; detached dwellings, parks and recreational areas, and schools are “Use Types” in the Single Family Residence District.

(B) Symbols used in Table 6-7

1. Permitted Uses = P

A “P” indicates that a use is permitted by right, subject to compliance with all other applicable provisions of this ordinance. Uses may be subject to special regulations as referenced in the “Additional Requirements” column.

2. Specially Permitted Uses (i.e. conditionally permitted uses) = S

An “S” indicates that a use is permitted provided the City can establish conditions necessary to ensure the use is compatible to the proposed location and surrounding properties. Inability of the City to establish conditions to adequately control anticipated impacts is justification for denial of a specially permitted use. Special Uses may also be subject to special regulations as referenced in the “Additional Requirements” column.

3. Interim Permitted Uses = I

An “I” indicates that a use may be permitted for a brief period of time provided certain conditions are met, and a specific event or date can be established for discontinuance of the use. Inability of the City to establish conditions to adequately control anticipated impacts is justification for denial of an interim permitted use. Interim Permitted Uses may also be subject to special regulations as referenced in the “Additional Requirements” column.

4. Prohibited Uses = Shaded Cells

A shaded cell indicates that the listed use is prohibited in the respective base zoning district.

5. Unlisted Uses

If an application is submitted for a use that is not listed in Table 6-7, the Department of Community Assets & Development is authorized to classify the new or unlisted use into an existing Use Type that most closely fits the new or unlisted use. If no similar use determination can be made, the use will be considered prohibited in which case an amendment to the ordinance text would need to be initiated to clarify if, where, and how a proposed use could be established.

- (2) Table 6-7 establishes permitted, specially permitted, and accessory uses for the City's Mixed Use Districts.

Table 6-7. Uses in Mixed Use Districts

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>	<u>Supplementary Requirements</u>
RESIDENTIAL USES				
Assisted Living facilities, nursing, rest homes	P	P	P	none
Dwelling, Multiple family (3+ units)	P	P	P	6-540(4)(B)
Dwelling, Townhomes	P	P	P	6-540(4)(C)
Live-work units	P	P	P	6-540(4)(D)
CIVIC AND INSTITUTIONAL USES				
Active Park Facilities, Public Plazas, and other similar facilities	P	P	P	6-535
Clinic	P	P	P	none
Hospital	P		P	none
Places of Public Assembly	S	S	S	6-540(5)(A)
Public buildings or uses	P	P	P	none
Public utility facilities	P	P	P	none
Schools, public or private	S	S	S	6-540(5)(B)
Transportation services / Transit facilities	P		P	none

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>	<u>Supplementary Requirements</u>
COMMERCIAL USES				
Amusement and/or recreation centers such as but not limited to bowling alleys, dance halls, theaters, skating rinks, or other social, sports, or recreational centers operated as businesses	P		P	none
Animal Related Businesses (Kennels, Veterinary Services, Pet Shops, etc)	S	S	S	6-540(6)(A)
Automotive services, service stations, service garages, convenience gasoline establishments but not including automotive body shops or truck and trailer repair	S	S	S	6-540(6)(B)
Auto sales or lease – new vehicles	S			6-540(6)(C)
Banks and Investment Companies	P	P	P	
Day care facilities	P	P	P	6-540(6)(D)
Funeral homes / Mortuaries	P	P	P	6-540(6)(E)
Gun or ammunition sales / repair	P		P	6-540(6)(F)
Hotel	P		P	none
Libraries, public	P	P	P	none
Manufacturing, Assembly, and Processing			S	6-540(6)(G)
Micro-production facility (micro-brewery/micro-distillery)	S	S	S	6-540(6)(H)
Offices	P	P	P	none
Parking Lots as the principal use serving nearby properties	P	P	P	none
Personal Services	P	P	P	none

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>	<u>Supplementary Requirements</u>
<i>(commercial uses continued)</i>				
Professional and service occupations including but not limited to accountant, architect, artist, broker, dentist, engineer, attorney, physician, realtor, chiropractor, osteopath, optometrist, secretarial agency, appraiser, advertising agency, finance agency, insurance agency, investment agency, travel agency, bonding agency, mortgage agency, shopping service, and office-business machine agency	P	P	P	none
Parking Lots as the principal use serving nearby properties	P	P	P	none
Personal Services	P	P	P	none
Professional and service occupations including but not limited to accountant, architect, artist, broker, engineer, attorney, physician, realtor, secretarial agency, appraiser, advertising agency, finance agency, insurance agency, investment agency, travel agency, bonding agency, mortgage agency, shopping service, and office-business machine agency	P	P	P	none
Research Laboratories			S	6-540(6)(G)(2)
Restaurants and eating places of all types	P	P	P	none
Retail services including but not limited to the sale of food and beverages, general merchandise, apparel, furniture, household goods, etc.	P	P	P	none
INDUSTRIAL USES				
Light industrial uses that are determined by the Department of Community Assets & Development to be in scale with and have physical appearance, character, and environmental effects similar to other uses permitted in the same zoning district	S		S	6-540(7)

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>	<u>Supplementary Requirements</u>
ACCESSORY USES				
Assembly and manufacturing accessory and subordinate to a retail use	P	P	P	6-540(8)(B)
Auto mechanical shops subordinate to auto sales	S			6-540(6)(C)
Drive-through	S	S	S	6-540(8)(C)
Employee service facilities related to uses permitted in this District, including restaurants	P	P	P	6-540(8)(D)
Lighting	P	P	P	6-540(8)(E)
Parking lots	P	P	P	6-520
Service Station Canopies	S	S	S	6-540(6)(B)
Signs	P	P	P	6-540(8)(F)
Outdoor Dining in conjunction with a licensed food establishment	P	P	P	5-240(15)
Solar Energy Systems	P	P	P	6-540(8)(G)
Taproom / cocktail room accessory to a micro-production facility	S	S	S	6-540(8)(H)

(3) General Regulations Applicable to All Uses

(A) Combination Uses

In all mixed use zoning districts, combination uses may be allowed within the principal building with each use subject to all regulations in this ordinance.

(B) Nuisances Prohibited

In addition to other nuisance provisions within City code, the following shall apply:

1. Refuse and Garbage

- i. In all mixed use districts, all refuse, rubbish, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such a purpose.
- ii. The owner of vacant land shall be responsible for keeping the land free of refuse, rubbish, or garbage.

2. Glare

- i. Any lighting used to illuminate off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets.
- ii. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.
- iii. The source of lights shall be hooded or controlled in some manner so as not to cast light on adjacent property.
- iv. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
- v. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street.
- vi. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

3. Smoke

The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

4. Dust and Other Particulated Matter

The emission of dust, fly ash, or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15.

5. Noise

Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules. In no case shall noise emanations constitute a nuisance as defined and regulated by this code.

6. Flammable liquids and Hazardous Materials

Storage and use of flammable liquids and hazardous material shall be subject to review and approval of the Fire Marshall, and shall only be done in accordance with applicable local, county, state, and/or federal regulations.

(C) Building and Structure Location

All buildings and structures shall be placed in a manner that will not obstruct future street connections anticipated as part of future phased development.

(4) Supplementary Regulations for Residential Uses

In addition to other applicable residential construction regulations elsewhere in City Code and the Zoning Code, dwellings located in the City's mixed use districts shall conform to the following as may be applicable.

(A) General Regulation for All Dwellings

1. Direct vehicular access to residential units from arterial or collector roadways shall be prohibited unless no other reasonable alternative exists as determined by the Department of Community Assets & Development.

(B) Multiple family (3+ units) Dwellings

1. Density.

- i. Allowed densities in the MUR district are 12 to 50 units per acre by right, or up to 60 units per acre through the Planned Residential Development or Planned Unit Development process.
- ii. Allowed densities in the MUN and MUE districts are 8 to 40 units per acre.

2. Mixing of uses.

- i. Commercial and residential development may be combined vertically in the same building, or horizontally on the same or adjacent sites.
- ii. When uses are mixed within a multiple family building; retail, service, offices, and civic uses should be focused on the ground floor and dwelling units focused on upper floors.

(C) Townhomes

1. No building shall contain more than eight (8) dwelling units.
2. Each dwelling unit shall have separate and individual front and rear entrances.
3. Private driveways for garages in townhouse developments shall provide a minimum of twenty (20) feet worth of parking space which does not interfere with the use of public sidewalks or trails.

(D) Live/Work Units

The following limitations shall apply to live/work units:

1. Live/work units shall not exceed 3,000 square feet in area.
2. The nonresidential portion of a live/work unit shall not exceed 50 percent of unit's gross square footage.
3. The nonresidential area of the unit shall be limited to the first or main floor only of the live/work unit.
4. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any given time.

(5) Supplementary Regulations for Civic & Institutional Uses

(A) Places of Public Assembly

1. Institutions on parcels exceeding 20,000 square feet in area shall be located with direct frontage on, and access to, a collector or arterial street.
2. Building architecture shall be designed to reflect retail, street-level architecture that will complement and blend with current and anticipated development within the mixed use district.
3. Institutions abutting either R-1 or R-2 zoned property shall install all necessary soundproofing and screening measures as may be necessary to eliminate sound and lighting impacts to adjacent residential units.
4. Required parking shall be made available for sharing with surrounding uses during times the institution is not in business or in session. Parking and traffic studies shall be provided with any proposal for a place of public assembly to identify ways parking may be shared, and to demonstrate that peak hour traffic to the facility can be accommodated by the provided and surrounding roadway infrastructure.

(B) Schools, Public or Private

Schools in mixed use districts must have a regional orientation; be oriented to secondary, post-secondary, business, or vocational learning; and be part of a mixed-use development.

(6) Supplementary Regulations for Commercial Uses

(A) Animal Related Businesses (Kennels, Veterinary Services, Pet Shops, etc)

1. Full soundproofing shall be installed on all interior walls (including ceilings).
2. Business must be able to demonstrate the proposed available space per animal meets generally accepted industry standards.
3. For any business incorporating extended stay or over-night animal care, an outdoor relief shall be provided in accordance with the following:
 - i. The outdoor relief area shall not be located in a front yard;
 - ii. The outdoor relief area must meet setback requirements;
 - iii. The outdoor relief area shall be screened from view of neighboring properties in a manner consistent with the surrounding area;
 - iv. The outdoor relief area shall be for the use of dogs only;
 - v. No dogs shall remain unattended in the outdoor relief area;
 - vi. The outdoor relief area shall not be used as an outdoor kennel, animal run, animal play area or any other use not specifically identified in the special use permit if the outdoor area is located within 600 feet on a residential only zoned parcel;
 - vii. The outdoor relief area shall be maintained in a clean and sanitary condition at all times;
 - viii. Solid waste material shall be removed a minimum of once per day and disposed of in a sanitary manner;
 - ix. If required by the Department of Community Assets & Development, a filtration bed shall be constructed to ensure that liquid waste will not enter into the ground or the City's storm water system.

(B) Automotive services, service stations, service garages, convenience gasoline establishments

1. If the use site abuts a residentially zoned lot (not mixed use), a buffer yard of not less than 25 feet in width and 75% all-season opacity from the ground to a height of six (6) feet shall be provided to separate all aspects of such use from abutting residential parcels. The Council may reduce this requirement to not less than 15 feet if significant additional landscaping and fencing, with 100 percent all-season opacity, is provided to screen the service station use;
2. Vehicles that are waiting for repair shall be stored in appropriately designed and screened areas as approved by the City;
3. Any repair, assembly, disassembly, or maintenance of vehicles shall occur within an enclosed building, except minor maintenance such as tire inflation, adding oil, or adding windshield wiper fluid;
4. Garage doors leading to mechanics bays, wash bays, or other indoor servicing spaces shall be kept closed when not in use to allow the coming and going of vehicles;
5. The minimum frontage on any street shall be 120 feet and the minimum area of the site shall be 20,000 square feet;
6. Any exterior speaker(s) shall not be audible from non-mixed use, residentially zoned property;
7. Pump interactive screens, if illuminated, shall be directed away from non-mixed use, residentially zoned property;
8. Queuing space of at least 20 feet shall be provided in front of the pump island in each direction in which access can be gained to the pump — this required space shall not interfere with internal circulation patterns or with designated parking areas, and shall not be permitted in any public right-of-way, private easement, or within the required parking lot setback;
9. Pump islands shall be located not less than 20 feet from any property line;

10. Canopies shall comply with the following regulations:

- i. The canopy may extend up to 12 feet beyond the centerline of the pump island toward the street, but in no instance shall a canopy be located closer than six (6) feet from any lot line;
- ii. Only one (1) canopy shall be permitted per station, unless the station is located on a corner lot, in which case two (2) canopies may be permitted;
- iii. The canopy shall be at least 14 feet in height, but not greater than 16 feet in height;
- iv. No signage of a permanent or temporary nature, including branded lighting like exposed neon, may be placed on a canopy; and
- v. All canopy lighting shall be recessed into the canopy ceiling.

(C) Auto Sales or lease – new vehicles

1. Motor vehicle repair and service and sales of *used* vehicles are allowed when accessory to new vehicle sales. Used auto sales shall be permitted only as an integral part of a new auto sales business (from the same land parcel and in close proximity to the new cars).
2. The business shall be licensed as required by Chapter 15 of the City Code;
3. A buffer yard of not less than 15 feet in width shall be provided to separate all aspects of such use from abutting parcels;
4. Inoperable vehicles shall not be stored on the premises, except in appropriately designed and screened areas as approved by the City;
5. Parking of vehicles for sale or lease on public right-of-way shall be prohibited; and
6. All repair, assembly, disassembly, maintenance, and detailing of vehicles shall occur within an enclosed building, except minor maintenance such as tire inflation or adding windshield wiper fluid.
7. Body shops for the repair of vehicular accidents, hail damage, or other major exterior damage shall be prohibited.

(D) Day Care Facilities

1. Overnight facilities are prohibited.
2. The site and related parking and service shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.
3. Parking and drive aisle design must be able to accommodate anticipated drop-off and pick-up traffic volumes on-site.
4. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
5. An outdoor recreational facility shall be provided which meets the following requirements:
 - i. The facility shall be appropriately separated from the parking lot and driving areas by a fence not less than 4 feet in height;
 - ii. Must be located continuous to the day-care facility;
 - iii. Shall not be located in any yard abutting a major thoroughfare;
 - iv. Shall not have an impervious surface for more than one-half of the playground area;
 - v. Shall extend at least 60 feet from the wall of the building or to an adjacent property line, whichever is less, or shall be bound on not more than two sides by parking and driving areas; and
 - vi. Shall be a minimum size of 2,000 sq. ft., or in the alternative 75 sq. ft. per child at licensed capacity, whichever figure is greater.

(E) Funeral homes / Mortuaries

1. Funeral homes shall have their principal frontage, access, and orientation direction on an arterial or collector street.
2. Facilities that wish to include cremation services are directed to locate in one of the City's Industrial zoning districts, and are prohibited in mixed use districts.

(F) Gun or Ammunition Sales / Gun Repair

1. Such uses shall be located not less than 250 feet from non-mixed use, residentially zoned or used property;
2. Such uses shall be located not less than 300 feet from any school, religious facility, licensed daycare center, public library, park, or regularly-occupied governmental building;
3. Such uses shall be located not less than 1,000 feet from other gun or ammunition sales/repair businesses or firearms-related uses;
4. Such uses shall not operate before 8:00 a.m. or after 9:00 p.m.;
5. Firing ranges shall be prohibited in mixed use zoning districts;
6. Federally-licensed firearms dealers in mixed use zoning districts who engage only in processing Internet-based or mail-order sales to other licensed dealers where neither the display, inspection, nor physical transfer of the firearm occurs on or near the premises are exempted from the provisions of this Subsection.

(G) Manufacturing, Assembly, and Processing [6-540(1)(B)]

1. Items allowed to be manufactured, assembled, or processed in the MUE district shall include:
 - i. Business machines such as typewriters, accounting machines, calculators, computers, and card counting equipment;
 - ii. Cameras and other photographic equipment except film;
 - iii. Ceramic products such a pottery and small glazed tile;
 - iv. Cosmetics and toiletries;
 - v. Electric appliances such as lighting fixtures, irons, fans, toasters, and electric toys;
 - vi. Electric equipment assembly such as home radio and television receivers and home movie equipment, but not electric power substations or electric machinery;
 - vii. Electrical supplies, manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation, and dry cell batteries;
 - viii. Musical instruments;
 - ix. Orthopedic and medical appliances such as artificial limbs;

- x. Printing;
- xi. Other items deemed similar to the above by the Department of Community Assets & Development.

2. All uses listed in subsection (1) above along with “laboratories for research and quality control in the physical sciences” shall comply with the following standards:

[6-540(1)(C)]

- i. Development and/or uses shall have no adverse effect on adjacent land due to unsightliness, noise, odor, dust, smoke, glare, air pollution, excessive or heavy vehicular traffic, bulk chemical storage or fire or safety hazards.
- ii. There shall be no external bulk chemical storage for either use or sale except as necessary for auxiliary heating.
- iii. There shall be no more than six commercial truck trip of six or more wheels per vehicle per 10,000 square feet of building gross floor area per day.
- iv. There shall be no excessive vehicular traffic between 8:00 p.m. and 6:00 a.m., as from shift changes.
- v. The buildings and grounds shall be of an appearance that is in harmony with surrounding land uses.
- vi. Buildings on the site shall not occupy more than ten percent of the total site area.
- vii. The minimum site size shall be five acres.

(H) Micro-production facility (micro-brewery/micro-distillery)

1. All requirements of City Code Chapter 4 shall be met.
2. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
3. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.

- 736 **4. Hours of Operation.** Micro-production facility operation hours shall be limited to the
737 hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor
738 unless further limited by the City Council as part of a Special Use Permit.

739 **(7) Supplementary Regulations for Industrial Uses**

- 740 **(A)** All light industrial uses in any mixed use district must operate in a manner undetectable to
741 surrounding areas with regards to noise, odors, vibrations, smoke, dust, and all other
742 nuisance related impacts;
- 743 **(B)** Approval of a special use permit shall require approval of plans which adequately
744 demonstrate the use can operate undetected as required in subsection (a) above;
- 745 **(C)** Failure of the use to follow approved plans or failure of the approved plans to mitigate all
746 nuisance issues shall be grounds for revocation of the SUP if not corrected by the permit
747 holder in a timeframe deemed acceptable by the Department of Community Assets &
748 Development.

749 **(8) Supplementary Regulations for Accessory Uses**

750 **(A) In general**

751 Accessory uses allowed in commercial and residential zones of the City that are not
752 specifically addressed in this Article are presumptively allowed in the mixed use district
753 subject to the regulations governing said improvements elsewhere in this Code. Final
754 determination of whether an unlisted accessory use shall be allowed and whether said use
755 meets zoning standards shall be determined by the Department of Community Assets &
756 Development.

757 **(B) Assembly and manufacturing accessory and subordinate to a retail use**

758 Such activity shall adhere to the requirements for industrial uses in mixed use districts as
759 outlined in Section 6-540(7).

760 **(C) Drive-throughs**

- 761 **1. Drive-through windows.** Where such windows are allowed (see Section 6-540, Uses), the
762 windows shall be placed at the side or rear of a building and shall not be located at street
763 corners.

2. Number of lanes. The following table specifies the maximum number of drive-through lanes allowed by district and sub-district:

Table 6-4. Maximum Number of Drive Through Lanes Allowed

	<u>MUR</u>	<u>MUN</u>	<u>MUE</u>
Maximum Drive Up / Through Lanes	No limit	1 lane	3 lanes

3. Location of lanes. Drive-through lanes are prohibited between the building and the primary street, and must be located behind or to the side of buildings; queuing lanes shall not interfere with the pedestrian network or planned traffic circulation in the area.

4. Screening of lanes.

Any drive-through lane that is visible from a street or public space shall incorporate the following screening elements:

- iii. A screen wall, at least thirty-six (36) inches in height, with materials that are consistent with the primary building.
- iv. A landscaped buffer, at least four (4) feet in width, between the property line and the required screen wall.
- v. Where there is more than one (1) drive-up lane, canopies or other structural elements shall be used for further screening. These screening elements shall be compatible with the architectural qualities of the main building, including materials, form, scale, and color.

5. Any drive-through lane that abuts a residentially zoned lot shall incorporate the following screening elements:

- vi. A screen wall, at least six (6) feet in height, with materials that are consistent with the primary building.
- vii. A landscaped buffer, at least six (6) feet in width, between the property line and the required screen wall.
- viii. Where there is more than one (1) drive-up lane, canopies or other structural elements shall be used for further screening. These screening elements shall be compatible with the architectural qualities of the main building, including materials, form, scale, and color.

791

Figure 6-D: Example of Required Drive-through Treatments

Example of a screening wall from an adjacent public space or secondary street consisting of materials that integrate with the primary building



Multiple lanes require an integrated canopy or other structural elements which integrate with the primary building

792

(D) Employee service facilities

793

Such facilities may not occupy more than ten percent of the building floor area and may not be directly open to or visible from the street

794

795

(E) Lighting

796

Outdoor lighting in mixed use areas must emphasize safety for pedestrians and reduction of glare onto adjacent properties and into the night sky.

797

798

1. All exterior lighting shall comply with the general requirements of Zoning Section 11-010(6).

799

800

2. Pedestrian walkways internal to a site shall be lit with full cutoff lighting fixtures no more than twelve (12) feet high.

801

802

(F) Signs

803

1. All signage shall complement the associated building and site design, and be strategically located to minimize the impact of advertising on the public realm.

804

805

2. Signs should be oriented toward and scaled to the pedestrian.

806 **3. Signage shall comply with Zoning Code Chapter 9 except as modified below:**

- 807 i. Wall signs placed on a vertical architectural element or above a pedestrian entrance
808 may extend above the roof deck by up to ten (10) feet. This provision shall not apply
809 to mansard roofs;
- 810 ii. No new pole signs shall be allowed
- 811 iii. Monument signs shall not exceed seven (7) feet in height, measured from the finished
812 grade of the nearest adjacent pedestrian walk. The base of the monument sign shall be
813 consistent with the materials of the building to which it is associated.

814 **(G) Solar Energy Systems**

815 **1. *In General.*** Solar energy systems shall be located on a lot with a building, and shall be a
816 secondary use for the lot.

817 **2. *Size and Screening.***

- 818 i. The overall scope of solar energy installations on a building shall be limited by
819 building's ability to screen the equipment from view so as not to be prominently
820 visible from primary and secondary roadways;
- 821 ii. Screening for solar energy systems may involve the strategic placement of equipment
822 on buildings to limit visibility, use of architectural design to hide the equipment, or
823 involve the use of walls, fences, or landscaping;

824 **3. *Height.*** Roof-mounted solar energy systems shall comply with the maximum height
825 requirements in the applicable zoning district. Ground-mounted solar energy systems
826 shall not exceed 15 feet in height.

827 **4. *Setbacks.*** Ground-mounted solar energy systems including any appurtenant equipment
828 shall be set back a minimum of 15 feet from all property lines and a minimum of 30 feet
829 from all dwellings located on adjacent lots. Roof-mounted systems shall comply with all
830 building setbacks in the applicable zoning district and shall not extend beyond the
831 exterior perimeter of the building on which the system is mounted.

832 **5. *Roof mounting.*** Roof-mounted solar collectors shall be flush mounted on pitched roofs.
833 Solar collectors may be bracket mounted on flat roofs.

834 **6. *Easements.*** Solar energy systems shall not encroach on public drainage, utility roadway
835 or trail easements.

- 836 7. *Aesthetics.* All solar energy systems shall use colors that blend with the color of the roof
837 or structure to which the system is accessory.
- 838 8. *Feeder lines.* The electrical collection system shall be placed underground within the
839 interior of each parcel. The collection system may be placed overhead near substations or
840 points of interconnection to the electric grid.
- 841 9. *Standards.* Solar energy systems shall meet the minimum standards outlined by the
842 International Electrotechnical Commission (IEC), the American Society of Heating,
843 Refrigerating, and Air-conditioning Engineers (ASHRAE), ASTM International, British
844 Standards Institution (BSI), International Electrotechnical Commission (IEC),
845 International Organization for Standardization (ISO), Underwriter's Laboratory (UL), the
846 Solar Rating and Certification Corporation (SRCC) or other standards as determined by
847 the Department of Community Assets & Development.
- 848 10. *Certification.* Solar energy systems shall be certified by Underwriters Laboratories, Inc.
849 and the National Renewable Energy Laboratory, the Solar Rating and Certification
850 Corporation or other body as the Department of Community Assets & Development. The
851 city reserves the right to deny a building permit for proposed solar energy systems
852 deemed to have inadequate certification.
- 853 11. *Utility connection.* All grid connected systems shall have an agreement with the local
854 utility prior to the issuance of a building permit. A visible external disconnect must be
855 provided if required by the utility.
- 856 12. *Abandonment.* If the solar energy system remains nonfunctional or inoperative for a
857 continuous period of one year, the system shall be deemed to be abandoned and shall
858 constitute a public nuisance. The owner shall remove the abandoned system at their
859 expense after a demolition permit has been obtained. Removal includes the entire
860 structure including transmission equipment.
- 861 13. *Permits.* A building permit shall be obtained for any solar energy system prior to
862 installation.

863 **(H) Taproom / Cocktail Room Accessory to a micro-production facility**

- 864 1. Taprooms/cocktail rooms must either make food/meals available on-site or expressly
865 allow patrons to carry in food.

Section 6-545. Specific Additional Requirements for the Mixed Use Exchange (MUE) District.

(6-550)

- (1)** All buildings that are located on sites adjacent to Long Lake Regional Park shall take advantage of the views to Long Lake and shall provide site improvements that complement the natural features of Long Lake Regional Park.
- (2)** All developments shall provide pedestrian linkages to Long Lake Regional Park and neighboring developments for residents, employees, and shoppers, and provide integrated parking and transit elements whenever practical.
- (3)** All uses shall be complementary or integrated and buildings shall be related or connected in accordance with the vision of the adopted Highway 8 Corridor Study.
- (4)** All buildings and building sites shall be designed to encourage social interchange and a sense of community, provide sufficient residential amenities, and mitigate any adverse impacts of business and industrial uses on residential uses.

Section 6-555. General Requirements for Mixing of Uses.

Buildings and development sites that contain a mix of uses are strongly encouraged within each of the City's individual mixed use districts.

- (1)** Individual uses are allowed to encompass the entirety of individual buildings provided additional buildings being developed concurrently or previously in the district have resulted in the mixing of uses envisioned by the Comprehensive plan.
- (2)** Domination of one particular use type in a given mixed use district may be used as valid grounds to deny future projects for that same use type unless the proposed new building is specifically designed with flexible spaces that can easily accommodate other uses in the future as markets change (i.e. the ground floor of a residential building includes large open areas capable of accommodating retail or restaurants in the future, but will instead be used as amenities for the residence building until such time as non-residential uses can be moved in).

Section 6-560. Administrative adjustment process.

- (1) It is recognized that the variety of existing sites which make up the City's mixed use districts will likely dictate that not every standard in this Article will be able to be met to the full extent required by this Article. At the discretion of the City Council, minor adjustments to certain standards within this article may be permitted as part of a formal development review. Administrative adjustments are intended to provide limited relief for a practical difficulty absent a formal variance.
- (2) Adjustments to the following standards shall be allowed through the administrative adjustment process.

Table 6-8. Allowed Administrative Adjustments

<u>Standard</u>	<u>Maximum Allowed Administrative Adjustment</u>
Build-to Requirements [6-515(1)(A)]	10%
Setback Requirements [6-515(1)(B)]	10%
Varying Plane Depth [6-515(3)(A)(2)]	Spacing and depth requirements may be modified or waived if other required architectural details considerably exceed minimum standards, or if the primary building materials are shown to be high-end within their market share
Transparency Requirements [6-515(5)]	10%
Maximum Number of Drive Up Lanes [6-515(6)(B)]	One additional lane
Minimum Parking Requirements – nonresidential uses only [6-520(2)(A)]	25% fewer spaces than required
Block Size Requirements [6-525(1)]	10%
Screening Standards [in general]	Alternative screening locations and/or materials may be allowed if such deviation(s) will be as good or better at accomplishing the identified screening objectives. Screening of solar energy installations may be relaxed where strict adherence to requirements would reduce the efficiency of the installation and no alternative installation options are available.

- (3) Any proposed deviations in excess of that allowed through administrative adjustment may only be approved via a variance, a Planned Residential Development, or a Planned Unit Development process.

SECTION 3. Effective Date

This ordinance shall take effect upon its adoption by the City Council, its publication in the City's official newspaper.

ADOPTED this ____ day of _____ 2022, by the New Brighton City Council with a vote of ____ ayes and ____ nays.

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk

***Existing Mixed Use
Regulations for Reference***

Article 4. MX, Mixed Use District

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

Section 6-510. Intent.

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

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

Section 6-520. Permitted Uses.

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

(2) ***Commercial Uses.***

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

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

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

1. Hardware store.
2. Grocery store.

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

(3) Professional/Office Uses.

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

(4) Other Uses.

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

Section 6-530. Permitted Accessory Uses.

- (1) Signs as regulated in Chapter 9.

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

Section 6-540. Special Use Permits.

(1) Industrial Uses.

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

9. Orthopedic and medical appliances such as artificial limbs.

10. Printing.

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

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

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

3. There shall be no more than six commercial truck trip of six or more wheels per vehicle per 10,000 square feet of building gross floor area per day.

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

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

6. Buildings on the site shall not occupy more than ten percent of the total site area.

7. All buildings and uses shall comply with Section 6-060 (1) through (6) and I-1 District minimum lot standards.

8. The minimum site size shall be five acres.

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

(2) Commercial Uses.

A. The sale of general merchandise including in department stores.

B. The sale of apparel of all kinds.

C. The sale of furniture and household goods including furniture and accessory furniture storage.

D. Service establishments as permitted in neighborhood business districts without limitation on the number of persons engaged in such work or business, research laboratory, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifty feet from a residence district.

E. Clinics, hospitals, sanitariums, convalescent homes, rest homes, nursing homes, and similar institutions provided that all main buildings are not less than fifty feet from any adjoining premises in a residential district not used for a similar purpose. (Ordinance No. 803, 07-26-2011)

F. Cat and dog hospitals or pet shops provided that noise and odors are effectively confined to the premises.

G. Racquet clubs subject to the conditions outlined in Section 5-030 (5).

H. Commercial Use Standards. All uses listed in 6-640 (A) through (G) shall comply with these standards:

1. The total amount of floor area for any one use shall not exceed ten percent of the total site area or 50,000 square feet, whichever is less.

2. The minimum site size shall be five acres.

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

I. General hardware stores with outdoor garden sales area.

1. The building shall not have a footprint larger than 50,000 square feet.

2. All outdoor garden sales shall have approved screening, contain no storage visible above the screening material, and satisfy any other conditions deemed necessary by the City Council.

3. All items stored or displayed outdoors shall be wholly within the "garden center" area at

all times and all displays shall be maintained in an attractive, aesthetically pleasing manner.

4. Only plant and plant-related materials shall be allowed to be displayed and sold in the designated outdoor garden sales area.

5. Power and non-power equipment storage or display outdoors shall not be allowed.

6. Additional seasonal sales items shall be allowed in designated areas to be approved by the City Planner on a case-by-case basis.

7. The use shall satisfy the requirements of 6-550, 6-560, 6-570 and 8-130.

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

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

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

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

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

D. The minimum site size shall be five acres.

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

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

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

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

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

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

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

D. The minimum site size shall be five acres.

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

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

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

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

compliance with these standards:

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

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

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

- (1) All buildings that are located on sites adjacent to Long Lake Regional Park shall take advantage of the views to Long Lake and shall provide site improvements that compliment the natural features of Long Lake Regional Park.
- (2) All developments shall provide pedestrian linkages to Long Lake Regional Park and neighboring developments for residents, employees, and shoppers, and provide integrated parking and transit elements whenever practical.
- (3) All uses shall be complementary or integrated and buildings shall be related or connected in accordance with the vision of the adopted Highway 8 Corridor Study.
- (4) All buildings and building sites shall be designed to encourage social interchange and a sense of community, provide sufficient residential amenities, and mitigate any adverse impacts of business and industrial uses on residential uses. (Ord. No. 648, 11-30-98; Code of 2001)

Section 6-560. Site Standards.

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

- (1) The maximum floor area ratio shall be 75 percent, except that the area north of I-694, south of 14th Street NW, east of Highway 8, and west of I-35W, shall have a maximum floor area ratio of 125 percent. Uses authorized under Section 6-540 (5) shall have a maximum floor area ratio of 150 percent.
- (2) All buildings shall have a height limitation of three stories or forty feet in height, whichever is less. Building height may be increased by a special use permit. (Ord. No. 727, 2-8-05)
- (3) All buildings shall comply with the following setbacks:

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

B. Residential Uses:

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

C. Commercial Uses:

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

D. Industrial Uses:

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

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

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

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

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

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

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

Section 6-570. Performance Standards.

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

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

(2) The exterior treatment of the structures shall be wood, brick, stone, decorative block or the equivalent. The City Council may consider other exterior treatments such as precast concrete, aluminum, steel, glass,

or curtain walls providing such exterior treatments are highly decorative, aesthetically pleasing, and consistent with the spirit and intent of the vision for the Highway 8 corridor.

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

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

(5) Compliance with Chapter 11, Parking Standards. (Ord. No. 648, 11-30-98; Code of 2001)

***Vision Silver Lake Road 2040
Final Summary Documents***



VISION SILVER LAKE ROAD 2040

Small Area Planning for Mixed Use Nodes: Rice and Mississippi, I-694, County Road E West/St. Anthony

The Vision Silver Lake Road 2040 Project looks at the future of three key mixed use areas along Silver Lake Road (CSAH 44) in New Brighton. This project sought to educate the public on areas of potential change, elicit feedback on how future changes should look, and identify key concepts the City should build into zoning to achieve the public's desired outcomes. The final illustrative concepts shown below represent only a single way these areas could develop under anticipated new zoning regulations following the study's outcomes.

Based on guidance from the 2040 Comprehensive Plan, contemporary mixed use development practices, and the community's input on what's appropriate for the future of these three nodes, a future development concept has been created for each mixed use node. These illustrative concepts are intended to be high level and general yet detailed enough to provide guidance for the City to establish a new zoning district for these areas. The concepts are intended to address appropriate land uses, building scale and design, roadway circulation and access, walking and bicycling, parking, and the outdoor environment for people.

Interstate 694 - Mixed Use Regional Node

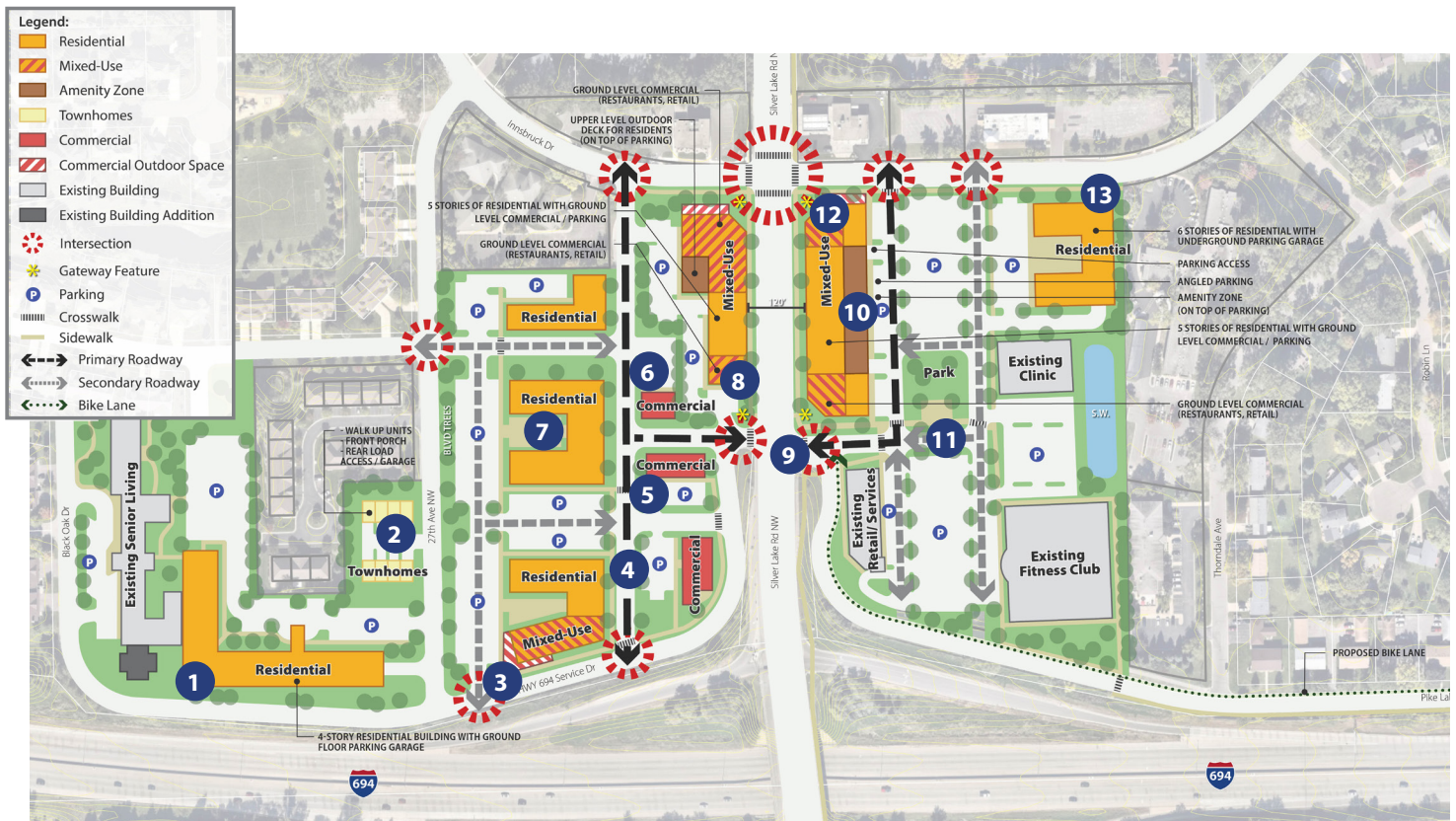
The final illustrative development concept for the I-694 regional mixed use node shows how anticipated zoning will allow for the addition of new housing to the area, and a wider variety of retail, service, and dining businesses to this existing commercial node. New mixed-use buildings would have commercial uses at the street level and housing on upper floors. New buildings would face and be located closer to Silver Lake Road and the I-694 frontage road. As the area is fully developed, new multi-story buildings will likely only be possible by replacing existing one-story commercial structures or building over existing surface parking. In areas not fronting directly onto Silver Lake Road, new multi-story housing is shown, but a mix of uses consistent with Comprehensive Plan guidance would be allowed by zoning.

The illustrative concept also shows potential circulation improvements including:

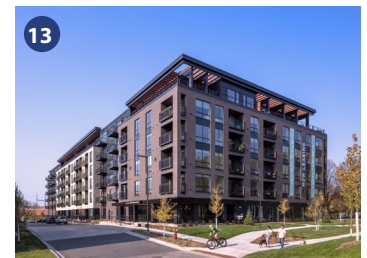
- New public or private north-south roadway west of Silver Lake Road
- New roadway/access to Palmer Drive east of Silver Lake Road
- Clear network of roadways and private drives
- Surface parking lots located behind or to the side of buildings along Silver Lake Road; new housing would have indoor parking
- Connected sidewalk network, including both sides of Silver Lake Road
- Gateway features along Silver Lake Road



NOTE: These illustrative concepts are NOT development plans and do NOT show desired changes to the built environment. Rather, these are simply representations of potential developments following design aspects sought by the public during Phase I of the Silver Lake Road study. Embodying initial public feedback in this manner allows us to elicit additional comments (to make sure we're on the right track) which in turn will allow the City to craft zoning standards for this new mixed use area.



Precedent Imagery:





VISION SILVER LAKE ROAD 2040

Rice and Mississippi - Mixed Use Neighborhood Node

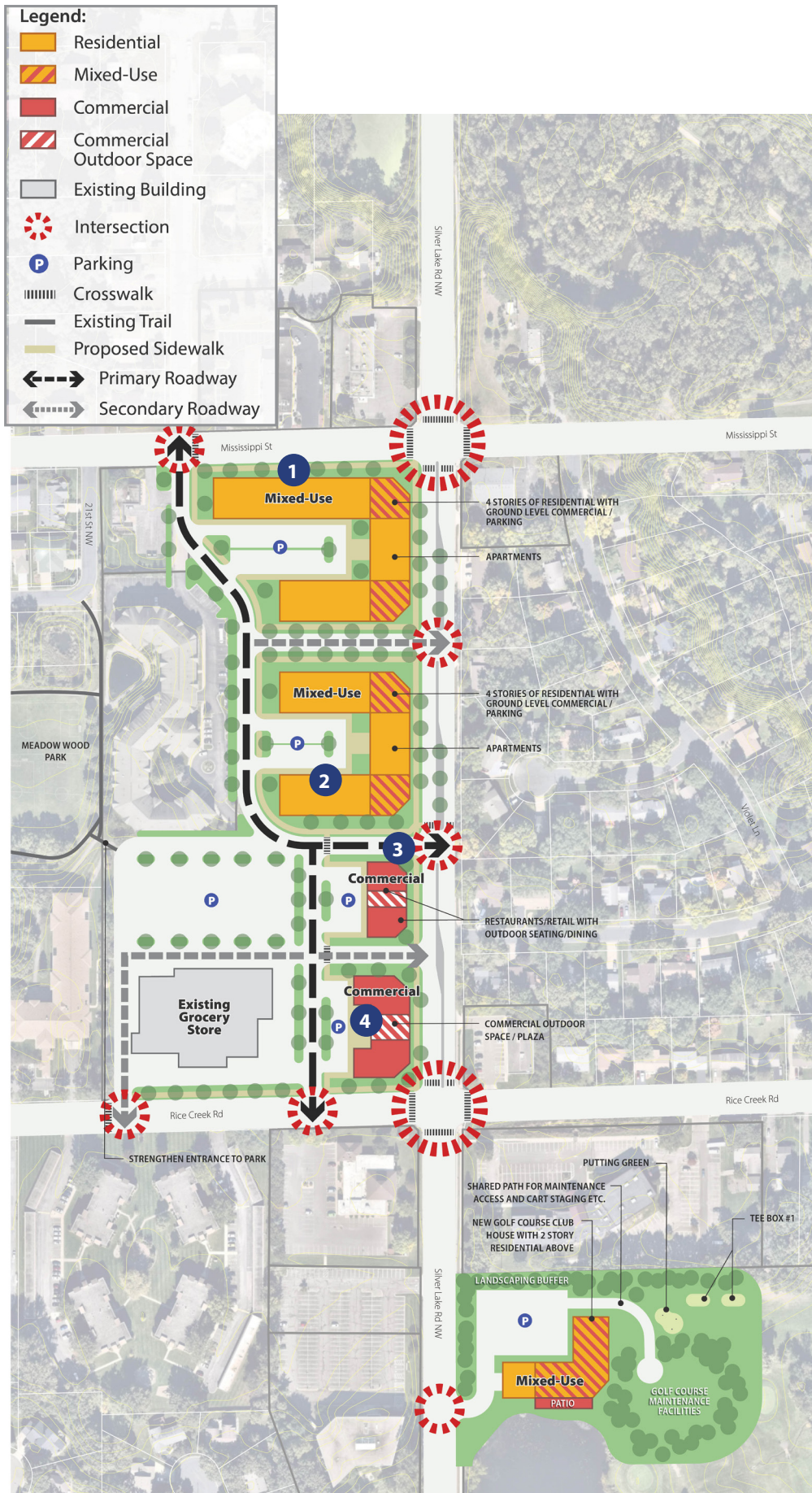
The final illustrative development concept for the mixed use node between Rice Creek Road and Mississippi Street shows how anticipated zoning will allow for new housing options and a wider variety of retail, service, and dining businesses to a lesser extent than what is anticipated near I-694. New mixed-use buildings would have commercial at street level and housing on upper floors, and new buildings will face and be located closer to Silver Lake Road. New single- or multi-tenant commercial buildings are anticipated to incorporate outdoor plazas for seating & dining as shown. All redevelopment in this area will only be possible through replacement of existing one-story commercial structures or through building above existing surface parking.

The illustrative concept also shows potential circulation improvements including:

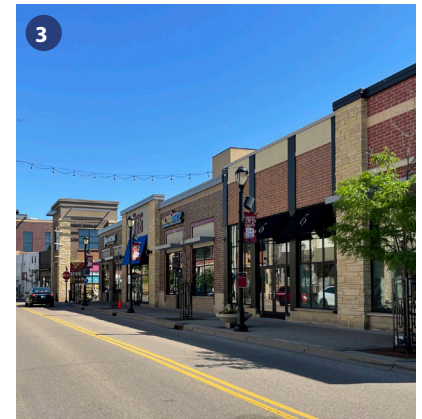
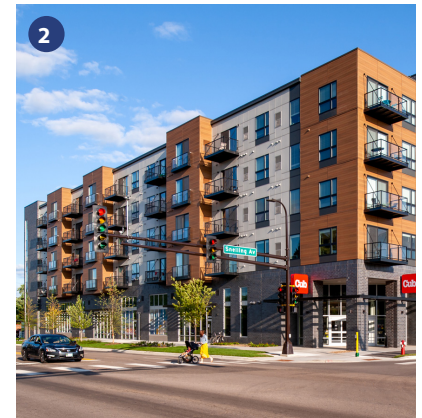
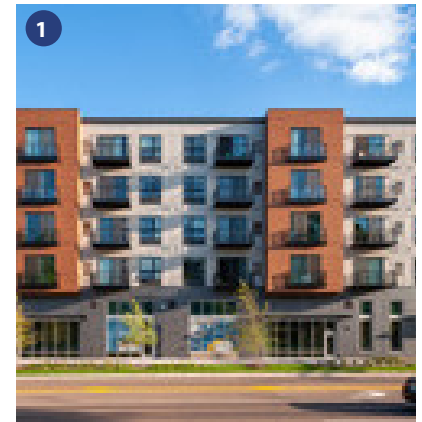
- New public or private north-south roadway west of Silver Lake Road
- Consolidating the number of roadway/driveway accesses from Silver Lake Road from 8 today to 3 in the future
- Clear network of roadways and private drives
- Surface parking lots located behind buildings along Silver Lake Road; new housing would have indoor parking
- Connected sidewalk network throughout this node, including Silver Lake Road



NOTE: These illustrative concepts are NOT development plans and do NOT show desired changes to the built environment. Rather, these are simply representations of potential developments following design aspects sought by the public during Phase I of the Silver Lake Road study. Embodying initial public feedback in this manner allows us to elicit additional comments (to make sure we're on the right track) which in turn will allow the City to craft zoning standards for this new mixed use area.



Precedent Imagery:





County Road E West/St. Anthony - Mixed Use Neighborhood Node

The final illustrative development concept for the mixed use node near St. Anthony shows how anticipated zoning will allow for new housing options and a wider variety of retail, service, and dining businesses to this area. New commercial buildings will incorporate outdoor plazas for seating/dining, and buildings will closely front along Silver Lake Road. A mixing of commercial at street level and housing on upper floors will be allowed. Like the other two nodes, redevelopment in this area will only be possible through replacement of existing commercial structures or through building above existing surface parking.

The illustrative concept also shows potential circulation improvements including:

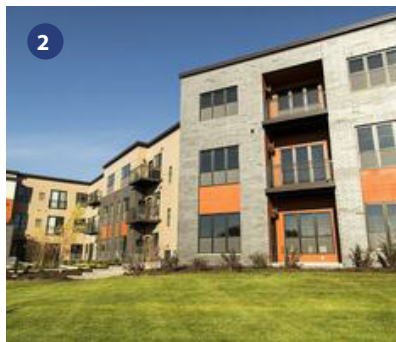
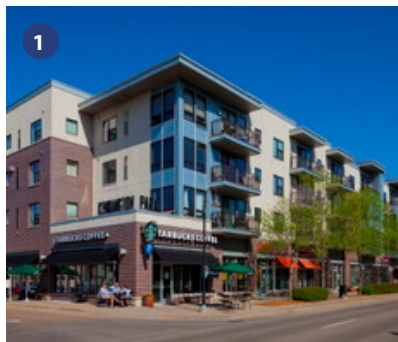
- New public or private roadway connections east of Silver Lake Road
- Consolidating the number of roadway/driveway accesses from Silver Lake Road from 3 today to 2 in the future
- Surface parking lots located behind buildings along Silver Lake Road; new housing would have indoor parking
- Connected sidewalk network throughout this node, including Silver Lake Road



NOTE: These illustrative concepts are NOT development plans and do NOT show desired changes to the built environment. Rather, these are simply representations of potential developments following design aspects sought by the public during Phase I of the Silver Lake Road study. Embodying initial public feedback in this manner allows us to elicit additional comments (to make sure we're on the right track) which in turn will allow the City to craft zoning standards for this new mixed use area.



Precedent Imagery:





VISION SILVER LAKE ROAD 2040

Recommended Zoning Standards for Mixed Use Nodes

The following zoning standards should be strongly considered for inclusion in the new zoning district to achieve the public's goals as documented by the Vision Silver Lake Road 2040 project:

SITE DESIGN COMPONENTS	SITE DESIGN STANDARDS
<i>Density</i>	
Dwelling units per acre (du/ac) – minimum and maximum	<ul style="list-style-type: none">• 12 to 60 du/ac - I-694• 8 to 40 du/ac - Rice & Mississippi, County Road E West/St. Anthony)
<i>Building Placement</i>	
Front yard setback - replace with build-to-zone including minimum and maximum	
• Minimum	5, 10, or 15 ft.
• Maximum	20, 25, or 30 ft.
Side yard setback – minimum	5 to 10 ft.
Rear yard setback – minimum	5 to 15 ft., potentially larger adjacent to lower density residential districts
Street frontage – minimum coverage	50% to 80%
<i>Parking</i>	
Placement of surface parking areas	Not permitted to be located between the front of the building and the street
Minimum number of vehicle parking spaces	Residential: 0.5 to 1 space per unit Non-residential: 1 space per 1,000 sq. ft.
Maximum number of vehicle parking spaces	Residential: 2.5 spaces per unit Non-residential: 5 space per 1,000 sq. ft.
Bicycle parking spaces/facilities	Consider minimum number of parking spaces, covered spaces, and shower/changing facilities
<i>Pedestrian and Open Space Facilities</i>	
Internal site walking facilities	Consider requiring walking facilities between the building, parking area, and the street
Trees and landscaping – minimum	Consider increasing amount of trees and landscaping to enhance quality of pedestrian environment
Outdoor open space - minimum	Consider requiring a minimum amount of private usable open space
<i>Screening</i>	
Trash storage	Regulate outdoor placement and require screening
Mechanical equipment	Regulate outdoor placement and require screening

BUILDING DESIGN ELEMENTS	BUILDING DESIGN STANDARDS
<i>Building Size</i>	
Building height - maximum	<ul style="list-style-type: none"> • 6 stories - I-694 • 4 stories - Rice & Mississippi, County Road E West/St. Anthony
Ground story height - minimum	12 ft.
Building length - maximum	100 to 250 ft.
Upper stories stepback – required above a specific story	<ul style="list-style-type: none"> • Above 4 stories; stepback of 8 to 15 ft. from front façade - I-694 • Not required - Rice & Mississippi, County Road E West/St. Anthony
<i>Building Façade</i>	
Placement of entries - minimum	At least one entry placed on street façade
Spacing of entries on street façade – maximum distance between	At least every 60 to 75 ft.
Street façade articulation - minimum	At least every 40 to 55 ft.
Street façade transparency - minimum	40 to 60%
Exterior building materials	Specify allowed, prohibited, primary, and secondary
Parking structures on ground story	Consider requiring a liner building or occupied habitable space
Drive-thru facilities	Located behind the building; queuing lanes cannot interfere with pedestrian network; similar materials and design as building

Uses Standards

Based on the Mixed Use Regional Node and Mixed Use Neighborhood Node land use designations in the 2040 Comprehensive Plan, identify the allowed uses and the mix of uses:

Mixed Use - Regional Node

- Regional-serving commercial retail and service businesses, office, civic, high density residential
- Mix of uses at least 50% commercial, achieved either as vertical or horizontal mixed use (same site or across adjacent sites)
- Prioritize ground floor commercial in buildings fronting on Silver Lake Road
- For residential uses near I-694, could consider specific standards related to anti-pollution design, such as building air filters, increased roadside vegetation, and presence of freeway sound walls

Mixed Use - Neighborhood Node

- Neighborhood-serving commercial retail and service businesses, office, civic, medium and high density residential
- Mix of uses at least 60% residential
- Mix of uses can be vertical or horizontal (same site or across adjacent sites)

Definitions

Add definitions related to mixed use development and site/building design, such as build-to-zone, street frontage coverage, façade articulation, façade transparency, upper stories stepback, ground story/floor.

Summary Publication Resolution

RESOLUTION ____
CITY COUNCIL
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 893 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of New Brighton has adopted Ordinance No. 893, an ordinance to repeal the City's existing mixed use zoning district regulations and adoption of new mixed-use zoning regulations to govern the various mixed use areas established by the 2040 Comprehensive Plan;

WHEREAS, the ordinance is lengthy and contains multiple figures; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, that the City Clerk shall cause the following summary of Ordinance No. 893 be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of New Brighton has adopted Ordinance No. 893 which repeals the existing MX and MX-G zoning districts, and replaces them with new mixed use regulations establishing the Mixed Use Regional (MUR) District, the Mixed Use Neighborhood (MUN) District, and the Mixed Use Exchange (MUE) District. The three new zoning districts will govern development in the various mixed use nodes established by the 2040 Comprehensive Plan. The new regulations cover how legal nonconformities will be handled, allowed building heights, requirements on building placement, requirements on building design and materials, parking standards, screening standards, block design, pedestrian accommodations, open space requirements, and allowed uses amongst other development standards applicable to all land within the City. All changes were guided by the recommendations that recently came out of the Vision Silver Lake Road 2040 public outreach project, and the City anticipates the new zoning districts will ensure future development is in-line with the vision for mixed use areas expressed in the Comprehensive Plan. The full text of Ordinance 893 is available for inspection at City Hall during regular business hours, and will be emailed or sent to any party upon request.

Mayor Kari Niedfeldt-Thomas

BE IT FURTHER RESOLVED by the City Council of the City of New Brighton that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

Adopted this _____ **day of** _____, **2023** by the City of New Brighton City Council with voting as follows:

Mayor Kari Niedfeldt-Thomas: _____

Abdullahi Abdulle: _____

Emily Dunsworth: _____

Graeme Allen: _____

Pamela Axberg: _____

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk