

ORDINANCE NO. 2019 - 2

AN ORDINANCE REVISING THE I-1, I-2, I-3, IP, AND FD-2 ZONING DISTRICTS INCLUDING REVISING USES THAT ARE PERMITTED, CONDITIONAL, ACCESSORY AND PROHIBITED IN EACH DISTRICT; REVISING OR ESTABLISHING DEFINITIONS OF INDOOR AGRICULTURE, AUTO BODY SHOP, CRAFT/MICRO BREWERY, REGIONAL/NATIONAL BREWERY, BREWPUB, COCKTAIL ROOM, CONVENIENCE FACILITY WITH FUEL SALES, MICRO DISTILLERY, DWELLING FOR WATCHMAN, INCIDENTAL EXTERIOR STORAGE, EXTERMINATING SHOP, FAMILY, HEAVY MACHINERY & EQUIPMENT REPAIR, LIGHT MACHINERY & EQUIPMENT REPAIR, MAKERSPACE, MOTOR FREIGHT TERMINAL, MOTOR VEHICLE STORAGE LOT, MOTOR VEHICLE PARKING LOT, PRINCIPAL BUILDING, RECYCLING COLLECTION FACILITY, SELF-BREWING FACILITY, SERVICE STATION, SHOWROOM, SOCIAL SERVICE DISTRIBUTION FACILITY, SPORTS TRAINING FACILITY, TAPROOM, CRAFT WINERY, WORK/LIVE UNIT, AND FRONT YARD; REVISING STANDARDS FOR INDUSTRIAL DEVELOPMENT INTENSITY, INDUSTRIAL SITE CHARACTERISTICS, INDUSTRIAL STRUCTURE PLACEMENT, PARKING, EXTERIOR STORAGE, REFUSE, SOLID WASTE, AND RECYCLABLE MATERIALS HANDLING AND STORAGE FACILITIES, SCHOOLS AND COLLEGES, SCREENING OF ROOF-MOUNTED EQUIPMENT, INDOOR AGRICULTURE, SELF-STORAGE FACILITIES, DAY CARE FACILITIES, SOLID WASTE TRANSFER STATIONS, SOLID WASTE WEIGH STATIONS, HOUSEHOLD HAZARDOUS WASTE AND PERMANENT RECYCLING COLLECTION FACILITIES, TEMPORARY RECYCLING EVENTS, AND JUNK CAR DISPOSAL BUSINESSES; ESTABLISHING NEW STANDARDS FOR BREWERIES, BREWPUBS, DISTILLERIES, TAPROOMS, COCKTAIL ROOMS, WINERIES, WORK/LIVE UNITS, SHOWROOMS, AND TEMPORARY SALES OF DONATED ITEMS; CREATING A WORK/LIVE RENTAL LICENSE; MOVING STANDARDS FROM CHAPTER 19 TO 21, REMOVING THE FD-1 FREEWAY DEVELOPMENT ZONING DISTRICT, AND ESTABLISHING THE IT INNOVATION AND TECHNOLOGY ZONING DISTRICT, THEREBY AMENDING CHAPTERS 10, 12, 14, 19, AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 10 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 10: ENVIRONMENTAL CONTROL

ARTICLE II: SOLID WASTE AND REFUSE

§ 10.05 CARE OF TRASH, YARD WASTE, SOLID WASTE, RESIDENTIAL SOLID WASTE AND REFUSE

It shall be the duty of every tenant, lessee, owner or occupant of every private dwelling, house, store, hotel, restaurant, place of business and the owner of every furnished flat or apartment house, and of every other person having trash, solid waste, residential solid waste, or refuse which accumulates on said premises, to at least once a week deposit said trash, solid waste, residential solid waste or refuse in approved containers for collection by a residential solid waste hauler . City code § ~~[19.54]~~ 21.301.16 sets the minimum standards for refuse and recycling storage and handling facilities.

§ 10.06.04 DUTIES OF NON-RDU TENANTS, LESSEES, OWNERS AND OCCUPANTS

(2) Follow the city's guidelines and instructions for storing and setting out refuse, solid waste, trash recyclable materials and yard waste, including placement of thereof in the suitable and sufficient carts or receptacles with tight fitting covers and with the lid fully closed. Refuse, solid waste, trash, recyclable materials and yard waste containers must be stored as required in § ~~[19.54]~~ 21.301.17 (c)

Section 2. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 12: PUBLIC PEACE AND SAFETY

ARTICLE I: GENERAL PROVISIONS

§ 12.01.01 DEFINITIONS

NUISANCE SERVICE CALL. Public officer response to a verified incident of any activity, conduct or condition occurring on private property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort or repose of the residents therein or misuse city resources, including without limitation:

(26) Illegal exterior storage in violation of § ~~[49.50]~~ 21.301.16 this city code;

ARTICLE IV: ANIMAL CODE

DIVISION D: CHICKENS, FARM POULTRY, FARM ANIMALS, AND BEES

§ 12.116.01 BEEKEEPING

(g) A beehive located on a rooftop must be screened in accordance with § ~~[49.52.04]~~ 21.301.18.

Section 3. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

ARTICLE I: GENERAL PROVISIONS

§ 14.03 FEES.

Except as otherwise stated in this code, the fees for the various licenses and permits shall be as hereinafter stated.

| <i>License/Permit</i> | <i>Required by Section</i> | <i>Annual Fee</i> |
|-------------------------------------|----------------------------|-------------------|
| *** | | |
| Rental Housing | 14.569 | |
| *** | | |
| <u>(H) Work/live dwelling units</u> | | |
| (1) <u>First unit per building</u> | | <u>\$123</u> |
| (2) <u>Each additional unit</u> | | <u>\$10.75</u> |

ARTICLE IV: BUSINESS LICENSES AND REGULATIONS

DIVISION J: TEMPORARY RECYCLING EVENTS

§ 14.252 PERMIT REQUIRED

(2) A letter of narrative and site plan demonstrating how the event will meet all of the requirements of § ~~[49.63.04]~~21.302.31 (f) of this code;

ARTICLE VI: TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS

DIVISION E: MANUFACTURED HOME PARKS, RECREATIONAL CAMPING AREAS AND YOUTH CAMPS

§ 14.545 STANDARDS FOR HEALTH, SAFETY AND NUISANCE PREVENTION

(r) *Prohibited uses and structures.* The licensee must not allow or permit any illegal activity on the licensed premises, including without limitation the following:

(3) Exterior storage anywhere on licensed premises in violation of § ~~[49.50]~~ 21.301.16 or the storage of possessions or equipment underneath a manufactured home unit;

ARTICLE VIII: RENTAL HOUSING CODE DIVISION A: GENERAL PROVISIONS

§ 14.568 DEFINITIONS.

The following words and terms, when used in this Article VIII have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this Article VIII, which are defined in codes adopted by reference in §§ 14.567 and 15.01, have the meanings ascribed to them as stated in those codes.

FAMILY. One or more persons related by blood, marriage or adoption, including foster children and domestic partners and civil unions recognized under Minnesota law, or a group of not more than four persons (excluding personal care attendants, in accordance with M.S. § 256B.0625, subd. 19a, as it may be amended from time to time, and Minnesota Rules part 9505.0335), occupying a dwelling unit. This definition includes a functional household as defined in Article VIII of city code, as well as those persons renting rooms.

WORK/LIVE DWELLING UNIT. A built space used or designed to be used both as a workplace, where the primary work is performed on site, and as a residence by one Family, and where the residential use is secondary to the primary use as a place of work, and approved per § 21.302.30

DIVISION B: RENTAL HOUSING LICENSING

§ 14.569 LICENSE REQUIRED.

No person is permitted to allow to be occupied, let or offered to let to another for occupancy, any dwelling unit or group housing unless the owner has first obtained a license under the terms of this Article VIII. The practice of pre-leasing new rental construction is exempt from the provisions of this section.

§ 14.570 APPLICABILITY AND EXCEPTIONS.

(a) The provisions of this Article VIII apply to all rented multiple-family dwelling units, group housing, two-family dwelling units, single-dwelling units, work/live dwelling units or an accessory dwelling unit within owner-occupied dwellings, as well as to rented condominiums, townhouses and leasehold cooperative dwelling units, as those terms are defined in M.S. § 273.124, subd. 6, as it may be amended from time to time; M.S. Chapters 515A and 515B, as they may be amended from time to time; state law; and this Article VIII.

§ 14.572 ISSUANCE OF LICENSE.

A license will be issued by the issuing authority upon satisfaction of the following conditions:

- (a) The license applicant has completed the rental license application;
- (b) The license applicant has paid the required license fee and any additional fees, if applicable; and
- (c) For all initial license applications, the multiple-family building, two-family dwelling units, single-family dwelling unit, group housing, work/live dwelling unit, or accessory dwelling unit must first be inspected by the Housing Inspector and the Housing Inspector finds that the requirements of the Rental Housing Code, city code and applicable state laws have been met.

§ 14.576 LICENSE NOT TRANSFERABLE.

A license issued pursuant to this Article VIII is for the property owner and the premises named on the approved license application. No transfer of a license is permitted from place to place or from the owner to another person or entity without complying with the requirements of an original application, except in the case in which an existing licensee is merely changing a business or corporate name or in the case in which an existing non-corporate licensee is incorporating and the incorporation does not affect the ownership or control of the property or rental business. Every licensee must give notice in writing to the issuing authority within three days after having legally transferred or otherwise disposed of the legal control of any licensed rental building, dwelling unit, group housing, work/live dwelling unit or accessory dwelling unit. The notice must include the name and address of the person or legal entity succeeding to the ownership or control of such rental building, dwelling unit, group housing, work/live dwelling unit or accessory dwelling unit.

DIVISION D: CRIME-FREE RENTAL HOUSING

§ 14.583 TENANT REGISTER REQUIRED.

The owner of a rental property licensed under this Article VIII must, as a continuing obligation of the rental license, maintain a current register of tenants and other persons who have a lawful right to occupy a specific licensed dwelling unit within the multiple-family building, two-family building, single-family dwelling, work/live dwelling unit, or a specific bed or bedroom within group housing. In the rental license application, the applicant must designate the person or persons who will have possession of the register; and must promptly notify the issuing authority of any change of the identity, address or telephone numbers of such persons. The register must be available for inspection by the police or Housing Inspector at all times.

Section 4. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

ARTICLE I. GENERAL PROVISIONS

DIVISION B. DEFINITIONS

§ 19.03 DEFINITIONS.

AGRICULTURE, INDOOR. The growing of plants in a soil, nutrient, or water based solution, including hydroponics and accessory aquaculture, within an enclosed facility. This use type includes the incidental and accessory sale of goods produced on site.

AUTO BODY SHOP. A shop that provides substantial motor vehicle body repair, painting or undercoating services, including collision repair services such as body part replacement, frame or fender straightening and repair.

BREWERY, CRAFT/MICRO. A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume, and which possesses the appropriate Federal, State, and Municipal licenses and which produces not more than 3,500 barrels of malt liquor in a calendar year.

BREWERY, REGIONAL/NATIONAL. A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume, and which possesses the appropriate Federal, State, and Municipal licenses and which produces more than 3,500 barrels of malt liquor in a calendar year.

BREW PUB. A brewer who conducts retail on-sale intoxicating liquor or 3.2% malt liquor transactions at a restaurant operated in the place where the brewer manufactures fewer than 3,500 barrels of malt liquor in a year, the entire production of which is solely for consumption on tap on the licensed premises or for off-sale from that licensed premises in 64-ounce containers, commonly known as "growlers."

COCKTAIL ROOM. An area for the on-sale consumption of distilled spirits on the premises of or adjacent to the distillery where distilled liquor is produced. A cocktail room may also include sale for off-premises consumption of distilled spirits produced at the distillery, subject to Minnesota statutes 340A.22, subd. 4 or its successor.

CONVENIENCE FACILITY WITH FUEL SALES. An establishment where the principal uses are both: a) the sale of electricity or any automobile engine fuel stored only in underground tanks directly to the public on the premises; and b) the sale of household and convenience items, food or other miscellaneous retail goods. Accessory uses may include but are not limited to a car wash, air dispensing, and similar services.

DISTILLERY, MICRO. A facility that produces Ethyl Alcohol, hydrated oxide or ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use in total quantity not to exceed 40,000 gallons in a calendar year. A distillery may include a cocktail room.

DWELLING FOR WATCHMAN. One or more rooms, designed, occupied or intended for occupancy by one or two employees as a separate living quarter, and is intended to be accessory to an approved primary use.

EXTERMINATING SHOP. A [business] retail enterprise primarily engaged in the disposal of unwanted pests such as mice, cockroaches and other insects from homes and other places of business for compensation. Such a business may include [the] incidental storage and handling of toxic and noxious materials, but is not a warehouse enterprise.

FAMILY. One or more persons related by blood, marriage or adoption, including foster children and domestic partners and civil unions recognized under Minnesota law, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Rules Rule 9505.0335), occupying a

dwelling unit. This definition of family includes a functional household as defined in § 14.568 of the city code, as well as those persons renting rooms. (See BOARDING HOUSE.)

MACHINERY & EQUIPMENT REPAIR, HEAVY. The repair, servicing, maintenance, and reconstruction of machinery and equipment typically utilized by manufacturing and industrial establishments including: tool repair services, machine shops, welding shops, and other repair services similar in nature to those above.

MACHINERY & EQUIPMENT REPAIR, LIGHT. The repair, servicing, maintenance, and reconstruction of equipment and appliances typically utilized by individuals and small businesses and offices including: furniture and upholstery repair, home appliances, electronics, precision equipment, jewelry and watches, shoes and other leather goods, lawn and garden equipment, and other repair services that are similar in nature to those listed above.

MAKERSPACE. A facility where shared manufacturing tools, such as 3-D printers, laser cutters, and hand tools and machines are used for the invention, fabrication, and storage of physical products, not for mass production. May include membership fees and be used incidentally as an instructional center.

[MOTOR FREIGHT TERMINAL (TRUCK TERMINAL). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.]

[MOTOR VEHICLE STORAGE LOT. A storage lot or facility used for the storage but not sales of operable vehicle inventory by a Class I or II motor vehicle sales facility, a vehicle manufacturer, rental agency or similar establishment.]

MOTOR VEHICLE PARKING LOT. An approved off-street, ground level area, usually surfaced and improved, designed and intended for vehicular access to and from a parking area accessory and contiguous to adjacent uses, and for parking of motor vehicles limited to a maximum of 48 hours.

PRINCIPAL BUILDING. A building, or combination of buildings, which contains the primary use of the site.

RECYCLING COLLECTION FACILITY. A use performed in a fully enclosed building where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans. A recycling facility may not include automobile wrecking or dismantling.

SELF-BREWING FACILITY. A facility that provides the ingredients and equipment for a customer to use to brew malt liquor or wine at the store.

SERVICE STATION. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. Activities may include sale of petroleum products; sale and servicing of tires, batteries, automobile accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; car wash and the supplying of other incidental customer services and products.

SHOWROOM. The display only of merchandise and equipment samples where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from an off-site warehouse. Merchandise or equipment which is displayed is typically large bulky items and includes, but is not limited to, furniture, appliances, plumbing fixtures, lighting, and carpeting.

SOCIAL SERVICE DISTRIBUTION FACILITY. An establishment primarily engaged in the temporary storage and distribution of donated food products, clothing, furniture, books and the like.

SPORTS TRAINING FACILITY. A facility primarily designed to provide for sports training for athletes in a particular sport, including gymnasiums, multi-sports floors, training facilities, and flexible space for the purpose of sports practice and skills enhancement. [which with] With sufficient parking, sports training facilities may include accessory large group classes and competition as [a] subordinate [activity] activities. A sports training facility is considered to be distinct from commercial recreational services catering to the general public such as

health and fitness clubs, shooting ranges, archery ranges, bowling alleys, arcades, driving ranges, miniature golf courses, skating rinks, racquet clubs, batting cages and the like.

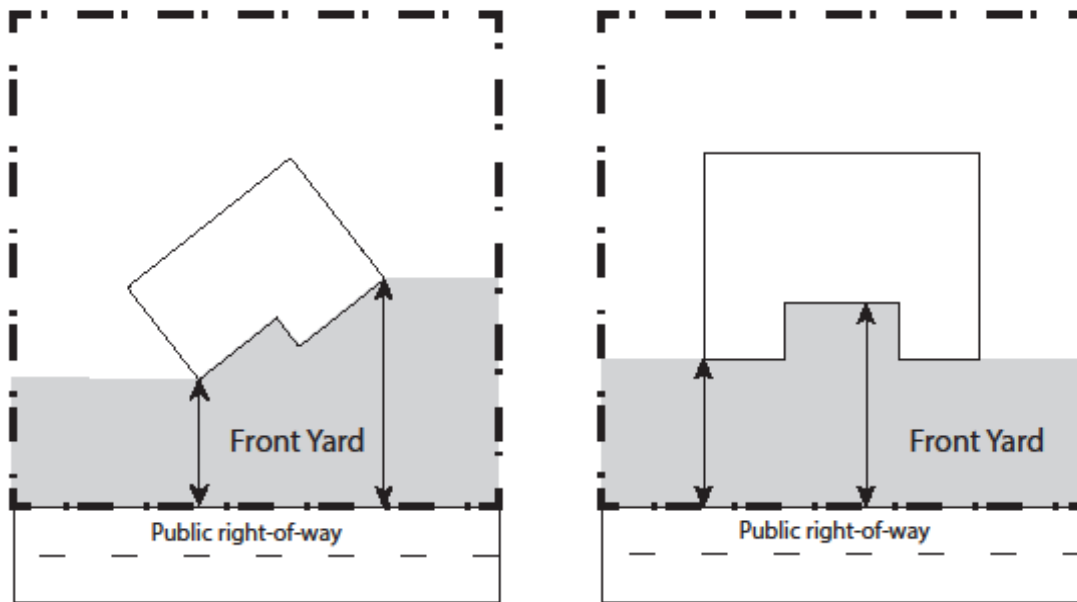
STORAGE, EXTERIOR (INCIDENTAL). The outdoor storage of items directly related to the primary use of a site.

TAPROOM. An area for the on-sale consumption of malt liquor produced for consumption on the brewery premises or adjacent property in common ownership of the brewer, which may include sales of malt liquor produced and packaged at the brewery for off-premises consumption as allowed by M.S. § 340A.285, or its successor.

WINERY, CRAFT. A facility that manufactures wine, which includes vermouth, cider, sherry, and sake as defined by M.S. § 340A.301, with a capacity of six hundred twenty thousand (620,000) or fewer gallons a year.

WORK/LIVE UNIT. A built space used or designed to be used both as a workplace, where the primary work is performed on site, and as a residence by one Family, and where the residential use is secondary to the primary use as a place of work.

YARD, FRONT. The portion of the yard lying between a front lot line and the front line of the principal building, or if there is no principal building, the required front setback line across the full width of the lot between the side lot lines as represented below.



ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§ 19.24 ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS.

(a) **Zoning Districts.** For the purpose of this Code, the City is hereby organized into the following primary zoning districts:

- (5) **Industrial Districts -**
Industrial Park I-1 District
Limited Industry I-2 District
General Industry I-3 District
Industrial Park IP District
Innovation and Technology IT District

- (14) Freeway Development District:
~~[Freeway Development FD-1 District]~~

Freeway Development FD-2 District

§ 19.31.01 REGIONAL COMMERCIAL (CR-1) DISTRICTS.

(i) *Special provisions.*

(7) All refuse storage [~~shall~~]must comply with the requirements of § [~~19.54~~] 21.301.17 of this code.

§ 19.33 RESERVED. ~~INDUSTRIAL (I-1, I-2, AND I-3) DISTRICTS.~~

(a) ~~**Purpose** to preserve zones primarily for industrial use and to allow business uses in them only when necessary to or complementary to the industrial neighborhood and when it will not interfere with further industrial development.~~

(b) ~~**Permitted uses**~~

(1) ~~Reserved.~~

(2) ~~Manufacturing uses (manufacturing, compounding, processing, packaging, treatment or assembly of products and materials).~~

(3) ~~Offices and office buildings.~~

(4) ~~Public and public utility uses.~~

(5) ~~Research laboratories.~~

(6) ~~Wholesale businesses.~~

(7) ~~Warehousing.~~

(8) ~~Repairing, rebuilding and painting of vehicles, machinery and equipment in General Industry (I-3) Districts.~~

(9) ~~Dry cleaning and laundry processing in General Industrial (I-3) Districts.~~

(10) ~~Reserved.~~

(11) ~~Sexually-oriented businesses, subject to Article VIII of this Code.~~

(12) ~~Entertainment and recreation special events.~~

(c) ~~**Permitted accessory uses**~~

(1) ~~Reserved.~~

(2) ~~Off-street parking and off-street loading.~~

(3) ~~Dwelling for watchman (but not for family).~~

(4) ~~Retail sales, incidental to manufacturing of products manufactured on the premises.~~

(5) ~~The following in buildings primarily occupied by medical and dental services:~~

(A) ~~Retail sales of drugs, prescription items, patent medicines, sickroom supplies, prosthetic devices, or items related to any of the aforementioned; and~~

(B) ~~Coffee shops and cafeterias.~~

(6) ~~The following in buildings primarily occupied by offices, business and professional, and within the principal building of hotels or motels, provided that there shall be no exterior signage:~~

(A) ~~Barber and beauty shops;~~

(B) ~~Floral shops;~~

(C) ~~Camera and optical goods shops;~~

(D) ~~Men's apparel;~~

(E) ~~Women's apparel;~~

(F) ~~Branch post office;~~

(G) ~~Financial institutions;~~

(H) ~~Jewelry shops;~~

(I) ~~Boutiques;~~

(J) ~~Shops which include and are limited to the sale of tobacco, candy, books, magazines, newspapers, gifts, cards, stationery, and office supplies;~~

(K) ~~Pharmacy and sundry items;~~

(L) ~~Utility collection;~~

(M) ~~Travel bureaus;~~

(N) ~~Coffee shops and cafeterias.~~

(O) ~~Licensed therapeutic massage enterprises.~~

- (7) ~~Car rental accessory to motels provided the cars are stored in the regular motel-site, off-street parking area without occupying space otherwise required by this Code for motel parking.~~
- (8) ~~Day care facilities which have been approved by the City of Bloomington in buildings primarily occupied by business and professional offices and manufacturing uses, provided that no exterior signage for such day care facilities shall be permitted.~~
- (9) ~~Class II motor vehicle sales accessory to Class I motor vehicle sales.~~
- (10) ~~Transient merchant sales in hotel interiors only.~~
- (11) ~~Beekeeping.~~
- (12) ~~Hotel manager dwelling unit.~~

(d) ~~**Conditional uses**~~

- (1) ~~Hotel airport parking.~~
- (2) ~~Motels.~~
- (3) ~~Restaurants.~~
- (4) ~~Service stations.~~
- (5) ~~Open storage as primary use (except in I-1 Industrial Park District, but not including junk yards or junk car disposal businesses).~~
- (6) ~~Vehicle rental accessory to Class I Motor Vehicle Sales subject to the regulations set forth in Section 19.63.07(e).~~
- (7) ~~Planned developments (industrial).~~
- (8) ~~Reserved.~~
- (9) ~~Reserved.~~
- (10) ~~Pet services facility in General Industry (I-3) Districts.~~
- (11) ~~In Limited Industry (I-2) and General Industry (I-3) Zoning Districts, retail sales of heavy equipment, including industrial, manufacturing and construction machinery and equipment; and, in said districts, other retail sales which are a part of warehousing or wholesale business.~~
- (12) ~~Junk car disposal businesses in General Industry (I-3) Districts, provided the business including all storage and dismantling or wrecking and display of parts for sale is conducted within a fire resistant building, provided that the entire premises is enclosed by screen fencing and provided the premises abut railroad trackage.~~
- (13) ~~Clubs and lodges, nonprofit.~~
- (14) ~~Truck and/or trailer rental in the I-3 District.~~
- (15) ~~Railroad lines.~~
- (16) ~~Repairing, rebuilding, and painting vehicles, machinery, and equipment when the use is within a completely enclosed building and when accessory to a permitted principal use in the I-1 and I-2 districts.~~
- (17) ~~Vocational and industrial training schools.~~
- (18) ~~Physical exercise facilities as uses not to exceed 10 percent (10%) of the total square footage of the building.~~
- (19) ~~Sports training facilities which may be available for public use.~~
- (20) ~~Solid waste transfer stations in the I-2 and I-3 Zoning Districts in accordance with the performance standards of Section 19.63.04 of this Code.~~
- (21) ~~Reserved.~~
- (22) ~~Self-storage Facilities in the Limited Industry I-2 and the General Industrial I-3 Districts, and only in the Industrial Park I-1 District when approved as part of a planned development pursuant to Section 19.38.01 of this Code.~~
- (23) ~~Places of assembly uses.~~
- (24) ~~Car Care Centers Under a planned development in the Industrial Park (I-1) Zoning District; including auto body repair and painting only when conducted within a multi-tenant building and not exceeding 25 percent of the gross building floor area of the car care center.~~
- (25) ~~Reserved.~~
- (26) ~~Household hazardous waste and recycling collection facilities in the I-2 and I-3 Zoning Districts in accordance with the performance standards of Section 19.63.04(e) of this Code.~~
- (27) ~~Class I, Class II and Class III motor vehicle sales in the I-3 District.~~
- (28) ~~Towers. For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~
- (29) ~~In the I-3 General Industry District, automobile rental agencies with an on-site inventory more than ten (10) but no more than thirty-five (35) rental vehicles, subject to performance standards set forth in Section 19.63.07.~~

- (30) ~~In Limited Industry (I-2) and General Industry (I-3) Zoning Districts, retail sales of marine equipment.~~
- (31) ~~In the I-3 General Industrial District, health clubs not exceeding one half of the building floor area on a site, and when adjacent to an arterial or collector street.~~

(e) ~~**Interim Uses**~~

- (1) ~~Excavation and removal of sand, gravel, black dirt, and other types of soil and mineral products, gravel crushing and screening operations and bituminous treatment plants not to exceed two years in duration.~~
- (2) ~~Solid waste weigh stations.~~
- (3) ~~Open storage (excluding junk yards and junk car disposal businesses) as a primary use in the I-2 and I-3 Zoning Districts.~~
- (4) ~~Reserved.~~

(f) ~~**Special Industrial Park (I-1) District requirements**~~

- (1) ~~Building coverage shall not exceed 30 percent of the site plus for industrial uses one percent for each acre of site over ten acres up to a maximum of 40 percent coverage. However, a parking structure or the portion of any structure used for parking shall not be counted as building floor area or structure coverage for the purpose of calculating building floor area and percentage of site coverage by structures.~~
- (2) ~~No loading docks may be on any street frontage. Provision for handling all freight, either by railroad or truck, shall be on those sides of any buildings which do not face on any street or proposed streets.~~
- (3) ~~No screening shall be permitted to extend beyond the building setback lines.~~
- (4) ~~Exterior Materials. The exterior materials and finish of all buildings erected on lands within Industrial Park I-1 Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.~~
- (5) ~~Along any street bordering on a residential zone, there may be no driveway access from such street into adjacent industrial sites unless access is otherwise impracticable. All access to industrial sites shall be from streets within the industrial park where practicable.~~
- (6) ~~Outside storage shall be limited to an area not larger than fifty percent of the ground coverage of the principal building and shall be located to the rear or side not abutting a public street.~~
- (7) ~~Reserved.~~
- (8) ~~Structure height shall be regulated pursuant to Section 21.301.10 of this Code.~~
- (9) ~~Notwithstanding any provision of this Code to the contrary, the following shall be prohibited as permitted or conditional uses within the I-1 Zoning Districts which lie within that area of the City bounded by I-494 on the north, Trunk Highway 77 on the west, and the Minnesota River on the south and east:~~
 - (A) ~~warehouses~~
 - (B) ~~office warehouses~~
 - (C) ~~restaurants when not included within a hotel or motel~~

(g) ~~**Special Limited Industry (I-2) District requirements**~~

- (1) ~~Exterior Materials. The exterior materials and finish of all buildings erected on lands within Limited Industry I-2 Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.~~
- (2) ~~Reserved.~~
- (3) ~~Structure height shall be regulated pursuant to Section 21.301.10 of this Code.~~

(h) ~~**Special General Industry (I-3) District requirements**~~

- (1) ~~Exterior Materials. The exterior materials and finish of all buildings erected on lands within General Industry I-3 Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.~~
- (2) ~~Reserved.~~
- (3) ~~Structure height shall be regulated pursuant to Section 21.301.10 of this Code.~~

(i) ~~**Sign Regulations.** Refer to Article X of this Chapter.~~

§ 19.33.01 RESERVED. [INDUSTRIAL PARK (IP) DISTRICT.

- (a) ~~**Intent.** The Industrial Park IP District is intended to provide area within the City for low intensity office, warehousing, wholesaling, manufacturing and other industrial uses. The uses allowed in the Industrial Park District are limited to exclude the more intensive industrial uses, those industrial uses which require significant outside storage and those business uses which are not necessary to or complementary to the intent of this district. The performance standards for this district reflect the intended development character.~~

~~(b) — **Permitted Principal Uses.**~~

- ~~(1) — Offices and office buildings.~~
- ~~(2) — Manufacturing.~~
- ~~(3) — Research laboratories.~~
- ~~(4) — Warehousing.~~
- ~~(5) — Wholesale businesses.~~
- ~~(6) — Public uses.~~
- ~~(7) — Public utility uses.~~
- ~~(8) — Sexually-oriented businesses, subject to Article VIII of this Code.~~
- ~~(9) — Entertainment and recreation special events.~~

~~(c) — **Provisional Uses.** The following uses shall be permitted in the IP Zoning District when they meet the following stated criteria.~~

- ~~(1) — The following accessory uses when customarily incidental to and clearly subordinate to the permitted principal use:
 - ~~(i) — Retail sales of products manufactured on the premises where the retail floor area does not exceed the lesser figure of either 2,000 square feet or 10 percent of the gross floor area of the building in which the sales area is located.~~
 - ~~(ii) — Coffee shops and cafeterias.~~
 - ~~(iii) — Open outside storage shall be limited to an area not larger than fifty (50) percent of the ground coverage of the principal building and shall be located to the rear or side of the building which does not abut a public street.~~
 - ~~(iv) — Licensed day care facilities which have been approved by the City of Bloomington in buildings primarily occupied by business and professional offices and manufacturing uses. No exterior signage shall be allowed.~~
 - ~~(v) — Beekeeping.~~~~
- ~~(2) — Reserved.~~
- ~~(3) — Railroad spurs when serving an individual industrial property.~~

~~(d) — **Conditional Uses.**~~

- ~~(1) — Parking as a principal use.~~
- ~~(2) — Agricultural uses less than 80,000 square feet in area or on a parcel or lot less than 80,000 square feet in area.~~
- ~~(3) — Reserved.~~
- ~~(4) — Railroad lines.~~
- ~~(5) — Motor freight terminals.~~
- ~~(6) — Athletic training facilities and dance studios, but not including commercial recreation, and athletic and social clubs.~~
- ~~(7) — Reserved.~~
- ~~(8) — Towers. For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.~~
- ~~(9) — Instructional Center.~~

~~(e) — **Interim Uses.**~~

- ~~(1) — Solid waste weigh stations.~~
- ~~(2) — Golf driving ranges provided that each permit shall be limited to no more than a two-year period, any building(s) shall be temporary and portable in nature and shall be on-site only during the golf season, retail sales shall be limited to those minor items intended for on-site use and on-site parking shall be provided at the rate of two spaces for each tee position.~~
- ~~(3) — Short Term Retail Sales. Retail sales within a completely enclosed building, limited to one event of not more than four days on any individual property in any calendar year.~~

~~(f) — **Maximum Floor Area Ratio.**~~

~~— The maximum floor area ratio within the IP District shall be one-half (0.5) square foot of floor area for each one (1.0) square foot of lot area.~~

~~(g) — **Dimension Requirements.**~~

| | |
|------------------------------------|--------------------------------|
| Minimum lot area: | 120,000 square feet |
| Minimum lot width: | 200 feet |
| Minimum setback, front: | 60 feet |
| Minimum setback, side: | 60 feet |
| Minimum setback, rear: | 25 feet |

| | |
|--|---|
| Minimum setback, side or rear adjoining a public right-of-way: | 60 feet |
| Minimum floor area principal building: | 20,000 square feet |
| Maximum structure height (excluding towers): | As regulated by Section 21.301.10 of this Code. |
| Maximum structure lot coverage: | 30 percent |
| Maximum structure floor area ratio: | .5 FAR |

~~(h) — **Reserved.**~~

~~(i) — **Off-street Parking.** Off-street parking for the IP District must be provided in accordance with the requirements of Section 21.301.06 and Section 19.52 of this Code and with the following additional design standards:~~

- ~~(1) — A 40-foot deep landscaped yard shall be provided between all off-street parking areas and any property line abutting a public right-of-way.~~
- ~~(2) — Reserved.~~
- ~~(3) — Off-street parking areas shall have minimum setbacks of five (5) feet from all internal side and rear property lines notwithstanding other applicable sections of the Code except where common parking and driveways are approved by the Issuing Authority and such agreements are filed for public record.~~
- ~~(4) — The number of on-site parking spaces required either to meet the minimum parking requirements of this Code or as required by the Issuing Authority shall not be reduced by on-site snow storage.~~

~~(j) — **Special Provisions.**~~

- ~~(1) — Reserved.~~
- ~~(2) — Extraordinary setbacks from residential zoning districts are required as follows:

 - ~~(i) — When an IP District faces a residential district across a street or is adjacent to a residential district along a side or rear lot line, the setback from that residential district shall be no less than 100 feet from the intervening property line(s).~~
 - ~~(ii) — When a residential district boundary line parallel to a street divides a lot which is in an IP District, as an alternative to the previous paragraph, the building permitted in the IP District may be located at either the district boundary or 100 feet from the lot line of the adjacent parcel, whichever provides the larger setback.~~~~
- ~~(3) — Structure lot coverage may be increased to a maximum of forty (40) percent of lot area on the basis of a one (1) percent increase in lot coverage for each 40,000 square feet of lot area in excess of 400,000 square feet.~~
- ~~(4) — A parking structure or the portion of a structure used for off-street parking shall not be counted as building floor area or structure coverage for the purpose of calculating minimum building floor area, building floor area ratio or percentage of lot coverage by structure.~~
- ~~(5) — Loading docks and freight handling areas shall not be on a street frontage or in a front yard. All freight handling facilities, whether by railroad or truck, shall be on those sides of buildings which do not face onto any street or proposed street. Such facilities shall be screened from public view from street rights-of-way and adjacent residential uses by solid screening as may be required by the Issuing Authority, up to 15 feet in height. Spur railroad lines and rail freight handling facilities shall not be required to be screened from adjacent residential uses. Building wing walls used as required screening shall not extend into the required building setbacks.~~
- ~~(6) — Exterior Materials. The exterior materials and finish of all buildings erected on lands within Industrial Park IP Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.~~
- ~~(7) — Along any street bordering on a residential zone, there may be no driveway access from such street into adjacent industrial sites unless access is otherwise impracticable. All access to industrial sites shall be from streets within the industrial park where practicable.~~
- ~~(8) — Accessory antennas in any form may exceed 60 feet in height above grade providing the requirements of Section 15.14 of this Code are met.~~
- ~~(9) — Public utility uses may be exempted from the performance standards of Section 19.33.01(g) of this Code.~~

~~(k) — **Sign Regulations.** Refer to Article X of this Chapter.]~~

~~***~~

§ 19.34 RESERVED. [FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.]

~~(a) — *Purpose.* To provide for a limited mixture of land uses made mutually compatible with controls and high standards; to encourage and accommodate industry in freeway locations convenient to the metropolitan area; to provide for integrated roadside business areas designed to offer a group of essential services to the motoring~~

public in compact and convenient locations; to accommodate certain uses large in area and with a metropolitan clientele; and so far as may be possible, to protect the freeways from congestion by proper location of heavy traffic generators and exclusion of most retail businesses.

~~(b) Permitted uses.~~

- ~~(1) Reserved;~~
- ~~(2) Manufacturing uses: manufacturing, compounding, processing, packaging, treatment or assembly of products and materials;~~
- ~~(3) Office and office buildings;~~
- ~~(4) Public and public utility uses;~~
- ~~(5) Research laboratories;~~
- ~~(6) Warehousing;~~
- ~~(7) Wholesale businesses;~~
- ~~(8) Financial institutions; and~~
- ~~(9) Entertainment and recreation special events.~~

~~(c) Permitted accessory uses.~~

- ~~(1) Reserved;~~
- ~~(2) Off-street parking and off-street loading;~~
- ~~(3) Dwelling for watchman (but not for family);~~
- ~~(4) Car rental accessory to motels provided the cars are stored in the regular motel site off-street parking area without occupying space otherwise required by ordinance for motel parking;~~
- ~~(5) Retail sales, incidental to manufacturing, of products manufactured on the premises;~~
- ~~(6) The following in buildings primarily occupied by medical and dental services:
 - ~~(A) Retail sales of drugs, prescription items, patent medicines, sickroom supplies, prosthetic devices or items related to any of the aforementioned; and~~
 - ~~(B) Coffee shops and cafeterias.~~~~
- ~~(7) The following in buildings primarily occupied by offices, business and professional, and within the principal building of hotels or motels, provided that there shall be no exterior signage:
 - ~~(A) Barber and beauty shops;~~
 - ~~(B) Floral shops;~~
 - ~~(C) Camera and optical goods shops;~~
 - ~~(D) Men's apparel;~~
 - ~~(E) Women's apparel;~~
 - ~~(F) Branch post office;~~
 - ~~(G) Jewelry shops;~~
 - ~~(H) Boutiques;~~
 - ~~(I) Shops which include and are limited to the sale of tobacco, candy, books, magazines, newspapers, gifts, cards, stationery, and office supplies;~~
 - ~~(J) Pharmacy and sundry items;~~
 - ~~(K) Utility collection;~~
 - ~~(L) Travel bureaus;~~
 - ~~(M) Coffee shops and cafeterias; and~~
 - ~~(N) Licensed therapeutic massage enterprises.~~~~
- ~~(8) Open-air motor vehicle parking lots where there already exists an off-street parking lot required by ordinance;~~
- ~~(9) Day care facilities which have been approved by the city in buildings primarily occupied by business and professional offices and manufacturing uses;~~
- ~~(10) Class II motor vehicle sales accessory to Class I motor vehicle sales;~~
- ~~(11) Repair of motor vehicles accessory to Class I motor vehicle sales;~~
- ~~(12) Type I home businesses pursuant to standards as set forth in § 21.302.13;~~
- ~~(13) Tanning salons as accessory uses in office buildings;~~
- ~~(14) Transient merchant sales in hotel interiors only;~~
- ~~(15) Beekkeeping; and~~
- ~~(16) Hotel manager dwelling unit.~~

~~(d) Conditional uses.~~

- ~~(1) Motor freight terminals;~~
- ~~(2) Residential uses;~~
- ~~(3) The following retail business uses:
 - ~~(A) Reserved;~~
 - ~~(B) Outdoor newspaper and magazine stands;~~
 - ~~(C) Collection stations for charitable organizations.~~~~

- ~~_____ (D) Pet services facility;~~
- ~~_____ (E) Reserved; and~~
- ~~_____ (F) Repair of household equipment (not including motor vehicles).~~
- ~~_____ (4) Multiple-family dwellings;~~
- ~~_____ (5) Hotel airport parking;~~
- ~~_____ (6) Restaurants;~~
- ~~_____ (7) Vehicle rental accessory to Class I motor vehicle sales subject to the regulations set forth in § 19.63.07(e);~~
- ~~_____ (8) Pet services facilities in Freeway Development (FD-2) Districts;~~
- ~~_____ (9) Motels and hotels;~~
- ~~_____ (10) Service stations when included within a planned development pursuant to § 19.38.01 of this code;~~
- ~~_____ (11) Athletic and social clubs;~~
- ~~_____ (12) Reserved;~~
- ~~_____ (13) Class I motor vehicle sales when part of a planned development pursuant to § 19.38.01 of this code;~~
- ~~_____ (14) Railroad lines;~~
- ~~_____ (15) Reserved;~~
- ~~_____ (16) Reserved;~~
- ~~_____ (17) Reserved;~~
- ~~_____ (18) Reserved;~~
- ~~_____ (19) Reserved;~~
- ~~_____ (20) Reserved;~~
- ~~_____ (21) Places of assembly;~~
- ~~_____ (22) Freestanding day care facilities;~~
- ~~_____ (23) Reserved;~~
- ~~_____ (24) Post-secondary educational institutions;~~
- ~~_____ (25) Towers. For related provisions see §§ 15.14, 19.63.05 and 21.301.10 of this code;~~
- ~~_____ (26) Type II home businesses pursuant to standards as set forth in § 21.302.13; and~~
- ~~_____ (27) Manufactured home parks pursuant to standards as set forth in § 21.302.10.~~
- ~~_____ (e) Interim uses.~~
 - ~~_____ (1) Outdoor seasonal sales;~~
 - ~~_____ (2) Commercial recreation facilities in the Freeway Development (FD-2) District;~~
 - ~~_____ (3) Newspaper distribution stations when not located within a principal building or when using an accessory building;~~
 - ~~_____ (4) Solid waste weigh stations;~~
 - ~~_____ (5) Reserved;~~
 - ~~_____ (6) Retail sales as interim uses in structures primarily devoted to office, warehouse, wholesale and manufacturing uses, subject to the following.~~
 - ~~_____ (A) The floor area used for retail sales in the building or complex of buildings shall not occupy more than 10% of the gross leasable area.~~
 - ~~_____ (B) Adequate parking for all uses within the building or complex of buildings shall be provided in conformance with the requirements of § 21.301.06 of this code.~~
 - ~~_____ (C) The property owner, if not the applicant for the proposed use, shall be a co-applicant and shall be responsible for adhering to all conditions of approval if the interim use permit is approved.~~
 - ~~_____ (D) At the time of application, the property owner shall provide a current listing of all tenants within the building or complex of buildings, including mailing name, mailing address, nature of business and amount of square footage of each tenant devoted to office, manufacturing, warehousing, storage, retail and other uses. The property owner shall provide one set of mailing labels containing tenant names and mailing addresses.~~
 - ~~_____ (E) The city shall notify each tenant in the building or complex of buildings of the initial Planning Commission hearing on the proposed use.~~
 - ~~_____ (F) All retail sales shall be conducted within a permanent building.~~
 - ~~_____ (G) The initial interim use permit shall be issued for not more than one year, with subsequent permits limited to maximum three year periods.~~
- ~~_____ (f) Freeway Development (FD-1) District requirements.~~
 - ~~_____ (1) Building coverage shall not exceed 30% of the site, plus for industrial use 1% for each acre of site over ten acres up to a maximum of 40% coverage. However, a parking structure or the portion of any structure used for parking shall not be counted as building floor area or structure coverage for the purpose of calculating building floor area and percentage of site coverage by structures.~~

- ~~_____ (2) No loading docks may be on any street frontage. Provision for handling all freight, either by railroad or truck, shall be on those sides of any buildings which do not face on any street or proposed street.~~
- ~~_____ (3) No screening shall be permitted to extend beyond the building setback line.~~
- ~~_____ (4) Exterior materials: the exterior materials and finish of all buildings erected on lands within Freeway Development FD-1 Zoning Districts shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~
- ~~_____ (5) Reserved.~~
- ~~_____ (6) Structure height shall be regulated pursuant to § 21.301.10 of this code.~~
- ~~_____ (g) Freeway Development (FD-2) District requirements.~~
- ~~_____ (1) Exterior materials: the exterior materials and finish of all buildings erected on lands within Freeway Development FD-2 Zoning Districts shall be in conformance with the applicable requirements of § 19.63.08 of this code.~~
- ~~_____ (2) Reserved.~~
- ~~_____ (3) Structure height shall be regulated pursuant to § 21.301.10 of this code.~~
- ~~_____ (h) Sign regulations. Refer to Article X of this chapter.]~~

ARTICLE IV. DISTRICT REGULATIONS

§ 19.41 TABLE OF [MINIMUM] CONSERVATION DISTRICT (SC) REQUIREMENTS.

(c) *Nonresidential development.*

| | <i>[General Industry (I-3)]</i> | <i>[Freeway Dvlpmt. (FD-2)]</i> | <i>[Limited Industry (I-2)]</i> | <i>[Ind. Park (I-1), Frwy. Dev. (FD-4)]</i> | SC District |
|---|---------------------------------|---------------------------------|---------------------------------|---|--------------------|
| Lot width | [400 feet] | [—] | [—] | [—] | 100 feet |
| Lot area | [—] | [1 acre] | [2 acres] | [3 acres] | — |
| Floor area of principal building (sq. ft.) | [—] | [40,000] | [40,000] | [20,000] | — |
| Front yard setback | [35 feet] | [35 feet] | [35 feet] | [60 feet] | 50 feet |
| Side yard setback | [40 feet] | [25 feet] | [25 feet] | [60 feet] | 20 feet* |
| Rear yard setback | [25 feet] | [25 feet] | [25 feet] | [25 feet] | 30 feet |
| Side or rear-yard adjoining street | [35 feet] | [35 feet] | [35 feet] | [60 feet] | 50 feet |
| * The side-yard in no event may be less than the height of the structure. | | | | | |

- ~~— (d) Reserved.~~
- ~~— (e) Reserved.~~
- ~~— (f) Reserved.~~

~~(g) *Applicability.* The provisions of this section do not apply to residential uses in the B-4, C-2, C-3, C-4 and C-5 Commercial Zoning Districts. See § 21.302.02 for applicable standards for residential uses in the B-4, C-2, C-3, C-4 and C-5 Commercial Zoning Districts.]~~

§ 19.42 RESERVED. [EXCEPTIONS AND ADDITIONS TO SETBACK AND LOT WIDTH REQUIREMENTS.

- ~~(a) Reserved.~~
- ~~(b)~~

~~(1) When an industrial, freeway development or general business faces a residential district across the street or is adjacent to a residential district along a side lot line, the front yard setback of the industrial, freeway development or general business district along that street shall be no less than 100 feet. Any other setback in the industrial, freeway development, general business districts shall be not less than 100 feet from a residential district. When a conditional use permit is approved for a residential use in a General Industry (I-3) or Freeway Development (FD) zoning district, the City Council may waive the additional setback requirements of this Section. The provisions of Subsection 19.42(b)(1) do not apply to the LX, B-1, B-2, B-4, C-1, C-2, C-3, C-4 or C-5 zoning districts.~~

- (2) —When a district boundary line parallel to a street divides a lot which is in a residential district and in a commercial or industrial zoning district, the building permitted in the commercial or industrial district as an alternative to the previous paragraph may be located at the district boundary or 100 feet from the lot line of the adjacent parcel whichever provides the larger setback. As a precedent to the application of this exception the Planning Commission shall review the site plans and building plans for such proposed use and make further recommendations to the City Council as will adequately protect the adjacent residential property to the same extent as does the additional setback required by the preceding paragraph. Among the matters to be considered are the following:
- (A) —Retention in the intervening space of existing topography and vegetation plus, or in the alternative, planting and construction and maintenance of fences, walls or plant-life screening or landscaping in such area.
 - (B) —Prohibition or other control of parking, storage and other activities in all or part of such area.
 - (C) —Location and orientation of structures.
- (c) —In addition to the requirement of compliance with the minimum area size and setbacks of a zoning district, the following provisions shall be adhered to:
- (1) —Setbacks and lot areas shall be based upon the planned widened rights-of-way, contained in the current Master Plan for Streets and Highways, determined by the Director of the Department of Public Works.
 - (2) —Prior to the issuance of a building permit, the Director of the Department of Public Works will make a determination of what the future right-of-way will be. This determination shall be recorded on the building permit to be kept as a permanent record in the office of the Issuing Authority.
- (d) —Reserved.
- (e) —Where a business district side yard adjoins a residential use or district, the side yard setback of the business use shall be not less than 25 feet.
- (f) —Reserved.
- (g) —Reserved.
- (h) —Reserved.]

ARTICLE V. PERFORMANCE STANDARDS

§ 19.50 ~~RESERVED. [EXTERIOR STORAGE.~~

~~(a) —In R (Residential) Districts.~~

- ~~(1) —All materials, machinery and equipment shall be stored within a building or fully screened so as not to be visible from adjoining or adjacent lands, except for the following: laundry drying and recreational equipment; construction materials, machinery and equipment currently being used on the premises; landscaping and agricultural equipment and machinery currently being used or intended for use on the premises; off-street parking of passenger automobiles and pick-up trucks; trash and garbage receptacles.~~
 - ~~(2) —Reserved.~~
 - ~~(3) —Where a rear yard or a side yard in a residential zoning district abuts a public street, trash burners and garbage receptacles are prohibited in the setback area of such rear or side yard and, if located or placed in such rear or side yard, shall be screened from view from such street.~~
 - ~~(4) —No exception listed herein shall be construed to avoid the restrictions of §§ 19.51 or 19.52 of this chapter, or of any conditions imposed on any conditional use permit.~~
 - ~~(5) —Before the erection of any screening required by this section, the plans for such screening shall be approved by the Manager of the Building and Inspection Division. All such screening shall consist of a solid fence or wall, or equivalent as approved by the Manager of the Building and Inspection Division and shall be constructed in a workmanlike manner, including method of construction and materials.~~
- ~~(b) —All other districts. In all other districts no material or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises. Under no circumstances shall motor vehicles be stored in the off-street parking spaces required for the use in § 21.301.06 of this code. At gasoline service stations, it is unlawful to store vehicles or other equipment outside a building except that at service stations in operation on May 1, 1964, where storage within a building is not practicable, tow trucks and snow plowing equipment may be stored outside but not within the setback area.~~
- ~~(c) —Business districts. In business districts, displays of merchandise extended more than five feet into the setback area or more than five feet in front of the existing building, if such building abuts against or extends into the required setback area, shall be construed to be an encroachment on the setback requirements and it is unlawful for the owner or occupant to permit such encroachments except: merchandise may be displayed on service station pump islands and where motor vehicles, new or used, are lawfully sold on the premises, they may be stored or~~

displayed in off-street parking areas. Displays of merchandise shall not reduce the off-street parking area required by this chapter.]

§ 19.51 RESERVED. [REFUSE, SOLID WASTE, AND RECYCLABLE MATERIALS HANDLING AND STORAGE FACILITIES.

~~(a) *Purpose and intent.* The City Council finds the generation of waste is a normal and unavoidable part of business and residential activities. Proper refuse, solid waste, and recyclable materials handling is a function that, to avoid nuisances impacting neighboring properties and the general public, must be included in the design and construction of buildings. This section establishes minimum standards for storage and handling of refuse, solid waste, recyclable materials, yard waste, organics, and construction debris. This list is intended to be illustrative not exhaustive. Properly designed storage and handling facilities decrease illegal disposal, enhance employee safety, enhance property aesthetics and decrease the potential for vandalism and unsanitary conditions. Refuse, solid waste, trash, recyclable materials, yard waste, organics, and construction debris are defined in § 10.04 of this code.~~

~~(b) *Applicability.* Upon submittal of a development application or when compliance with this section is required in subsection (f) below, plans for refuse, solid waste, and recyclable materials handling facilities shall be provided for review. Plans shall be based on accurate final site and building plans, at an appropriate scale. The plans shall illustrate the location and describe the operation of refuse, solid waste, and recyclable storage activities, including, but not limited to, the capacity of appropriate containers for each type of waste.~~

~~(c) *Storage Location.*~~

~~— (1) For single-family and multiple-family dwelling units with individual dwelling unit trash and recyclables storage and pick-up, all residential solid waste materials must be stored within approved containers appropriate for each type of waste that prevent health and nuisance problems. All solid waste, trash, recyclable materials, yard waste, organics and construction debris shall be placed at the assigned collection location no more than 12 hours before and the containers be removed no more than 12 hours after the scheduled collection day. The storage of residential solid waste containers for single-family detached homes shall be setback 30 feet from any four season living area other than the owner's. Residential solid waste containers shall not be stored more than five feet in front of the principal building along any public right-of-way.~~

~~— (2) For multiple-family residential units other than those identified in subsection (c)(1) above, residential solid waste containers must be stored within a fully enclosed space, which shall be attached to the principal structure.~~

~~— (3) All commercial and office uses shall have storage facilities for solid waste and recyclable materials in accordance with one of the following requirements.~~

~~— (4) All industrial zoning districts (I-1, I-2, I-3, and IP) shall have storage facilities for solid waste and recyclable materials in accordance with one of the following requirements:~~

~~(A) For industrial uses where the solid waste and recyclable materials facilities that are not food preparation or food service uses and are located within 300 feet from a property meeting two of the three following criteria: (1) residential use including multiple family; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, solid waste and recyclable materials must be within a fully enclosed space designated for the processing and storage of solid waste and recyclable materials. All required solid waste and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement when:~~

~~(i) The proposed solid waste and recyclable materials storage facility is not in conflict with the stated purpose in Section 19.51 of this Code;~~

~~(ii) The proposed solid waste and recyclable materials storage facility is accessed by separated walkway to the facility which is illuminated in accordance with Section 21.301.07 of the City Code;~~

~~(iii) The proposed solid waste and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and~~

~~(iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.~~

~~(B) For industrial uses where the solid waste and recyclable materials facilities that are not food preparation or food service uses and are located greater than 300 feet from a property meeting two of the three following criteria: (1) residential use; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, solid waste and recyclable materials may be stored outside a building. Trash, recyclables, and other solid waste storage must be in an approved container and fully screened from adjoining properties and public streets. Screening shall be constructed using building materials consistent in style, color and composition with the principal building; or~~

~~(C) Solid waste and recyclable materials collection and storage may be outside the building as part of power-operated solid waste or recyclable processing equipment. The equipment shall be~~

screened from all sides except where access is approved by the Issuing Authority. Screening shall be constructed using building materials consistent in style, color and composition with the principal building and approved by the Issuing Authority.

(d) ~~Minimum Design Standards.~~ Solid waste and recyclable materials storage and handling facilities, other than those identified in Section 19.51(c)(1), shall have an exterior design using building materials consistent with the primary structure. The interior shall comply with the following minimum requirements:

- (1) For all uses other than grocery stores, restaurants or other food service facilities:
 - (A) ~~Doors shall be designed to function properly during periods of ice and snow.~~
 - (B) ~~Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.~~
- (2) For grocery stores and food service facilities:
 - (A) ~~Floors shall be covered with quarry tile or equivalent with integral sanitary cove base tile.~~
 - (B) ~~Interior walls shall have a smooth non-absorbent material sealed or finished to withstand frequent cleaning.~~
 - (C) ~~Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.~~
 - (D) ~~Doors shall be designed to function properly during periods of ice and snow.~~
 - (E) ~~Hose bib with back flow prevention shall be provided for cleaning the facility.~~
 - (F) ~~Floor drains shall be connected to the sanitary sewer system.~~
 - (G) ~~Ventilation (UMC) and heat source to maintain a temperature above a minimum of 55 degrees Fahrenheit.~~

(e) ~~Minimum Storage Area Requirements.~~

- (1) ~~Required solid waste storage and handling facilities shall provide minimum solid waste storage and handling capacity in accordance with the requirements identified in Table 19.51-1. Additional area shall be provided for recyclable material storage facilities in accordance with the minimum space requirements identified in the adopted Uniform Building Code. Any uses not identified will be based on similar uses described in the adopted Uniform Building Code. The minimum solid waste storage area identified in Table 19.51-1 may be reduced up to 60 percent by incorporating a solid waste compacting device or a waste management plan as approved by the Issuing Authority.~~
- (2) ~~Other uses in solid waste and recyclable storage rooms unrelated to solid waste and recyclable handling may be located in the vicinity of space allocated for solid waste and recyclables, if the additional space, equal to that used by unrelated materials and equipment, is provided to satisfy the requirements of this Section. Additional storage and equipment may include but is not limited to the following items:~~
 - (1) ~~Sprinkler system assembly~~
 - (2) ~~Bulk CO2 containers~~
 - (3) ~~Grease collection barrels~~
 - (4) ~~Recyclables containers for glass, metal, plastic, aluminum, corrugated cardboard and paper~~
 - (5) ~~Ships Ladder (roof access)~~
 - (6) ~~Water heater~~
 - (7) ~~Clean up and wash down facilities~~
 - (8) ~~Dry goods storage~~
 - (9) ~~Heating equipment~~
 - (10) ~~Organics~~

***Table 19.51.1: Minimum Loose Solid Waste Volumes by Use
(Based on Once per Week Pick-up and No Compaction)***

| Use | Minimum Solid Waste Storage Area per 1,000 Sq. Ft. of Gross Floor Area for the First 15,000 Square Feet (Minimum Size: 120 Sq. Ft.) | Minimum Solid Waste Storage Area for Each 1,000 Sq. Ft. of Gross Floor Area over 15,000 Sq. Ft. |
|---------------------|--|--|
| Office/retail sales | 5 sq. ft. | 2 sq. ft. |
| Warehouse | 2 sq. ft. | 1 sq. ft. |
| Manufacturing | 4 sq. ft. | 2 sq. ft. |
| Restaurants | 12 sq. ft. | 5 sq. ft. |
| Grocery markets | 18 sq. ft. | 8 sq. ft. |
| Hotels/motels | 3 sq. ft. | 1.5 sq. ft. |

| | | |
|---|---|-----------|
| Conference rooms | 2 sq. ft. | 1 sq. ft. |
| Multiple-family residential | 4 sq. ft. | 2 sq. ft. |
| Motor vehicle service facility ¹ | 5 sq. ft. | 2 sq. ft. |
| Uses not covered in this table | Space as required for the most similar listed use or as determined by the issuing authority | |
| Note: Additional space is required for recyclable materials as required in the adopted Uniform Building Code | | |
| ¹ An additional 250 cubic feet per service bay required if tire replacement is part of the service. | | |

(f) Existing solid waste and recyclables storage facilities that conform to zoning approvals granted prior to February 5, 2001 and which do not comply with the requirements of this Section shall be considered legally nonconforming and may remain, subject to the following provisions:

- (1) Solid waste and recyclables storage facilities in compliance with this Section shall be required for any proposal which expands its floor area more than twenty-five (25) percent, cumulatively, after the effective date of this Ordinance.
- (2) Screening of all solid waste facilities with a fence, wall, landscaping or comparable materials as approved by the Issuing Authority shall be installed when:
 - (A) Final site and building plans are approved for expansion where the gross floor area of the addition is less than 25 percent of a building;
 - (B) Final site and building plans are approved for expansion of a parking lot; or
 - (C) Final site and building plans are approved for alteration of the exterior building materials.
- (3) When the occupancy group of a site is changed the solid waste and recyclable storage shall be modified, as necessary, to comply with the requirements of this Section. The occupancy groups of the Uniform Building Code shall be used to determine occupancy classification for the purposes of this Section. In multiple tenant buildings, this provision shall apply only to tenant spaces where a change is proposed.
- (4) When a nonconforming use ceases for a continuous period of one year, the solid waste and recyclable storage facilities shall comply with this Section before any use of the site occurs.
- (5) Nothing in this Section shall relieve any property of any solid waste and recyclable storage requirements mandated as a condition of approval for any plan or permit by the City Council before the effective date of this Ordinance. The owner of such property may apply to the City Council for removal of the condition and, if the application is approved, comply with the provisions of this Section.
- (6) Additional requirements for nonconformities are set forth in Section 21.504 of this Code.]

§ 19.52.01 RESERVED. [SCREENING OF ROOF-MOUNTED EQUIPMENT.

- (a) Roof-mounted mechanical equipment installed on buildings constructed within the City shall be screened from view. This requirement shall be deemed satisfied when all parts of the roof-mounted equipment are not visible from ground level observation or at any point on the property, adjacent property, or from adjacent streets.
- (b) Screening required by this Section shall comply with the following:
 - (1) The screening shall be permanently attached to the building and shall be capable of withstanding all load requirements as outlined in the State of Minnesota Building Code.
 - (2) The screening shall be constructed with materials that are architecturally compatible with the building. The use of wood, in whole or in part, as a screening material shall not be considered as being architecturally compatible unless the building is constructed with a wood exterior.
 - (3) A parapet wall of sufficient height and as an integral part of the building shall be considered as approved screening.
 - (4) Reserved.
 - (5) All roof-top screening shall be kept in repair or in a proper state of preservation.
 - (6) Existing screening which requires major alteration or replacement shall meet the requirements of this Section.]

§ 19.61 SERVICE STATION PERFORMANCE STANDARDS.

- (d) [Reserved] Accessory food sales must not exceed 25% of the total floor area.

- (e) Refuse enclosures. All refuse storage [shall]must comply with § [49.54] 21.301.17 of this code.

§ 19.61.01 RESERVED. [SELF-STORAGE FACILITY PERFORMANCE STANDARDS.

- (a) Reserved.
- (b) Reserved.

(c) **Site Design Requirements:**

(1) ~~Site Entrance.~~

(A) ~~One or more secured ingress and egress drives shall be provided as approved by the Issuing Authority. The drive(s) shall be designed to provide separate lanes for entering and existing traffic so that either lane can be used for emergency vehicle access.~~

(B) ~~Access shall be controlled by a security system consisting of key-controlled gate arms, gates or similar devices. Each lessee shall have key access through the security system. The system shall be approved by the Issuing Authority.~~

(2) ~~Parking. See Section 21.301.06 of this Code.~~

(3) ~~On-site circulation and driveways.~~

(A) ~~All one-way driveways directly serving storage spaces, buildings or cubicles shall provide for one 10-foot parking lane and one 15-foot driving lane. Traffic direction and parking shall be designated by signing or painting.~~

(B) ~~All two-way driveways directly serving storage spaces, buildings or cubicles shall provide for one 10-foot parking lane and two 12-foot travel lanes.~~

(C) ~~All areas where turning movements are required shall provide a minimum 30 foot inside radius and a minimum 45 foot outside radius.~~

(D) ~~All driveways and circulation lanes which do not directly abut a building shall be defined by poured in-place concrete curbs.~~

(4) ~~Space for open storage of vehicles, boats and trailers shall be required component of self-storage facilities in an amount equal to at least 10 percent of the land area available for development. Area available for development shall not include wetlands or land area for transportation purposes, including but not limited to railroad easements and planned widened right-of-way. For a multiple tenant location, the land area required for exterior storage of vehicles, boats and trailers shall be 10 percent of the land area based on the proportionate self-storage use of the structure. (e.g. if 25 percent of the building is used for self-storage, the required outdoor storage area is based on 25 percent of the land area) In no instance shall the amount of exterior storage exceed the building ground coverage. The space devoted to open storage shall not abut a public street. Open storage abutting other uses or districts shall be properly screened in a manner consistent with the materials used on the exterior surface of the building. The space devoted to outside storage shall not be used to calculate required parking.~~

(5) ~~Site must meet the requirements of chapter 16 of the city code and the City's Comprehensive Surface Water Management Plan stormwater management, erosion control, and wetlands.~~

(d) **Architectural Design Requirements:**

(1) ~~No entrance doors to storage compartments shall front on any public street.~~

(2) ~~Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units, cast-in-place or precast concrete panels, or an equivalent or better. The color of exterior surfaces shall be harmonious with surrounding development. Masonry or concrete walls shall not be painted; color shall be integral to the masonry material.~~

(3) ~~No wall adjacent to or visible from public streets or abutting property shall exceed 100 feet in length without visual relief by means of a vertical reveal at least one foot in depth and ten feet in width, a perceptible change in wall angle or a corner.~~

(4) ~~Landscaping shall be provided continuously along all public street frontages, except for authorized access points. Landscaping shall be provided and along all property lines abutting developed property, except where exempted for good cause by the Issuing Authority. Landscaping shall consist of a variety of hardy evergreen plant material consisting of trees, low, medium and high-profile shrubs, together with a suitable ground cover such as sod, native grasses, rock or a combination thereof. Landscaping shall be designed, placed and maintained in such a manner as to not impair vehicle visibility at corner intersections or adjacent to points of ingress or egress. A landscape plan shall be submitted for approval by the Issuing Authority.~~

(e) **Life Safety Requirements:**

(1) ~~A security fence or wall shall be provided around the facility as approved by the Issuing Authority.~~

(2) ~~Driveways shall be designed so that fire equipment and other emergency vehicles can readily access and exit all areas of the site.~~

(3) ~~No electrical service shall be provided for tenants.~~

(4) ~~Exterior lighting as required in Section 21.301.07 or circulation drives shall be provided as approved by the Issuing Authority.~~

(5) ~~Fire hydrants shall be provided within the site at locations required by the Fire Marshal. Fire hydrants shall be separated by distances of not more than 300 feet.~~

- (6) ~~A fire alarm system with heat detectors in all interior storage areas shall be provided. Detectors shall be connected to a central fire alarm panel in the residence quarters, and monitored by an approved central station alarm company.~~
- (7) ~~By lease agreement between the operator and each lessee, no flammable, caustic, explosive, poisonous, radioactive or otherwise dangerous materials shall be stored in any self-storage facility.~~

(f) ~~**Operational Requirements:**~~

- (1) ~~Unless an on-site manager is on the property during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, a resident manager shall be on the site and shall be responsible for maintaining the operation of the facility in conformance with ordinance requirements and conditions of approval of the City Council. Up to two dwelling units for resident managers may be located on the site.~~
- (2) ~~The on-site manager of the facility shall maintain a copy of the site plan of the facility which has been approved by the Issuing Authority, a copy of all Conditions of Approval attached by the City Council, and a copy of all applicable City regulations.~~
- (3) ~~The lessor or agent of the lessor shall obtain a signed lease agreement from the lessee that shall be kept in the on-site office of the facility and shall be available for inspection by the Issuing Authority. The lease agreement shall contain the following:~~
 - (A) ~~Name of lessee. If a business firm or corporation, the name, address and telephone number of the owner, agent or partners of the business.~~
 - (B) ~~Residence and business address and telephone number.~~
 - (C) ~~A brief description of the types of materials stored.~~
 - (D) ~~Signature of lessee on a statement indicating understanding and compliance with all lease requirements, ordinance requirements and Conditions of Approval.~~
- (4) ~~Each lease agreement shall include all appropriate restrictions established by ordinance and/or Condition of Approval established by the City Council. Each lessee shall be required to sign each lease agreement indicating understanding and acceptance of all restrictions.~~
- (5) ~~No business activities other than the rental of storage units shall be conducted on the portion of the premises devoted to the rental of storage units. No retail or wholesale sales shall be conducted on the premises, except sales of goods and services by the management. No auctions or commercial sales or uses, manufacturing, fabricating or assembly of any items shall be conducted on the site. No activities such as miscellaneous or garage sales shall be conducted on the premises.~~
- (6) ~~The servicing or repair of motor vehicles, boats, household, industrial or commercial items shall not be conducted on the premises.~~
- (7) ~~The operation of a self-storage facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.~~

(g) ~~**Exceptions to Zoning District Requirements:**~~

- (1) ~~The total floor area of all separate self-storage structures on the site may be combined to meet the minimum building floor area requirements of the district in which the use is proposed.~~
- (2) ~~Lot coverage of all structures shall be limited to fifty percent (50%) of the total area.~~
- (3) ~~Setbacks.~~
 - (A) ~~Side yard setbacks of not less than one-half of the normal district requirements may be requested provided that no entrance doors to storage compartments or storage compartment areas are exposed to that yard, subject to the approval of Final Site Plans and Building Plans.~~
 - (B) ~~Rear yard setbacks of not less than ten (10) feet may be requested provided that no entrance doors to storage compartments or storage compartment areas are exposed to that yard, subject to the approval of Final Site Plans and Building Plans.~~
 - (C) ~~When side and rear yards are adjacent to public streets, setbacks of not less one-half of the normal district requirements may be requested subject to the approval of the City Council.~~
 - (D) ~~When reviewing plans which show reduced side and/or rear yard setbacks from the interior lot lines or abutting streets, the Issuing Authority shall consider the impact of such reduced setbacks on visibility and aesthetics on adjacent existing uses. Where the Council finds that the impact of the proposed self-storage facility on adjacent properties will not be adverse, the Council may allow reduced setbacks.~~
- (4) ~~When located in the I-1 Industrial Park zoning district, as part of a Planned Development pursuant to Section 19.38.01, self storage facilities (including all buildings, driveways, resident manager's quarters, screening walls, and all other associated features) shall not:~~
 - (A) ~~be located within 500 feet of a roadway designated as a Principal Arterial, Intermediate Arterial or Minor Arterial Street, and;~~
 - (B) ~~include more than one-half of the land area of the total planned development except when located in the interior of an industrial area.]~~

§ 19.63 PLACES OF ASSEMBLY.

(a) *Standards.* Freestanding place of assembly uses and sites must comply with the following standards.

(9) No parking [shall be] is permitted on the site in front of the place of assembly except where a parking lot exists on a site under the provisions of a previously approved conditional use permit. No exterior storage, motor vehicle parking or motor vehicle storage is permitted on the site except when incidental to allowed uses in place on the site. Exterior storage must meet the standards of city code § [49.59] 21.301.16; and

§ 19.63.04 RESERVED. [PERFORMANCE STANDARDS FOR SOLID WASTE TRANSFER STATIONS, SOLID WASTE WEIGH STATIONS, HOUSEHOLD HAZARDOUS WASTE AND PERMANENT RECYCLING COLLECTION FACILITIES AND TEMPORARY RECYCLING EVENTS.

(a) ~~*Intent.* The intent of this Section is to provide minimal standards for the design and operation of facilities designed to collect, transfer or process in any way waste or recyclable materials within the City.~~

(b) ~~*General Requirements.*~~

(1) ~~No site for a facility regulated by this Section shall be located within 500 feet of a residential zoning district;~~

(2) ~~If, in the opinion of the City, the operator of facility regulated by this Section has violated any conditions of the conditional or interim use permit, performance standards of the conditional or interim use, zoning district standards or regulations, or any other City Code regulation, the operator shall, after written notice from the City of such violations, immediately institute and in good faith pursue corrective action. If a violation continues for more than 10 days after notice from the City, the City Council may, after notice and public hearing, revoke the conditional or interim use permit.~~

(3) ~~The City may enforce any provision of the conditional or interim use permit conditions and City Code requirements by injunction or any other appropriate remedy in any court of competent jurisdiction. Any condition caused or permitted to exist in violation of any of the provisions of this subsection shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense. Enforcement of provisions of the conditional or interim use permit and City Code requirements shall be limited to on-site violations and violations over which the facility owner has control.~~

(c) ~~*Solid Waste Transfer Stations.*~~

(1) ~~Site Design Requirements.~~

(A) ~~Reserved.~~

(B) ~~Minimum site area for such development shall be five (5) acres;~~

(C) ~~Building coverage shall not exceed 40 percent of the site;~~

(D) ~~No exterior loading docks may be on any street frontage. Provision for handling all material brought to or removed from the site by railroad or truck shall be on those sides of any buildings which do not face on any street or proposed street(s);~~

(E) ~~There shall be no driveway ingress or egress from any street bordering on a residential zone into an adjacent waste transfer station unless ingress or egress is otherwise impractical. All ingress or egress for such sites shall be from streets within the industrial area unless otherwise approved by the City;~~

(F) ~~Site ingress and egress shall be at locations approved by the City and all driveways, circulation and stacking lanes and parking areas shall be designed, surfaced and curbed in accordance with Section 21.301.06 of the City Code;~~

(G) ~~Acceleration, deceleration and turning lanes shall be provided by the developer of the waste transfer station at all entrances and exits on public streets as required and approved by the City;~~

(H) ~~All stacking of trucks and other equipment shall occur on-site and off of public right(s) of way;~~

(I) ~~Site must meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands;~~

(2) ~~*Environmental Control Requirements.*~~

(A) ~~There shall be no on-site, exposed or contained, exterior overnight storage of solid waste. All overnight storage shall be within approved enclosed buildings.~~

(B) ~~The emission of noxious matter shall be controlled so that no concentration of such matter, at or beyond the lot line, will be detrimental to or endanger the public health, safety, comfort or general welfare or cause damage to property. Noxious matter means any solid, liquid or gaseous material, including but not limited to gases, vapors, odor, dusts, fumes, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort, or general welfare or causes damage to property. The operator of the facility~~

shall comply with a regular inspection schedule as approved by the City and shall submit reports of such inspections to the City.

- (C) ~~Air quality and the generation of dust or other particulates related to transfer station operations, including vehicular emissions shall be periodically monitored. The operator of the facility shall quarterly submit air quality reports to the City and violations of state standards shall be abated.~~
- (D) ~~Noise generation related to transfer station operations, including vehicular noise, shall be periodically monitored. The operator of the facility shall quarterly submit noise analysis reports to the City and violations of state or local standards shall be abated;~~
- (E) ~~The operator of the solid waste transfer station shall cooperate with the City in order to facilitate periodic City inspections of the facility as the City may deem necessary;~~

(3) ~~Operational Requirements.~~

- (A) ~~Hours of operation shall be restricted to 8:00 a.m. to 6:00 p.m. Monday through Saturday;~~
- (B) ~~All trucks and equipment destined to or away from the site, except for personal vehicles, shall be restricted to designated routes established by the City. The operator of any transfer station shall be responsible for notifying truck operators of the route designation by the City. The City will not revoke a conditional or interim use permit granted under this subsection for off-site violations beyond the control of the transfer station operator and owner;~~
- (C) ~~No loading or unloading by reason of tipping or use of other equipment, or cleaning of vehicles, equipment or containers, shall occur outside of a fully enclosed structure;~~
- (D) ~~On-site storage or handling of hazardous waste materials is prohibited as a planned mode of operation. Hazardous waste materials inadvertently delivered to the facility shall be promptly removed in accordance with county and state requirements. No special programs for the collection of residential hazardous waste shall be conducted at the facility without prior City approval;~~
- (E) ~~All parking, vehicular and operational use areas shall be screened from public streets and adjacent properties;~~
- (F) ~~During hours of operation all trucks and other operations equipment shall be parked in approved location at the rear of the site;~~

(d) ~~Solid Waste Weigh Stations.~~

(1) ~~Site Design Requirements.~~

- (A) ~~There shall be no driveway ingress or egress from any street bordering on a residential zone. All ingress and egress for such sites shall be from streets within the zoning district in which it is located.~~
- (B) ~~All stacking or queuing of trucks and other equipment shall occur on site and off public rights-of-way.~~

(2) ~~Environmental Control Requirements.~~

- (A) ~~There shall be no storage of solid waste or hazardous waste on the site.~~
- (B) ~~An air quality and noise assessment shall be submitted by the applicant and approved by the Environmental Inspection Division and the Director of Planning prior to permit consideration by the City Council.~~
- (C) ~~An on-site air quality and noise assessment monitoring program approved by the Environmental Inspection Division and the Director of Planning shall be established prior to weighing activities occurring on the site and the operator shall submit reports as determined by the City.~~

(3) ~~Operational Requirements.~~

- (A) ~~Hours of operation shall be restricted to 8:00 a.m. to 6:00 p.m.~~
- (B) ~~All trucks and equipment destined to or away from the site shall be restricted to designated routes established by the City.~~
- (C) ~~There shall be no unloading or tipping or loading of solid waste on the site.~~
- (D) ~~There shall be no cleaning or servicing of trucks or equipment on the site.~~

(e) ~~Household Hazardous Waste and Permanent Recycling Collection Facilities.~~

(1) ~~Site Design Requirements.~~

- (A) ~~Reserved.~~
- (B) ~~Minimum site area for such development shall be five (5) acres;~~
- (C) ~~Building coverage shall not exceed 40 percent of the site;~~
- (D) ~~No exterior loading docks may be on any street frontage. Provision for handling all material brought to or removed from the site by railroad or truck shall be on those sides of any building which do not face on any street or proposed street(s);~~

- (E) ~~There shall be no driveway ingress or egress from any street bordering on a residential zone into a facility. All ingress or egress for such sites shall be from streets within the industrial area unless otherwise approved by the City;~~
 - (F) ~~Site ingress and egress shall be at locations approved by the City and all driveways, circulation and stacking lanes and parking areas shall be designed, surfaced and curbed in accordance with Section 21.301.06 of the City Code;~~
 - (G) ~~Acceleration, deceleration and turning lanes shall be provided by the applicant at all entrances and exits on public streets as required and approved by the City;~~
 - (H) ~~All stacking or queuing of vehicles shall occur on-site and off of any public street;~~
 - (I) ~~Site must meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands;~~
 - (J) ~~The facility shall be designed in a manner that all spills shall be contained within the building;~~
 - (K) ~~All water lines shall be provided with anti-siphon back flow prevention valves.~~
- (2) ~~*Environmental Control Requirements.*~~
- (A) ~~There shall be no on-site, exposed or contained, exterior storage of recyclable materials, household hazardous wastes or waste containers;~~
 - (B) ~~All household hazardous wastes and recyclable materials shall be stored within an approved enclosed building;~~
 - (C) ~~A contingency action plan outlining an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of materials that could threaten human health or the environment shall be submitted and approved by the Fire Marshal and the Manager of the Environmental Inspections Division;~~
 - (D) ~~No liquid wastes having a positive hydrogen ion concentration (pH) of less than 5.5 or greater than 9.5 shall be discharged by a household hazardous waste facility to the sanitary sewer at any time;~~
 - (E) ~~An annual report showing the type and amount of household hazardous waste, recyclable material and yard waste handled by the facility will be submitted to the City by January 31 of each year;~~
 - (F) ~~The owner of the facility shall conduct and assume all costs for all chemical testing of solids, liquids, and gases as ordered by the City's Environmental Health Services Division to determine the presence and extent of contamination or pollution caused by a release of any hazardous material at the facility to the air, soil or water;~~
 - (G) ~~The release of any hazardous material at the facility which poses a risk to the health and/or property of any person shall be immediately reported to the City's Police and Fire Departments and Environmental Health Services Division.~~
- (3) ~~*Operational Requirements.*~~
- (A) ~~Residential drop-off of household hazardous wastes and recyclable materials shall be permitted. Low quantity nonresidential generator drop-off of hazardous wastes (based on Minnesota Rules Chapter 7045.0219) and recyclable materials is permitted subject to operator guidelines approved by the City's Environmental Services Division. Drop-off of mixed municipal solid waste is prohibited.~~
 - (B) ~~There shall be no drop-off, collection or tipping of mixed municipal solid waste;~~
 - (C) ~~Permitted activities are limited to drop-off collections of household hazardous wastes, yard waste and recyclable materials and rearrangement of these materials for subsequent transport;~~
 - (D) ~~On-site disposal of household hazardous waste is prohibited;~~
 - (E) ~~Hours of operation shall be restricted to 8:00 a.m. to 9:00 p.m., Monday through Saturday;~~
 - (F) ~~No exterior storage of household hazardous wastes or recyclables or containers for the storage of household hazardous wastes or recyclable materials shall be permitted;~~
 - (G) ~~Exterior collection and storage of yard wastes and tree waste for transport may be permitted in containers or rollofs subject to approved final site plan and building plans;~~
 - (H) ~~No exterior loading or unloading of vehicles or waste removal containers shall be permitted;~~
 - (I) ~~No exterior cleaning or repair of vehicles, equipment or containers shall be permitted;~~
 - (J) ~~All inadvertent residual mixed municipal solid waste must be removed within a 72-hour period;~~
 - (K) ~~All truck or equipment traffic destined to or away from the site shall be restricted to designated routes as required by the City;~~
 - (L) ~~All local, County, State and Federal permits and licenses shall be obtained and copies submitted to the City;~~
 - (M) ~~A facility procedural and management manual shall be submitted and approved by the City;~~

- (N) — A facility lighting and security plan as required in Section 21.301.07 shall be submitted and approved by the City;
- (O) — A hold harmless and indemnification agreement protecting the City from all claims resulting from the siting, design, construction, operation and maintenance of the facility shall be provided;
- (P) — The City shall have the right to inspect all of the facility at any reasonable time and shall have the right to review all records relating to the operation of facility;
- (Q) — All household hazardous wastes, recyclable materials, mixed municipal solid waste, contaminated soil and structures must be removed and treated or disposed of in a proper manner upon closure of the facility.

(4) — *Penalty.*

- (A) — A violation of any provision of this Section shall be a misdemeanor.

(f) — *Temporary Recycling Events.* Temporary recycling events are allowed in all zoning districts provided the appropriate permit is issued and the following standards are met:

(1) — *Site Design Requirements.*

- (A) — The collection event and all related traffic queuing must be at least 500 feet from any property that is both residentially used and residentially zoned.
- (B) — Sufficient parking on site for other uses in operation during the event must be preserved.
- (C) — Site ingress and egress to public roadways must be at locations approved by the City Engineer or designee and all driveways, circulation and stacking lanes and parking areas must be designed, surfaced and curbed in accordance with Section 21.301.06 of the City Code.
- (D) — The site of the event must provide off-street queuing spaces for at least 20 vehicles.
- (E) — All stacking or queuing of vehicles must occur on-site and off of any public street and a plan must be provided for approval showing the queuing of vehicles, parking and intended traffic flow.
- (F) — The event must be designed in a manner to prevent and contain spills.

(2) — *Environmental Control Requirements.*

- (A) — All recyclable materials must be stored within an approved enclosed building or other approved location outside of the event hours.
- (B) — A contingency action plan outlining an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of materials that could threaten human health or the environment must be submitted and approved by the Fire Marshal and the Manager of the Environmental Health Division prior to the event, and kept available onsite during the event.
- (C) — The release of any hazardous material at the event which poses a risk to the health and/or property of any person must be immediately reported to the City's Police and Fire Departments and Environmental Health Division.
- (D) — All hauling or collection of these recyclable materials must be done in suitable vehicles provided with end and sideboards of sufficient heights to prevent any part of the load from falling or leaking into or upon any public street or alley in the City. Such vehicles must at all times, except when loading or unloading, be kept covered with sufficient canvas, metal, or wooden covers, which covers shall be closely attached to the side and ends of such vehicles. There must be printed on both sides of such vehicles in clear, legible type the name and telephone number of the owner of such vehicle.
- (E) — All water lines associated with the event must have anti-siphon back flow prevention valves.

(3) — *Operational Requirements.*

- (A) — Residential drop-off of recyclable materials such as cardboard, paper, bottles and cans, approved clean scrap metal with all hazardous waste removed, approved electronics, approved appliances, used clothing and sheets is permitted. A list of items collected at the event must be provided to the City prior to approval. Drop-off, collection or tipping of mixed municipal solid waste is prohibited.
- (B) — Permitted activities are limited to drop-off collections of recyclable materials and rearrangement of these materials for subsequent transport.
- (C) — Disassembly and/or crushing of materials on site or during the event is prohibited.
- (D) — The event must not exceed two days in duration and each site is limited to two events per calendar year.
- (E) — Hours of operation are restricted to 9:00 a.m. to 9:00 p.m.

- (F) ~~All inadvertent residual mixed municipal solid waste or other unapproved material must be removed immediately.~~
- (G) ~~All truck or equipment traffic destined to or away from the site is restricted to designated routes as required by the City.~~
- (H) ~~All applicable local, County, State and Federal permits and licenses must be obtained and copies submitted to the City.~~
- (I) ~~A facility lighting and security plan as required in Section 21.301.07 must be submitted and approved by the City.~~
- (J) ~~A hold harmless and indemnification agreement protecting the City from all claims resulting from the site selection, design, construction, operation and maintenance of the event must be provided.~~
- (K) ~~The City must have the right to inspect the event at any reasonable time and must have the right to review all records relating to the operation of event.~~
- (L) ~~All recyclable materials must be disposed of in a proper manner after the event.~~
- (4) ~~Penalty.~~
- (A) ~~A violation of any provision of this Section shall be a misdemeanor.]~~

§ 19.63.05 TOWERS.

(I) *Antennas mounted on roofs, walls and existing towers.* The placement of wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Planning Manager, provided the antennas meet the requirements of this code, after submittal of: 1) a final site and building plan as specified by § 21.501.01 of this code; and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment ~~[shall]~~must be indicated. Antennas ~~[shall]~~must be mounted on the facade of the building or penthouse structure unless the Planning Manager or designee determines that another antenna mounting location decreases the visual impact of the antennas. All roof mounted equipment ~~[shall]~~must be screened from view in accordance with § ~~[19.52.04]~~ 21.301.18 of this code.

§ 19.63.08 EXTERIOR MATERIALS AND FINISH.

- (c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:
- Multiple-family Residential RM-50 Districts
 - Neighborhood Office B-1 District
 - General Commercial B-2 District
 - General Business B-3 District
 - Neighborhood Commercial Center B-4 District
 - Freeway Office and Service C-1 District
 - Freeway Commercial C-2 District
 - Freeway Commercial Center C-3 District
 - Freeway Office C-4 District
 - Freeway Mixed Use C-5 District
 - Regional Commercial CR-1 District
 - Freeway Development ~~[FD-4 and]~~ FD-2 District~~[s]~~
 - Commercial Service CS-0.5 and CS-1 Districts
 - Commercial Office CO-0.5, CO-1 and CO-2 Districts
 - Residential Office RO-24 and RO-50 Districts
 - High Intensity Mixed Use With Residential HX-R District
 - Lindau Mixed Use LX District
 - Innovation and Technology IT District

ARTICLE X. SIGN REGULATIONS

DIVISION D. DISTRICT PROVISIONS

§ 19.113 CLASS IV SIGN DISTRICTS (B-2, B-3, C-1, C-4, IP, I-2, I-3, CO-0.5, CO-1, CS-0.5, CS-1, ~~FD-4~~, FD-2, IT).

(a) **Regulations for Freestanding Identification Signs.** All freestanding identification signs ~~shall~~ must be located on the site of the use.

(1) **Where Permitted.**

(A) **Ground Signs.** Ground signs ~~shall be~~ are permitted.

(B) **Monument Signs.** Monument signs ~~shall be~~ are permitted.

Exception: There ~~shall~~ must be no monument signs in the I-2 and IP Zoning District.

(C) **Pylon Signs.** Pylon signs ~~shall be~~ are permitted.

Exception: There ~~shall~~ must be no pylon signs in the I-2, ~~and~~ IP, and IT Zoning District.

(c) **Other Signs.** All other signs ~~shall~~ must be located on the site of the use unless specified otherwise.

(6) **Temporary Signs.**

(A) **Temporary Signs for Places of Worship, Schools, Parks, and Public Buildings.** See Section 19.118.

(B) **Temporary Signs for Commercial Promotions.** See Section 19.119.

(C) **Temporary Signs for Approved Interim Uses in the IT Zoning District.** See Section 19.127.

Section 5. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE II. DISTRICTS AND USES

DIVISION E. ~~[RESERVED]~~INDUSTRIAL ZONING DISTRICTS

§ 21.206 ~~[RESERVED.]~~INDUSTRIAL ZONING DISTRICTS.

- (a) **Purpose.** It is the purpose of the Industrial Zoning Districts to preserve zones primarily for industrial use and to allow non-industrial uses only when necessary to or complementary to the industrial neighborhood and when it will not interfere with further industrial development.

§ 21.206.01 INDUSTRIAL PARK (I-1) DISTRICT.

- (a) **Intent.** This district is intended to provide a range of low intensity industrial uses on large sites compatible with nearby residential neighborhoods. The district excludes more intensive industrial uses while allowing secondary support uses such as office, business services, and institutional uses.
- (b) **Uses.** Uses allowed in the I-1 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209 (e).
- (c) **Standards.** Development in the I-1 District must comply with the following standards:
- (1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of Section 21.301.01.
 - (2) Structure and parking placement. See Section 21.301.02 for applicable standards.
 - (3) Structure height. See Section 21.301.10 for applicable standards.
 - (4) Exterior materials. See Section 19.63.08 for applicable standards.
 - (5) Loading docks and freight handling facilities, whether for railroad or truck, must be on elevations that do not front on a street or proposed street.
 - (6) Along any street bordering on a site that is both residentially used and zoned, there may be no driveway access from such street into adjacent industrial sites unless access is otherwise impracticable. All access to industrial sites must be from streets within the industrial park where practicable.

§ 21.206.02 LIMITED INDUSTRY (I-2) DISTRICT.

- (a) **Intent.** This district is intended to provide for areas for large site industrial development, including research and development, high technology, biotechnology, small-scale distribution, and activities requiring flexible floor space. Secondary support uses, such as office and business services, are also allowed.
- (b) **Uses.** Uses allowed in the I-2 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209 (e).
- (c) **Standards.** Development in the I-2 District must comply with the following standards:
- (1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of Section 21.301.01.
 - (2) Structure and parking placement. See Section 21.301.02 for applicable standards.
 - (3) Structure height. See Section 21.301.10 for applicable standards.
 - (4) Exterior materials. See Section 19.63.08 for applicable standards.

§ 21.206.03 GENERAL INDUSTRY (I-3) DISTRICT.

- (a) **Intent.** This district is intended to provide for areas of intense industrial development with potentially significant off-site impacts on a variety of site sizes, including manufacturing, processing, and assembly; warehouse and distribution; and large equipment supply and sales. Such uses may require heavy truck and/or rail access.
- (b) **Uses.** Uses allowed in the I-3 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209 (e).
- (c) **Standards.** Development in the I-3 District must comply with the following standards:
- (1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of Section 21.301.01.
 - (2) Structure and parking placement. See Section 21.301.02 for applicable standards.
 - (3) Structure height. See Section 21.301.10 for applicable standards.
 - (4) Exterior materials. See Section 19.63.08 for applicable standards.

§ 21.206.04 INDUSTRIAL PARK (IP) DISTRICT.

- (a) **Intent.** This district is intended to provide area within the City for low intensity office, warehousing, manufacturing, and other industrial uses. The uses allowed in the Industrial Park District are limited to

exclude the more intensive industrial uses, those industrial uses which require significant outside storage and those business uses which are not necessary to or complementary to the intent of this district.

- (b) **Uses.** Uses allowed in the IP District as permitted, accessory, conditional, or interim uses are listed in Table 21.209 (e).
- (c) **Standards.** Development in the IP District must comply with the following standards:
- (1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of Section 21.301.01.
 - (2) Structure and parking placement. See Section 21.301.02 for applicable standards.
 - (3) Structure height. See Section 21.301.10 for applicable standards.
 - (4) Exterior materials. See Section 19.63.08 for applicable standards.
 - (5) Building coverage may not exceed 30% of the site. Building coverage may be increased to a maximum of 40% of lot area on the basis of a one percent increase in lot coverage for each 40,000 square feet of lot area in excess of 400,000 square feet.
 - (A) A parking structure or the portion of a structure used for off-street parking is not counted as building floor area or structure coverage for the purpose of calculating minimum building floor area, building floor area ratio, or percentage of lot coverage by structure.
 - (6) Loading docks and freight handling areas may not be on a street frontage or in a front yard. All freight handling facilities, whether by railroad or truck, must be on elevations that do not face on any street or proposed street.
 - (A) Loading docks and freight handling area must be screened, pursuant to perimeter screening requirements contained in Section 19.52, from public view from street rights-of-way and adjacent residential uses.
 - (B) Spur railroad lines and rail freight handling facilities are not required to be screened from adjacent residential uses.
 - (C) Building wing walls used as required screening may not extend into the required building setbacks.
 - (7) Along any street bordering on a residential zone, there may be no driveway access from such street into adjacent industrial sites unless access is otherwise impracticable. All access to industrial sites must be from streets within the industrial park where practicable.
 - (8) Public utility uses may be exempted from the performance standards of Sections 21.301.01 and 21.301.02.
- (d) **Off-street Parking.** Off-street parking for the IP District must be provided in accordance with the requirements of Section 21.301.06 and Section 19.52 of this Code and with the following additional design standard:
- (1) A 40-foot deep landscaped yard must be provided between all off-street parking areas and any property line abutting a public right-of-way.

§ 21.206.05 FREEWAY DEVELOPMENT (FD-2) DISTRICT.

- (a) **Intent.** The Freeway Development (FD-2) District is designed to provide for a limited mixture of compatible land uses; to encourage and accommodate industry in freeway locations convenient to the metropolitan area; to provide for integrated roadside business areas designed to offer a group of essential services to the motoring public in compact and convenient locations; to accommodate certain uses large in area and with a metropolitan clientele; and so far as may be possible, to protect the freeways from congestion by proper location of heavy traffic generators and exclusion of most retail businesses.
- (b) **Uses.** Uses allowed in the FD-2 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209 (e).
- (c) **Standards.** Development in the FD-2 District must comply with the following standards:
- (1) Floor area ratio, building floor area, impervious surface area, site width and site area must comply with the applicable requirements of Section 21.301.01.
 - (2) Structure and parking placement. See Section 21.301.02 for applicable standards.
 - (3) Structure height. See Section 21.301.10 for applicable standards.
 - (4) Exterior materials. See Section 19.63.08 for applicable standards.

§ 21.206.06 INNOVATION AND TECHNOLOGY (IT) DISTRICT.

- (a) **Intent.** The Innovation and Technology (IT) District, is designed to encourage a flexible mix of regionally oriented low-impact, high technology manufacturing, hotel, and office uses in locations with excellent access to regional roadways or high-frequency transit. The IT District provisions are intended to foster a flexible mix of high technology manufacturing, research and development, and pure office uses while allowing the integration of commercial and hospitality uses.

| <u>Use Type</u> | <u>Zoning District</u> | | | | | | <u>References; See Listed Section</u> |
|---|------------------------|------------|------------|------------|-----------|-------------|--|
| | <u>IT</u> | <u>I-1</u> | <u>I-2</u> | <u>I-3</u> | <u>IP</u> | <u>FD-2</u> | |
| <u>Retail sales, incidental to hotel or office - general, medical or dental</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | |
| <u>Showroom</u> | | <u>A</u> | <u>A</u> | <u>A</u> | | <u>A</u> | <u>21.302.32</u> |
| <u>Therapeutic massage enterprise</u> | <u>A</u> | | | | | | <u>14.259 to 14.275</u> |
| <u>Technology and Manufacturing</u> | | | | | | | |
| <u>Craft and Micro – Brewery / Distillery / Winery</u> | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>Chapter 13 Article III, Chapter 14 Article I, 21.302.29</u> |
| <u>Brewery, regional/national</u> | | | <u>P</u> | <u>P</u> | <u>P</u> | | <u>Chapter 13 Article III, Chapter 14 Article I, 21.302.29</u> |
| <u>Low impact, high-technology manufacturing</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>Machinery & equipment repair, heavy</u> | | | | <u>P</u> | | | |
| <u>Machinery & equipment repair, light</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>Manufacturing</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>Makerspace</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>Research laboratories</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>Warehousing</u> | <u>A</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>Wholesaling</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| <u>GENERAL</u> | | | | | | | |
| <u>Accessory</u> | | | | | | | |
| <u>Accessory building</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>21.301.19</u> |
| <u>Antenna</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>19.63.05</u> |
| <u>Fuel pump, private</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | |
| <u>Helistop</u> | <u>CA</u> | <u>CA</u> | <u>CA</u> | <u>CA</u> | <u>CA</u> | <u>CA</u> | |
| <u>Hotel airport parking</u> | <u>CA</u> | | <u>CA</u> | | | <u>CA</u> | |
| <u>Tower</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>19.63.05</u> |
| <u>Agriculture</u> | | | | | | | |
| <u>Agriculture, limited</u> | | | | | | | |
| <u>Agriculture, indoor</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>21.302.05</u> |
| <u>Beekeeping</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>12.116, 21.302.05</u> |
| <u>Miscellaneous</u> | | | | | | | |
| <u>Dry cleaning and laundry processing</u> | | | | <u>C</u> | | | |
| <u>Excavation and removal of soil and mineral products</u> | | | | | | | |
| <u>Exterior Storage as a primary use</u> | | | | | | | |
| <u>Exterior Storage as a primary use legally in existence prior to January 17, 2019</u> | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | |
| <u>Exterior Storage, Incidental</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>21.301.16</u> |
| <u>Firing Range</u> | | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>14.82-14.84 21.302.11</u> |

| <u>Use Type</u> | <u>Zoning District</u> | | | | | | <u>References;</u> |
|--|------------------------|------------|------------|------------|-----------|-------------|---------------------------------|
| | <u>IT</u> | <u>I-1</u> | <u>I-2</u> | <u>I-3</u> | <u>IP</u> | <u>FD-2</u> | <u>See Listed Section</u> |
| <u>Gravel crushing and bituminous treatment plants</u> | | | | | | | |
| <u>Household hazardous waste and recycling collection facilities</u> | | | <u>C</u> | <u>C</u> | | | <u>19.63.04(e)</u> |
| <u>Railroad lines and spurs</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | |
| <u>Self-storage facilities</u> | | <u>C</u> | <u>C</u> | <u>C</u> | | | <u>21.302.16</u> |
| <u>Sexually-oriented businesses</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>Chapter 19, Article VIII</u> |
| <u>Solid waste transfer facilities</u> | | | <u>C</u> | <u>C</u> | | | <u>21.302.31</u> |
| <u>TEMPORARY/SEASONAL</u> | | | | | | | |
| <u>Seasonal Uses</u> | | | | | | | |
| <u>Seasonal sales, outdoor</u> | | | | | | | |
| <u>Special Events</u> | | | | | | | |
| <u>Entertainment and recreation special events</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>14.61</u> |
| <u>Farmers market</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>Chapter 14, Article IX</u> |
| <u>Temporary Uses</u> | | | | | | | |
| <u>Temporary Retail Sales, donated items</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>14.61, 21.302.34</u> |
| <u>Transient merchant sales (interior to hotels)</u> | <u>A</u> | | <u>A</u> | | | <u>A</u> | <u>14.180 to 14.192</u> |

ARTICLE III. DEVELOPMENT STANDARDS

DIVISION A. GENERAL STANDARDS

§ 21.301.01 DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

(d) Commercial and Industrial Zoning Districts.

| Zoning District | Floor Area Ratio | | Building Floor Area | Impervious Surface Area | Site Width | Site Area |
|-----------------|------------------|------------|--|-------------------------|---|------------------------|
| | Minimum | Maximum | Minimum | Maximum | Minimum | Minimum |
| LX | 0.7** | 2.0 | 10,000 sq. ft. | NA | 100 ft. | NA |
| IT | <u>0.4</u> | <u>2.0</u> | <u>20,000 sq. ft.</u> <u>10,000 sq. ft. for restaurants</u> | <u>90%</u> | <u>200 ft.</u> <u>250 ft. for corner sites</u> | <u>80,000 sq. ft.</u> |
| I-1 | <u>NA</u> | <u>1.0</u> | <u>20,000 sq. ft.</u> | | | <u>120,000 sq. ft.</u> |
| I-2 | <u>NA</u> | <u>1.0</u> | <u>10,000 sq. ft.</u> | | | <u>80,000 sq. ft.</u> |
| I-3 | <u>NA</u> | <u>1.0</u> | <u>3,000 sq. ft.</u> | | <u>100 ft.</u> | <u>NA</u> |
| IP | <u>NA</u> | <u>1.0</u> | <u>20,000 sq. ft.</u> | | <u>200 ft.</u> | <u>120,000 sq. ft.</u> |
| FD-2 | <u>NA</u> | <u>2.0</u> | <u>10,000 sq. ft.</u> | | | <u>40,000 sq. ft.</u> |

§ 21.301.02 STRUCTURE PLACEMENT.

(e) Commercial and Industrial Zoning District Setbacks.

| Zoning District | Along Public Street | | Rear | Side | Setback from Property Used and Zoned Residential |
|-----------------|---|-----------|---------------|---------------|--|
| | Minimum | Maximum | Minimum | Minimum | Minimum |
| LX | 10 ft. (or width of required public easement) | 20 ft. | 10 ft. | 10 ft. | NA |
| IT | <u>20 ft.</u> | <u>NA</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>50 ft.</u> |
| I-1 | <u>30 ft.</u> | <u>NA</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>100 ft.</u> |
| I-2 | <u>30 ft.</u> | <u>NA</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>100 ft.</u> |
| I-3 | <u>30 ft.</u> | <u>NA</u> | <u>25 ft.</u> | <u>10 ft.</u> | <u>100 ft.</u> |
| IP | <u>30 ft.</u> | <u>NA</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>100 ft.</u> |
| FD-2 | <u>30 ft.</u> | <u>NA</u> | <u>25 ft.</u> | <u>25 ft.</u> | <u>NA</u> |

§ 21.301.06 PARKING.

(d) *Number of off-street parking spaces required.*

| |
|--|
| Minimum Off-Street Parking Requirements |
|--|

| | | |
|-------------------|--|---|
| Industrial | General manufacturing / <u>Makerspace</u> / industrial | 1 space per 500 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area as determined by the issuing authority |
| | Warehousing, storage | 1 space per 1,000 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area |
| | Open storage without a building on site | 1 space for each 2,500 square feet of outside storage area |

§ 21.301.08 FENCES.

(g) *Where fences are required.* At times this code requires fences to protect the public health, safety and welfare.

(4) *Screening.* See §§ 8.16, 10.05, 10.29.05, 10.38, 10.57, 19.31.01, [~~19.33.04~~], 19.49, [~~19.50~~], 19.50.03, [~~19.54~~], 19.52, [~~19.64.04~~], 19.62.01, 19.63, [~~19.63.04~~], 19.63.07, 21.206.04, 21.301.05, 21.301.06, 21.301.16, 21.301.17, 21.302.01, 21.302.02, [~~and~~] 21.302.13, 21.302.16, and 21.302.31 for specifications on required screening standards, to include fences as a method of screening.

§ 21.301.16 EXTERIOR STORAGE.

(a) In Residential (R) Districts

- (1) All materials, machinery and equipment must be stored within a building or fully screened so as not to be visible from adjoining or adjacent lands, except for the following: laundry drying and recreational equipment; construction materials related to active construction projects, machinery and equipment currently being used on the premises; landscaping and agricultural equipment and machinery currently being used or intended for use on the premises; off-street parking of passenger automobiles and pick-up trucks; trash and garbage receptacles.
- (2) Where a rear yard or a side yard in a residential zoning district abuts a public right-of-way, garbage receptacles are prohibited in the setback area of such rear or side yard and, if located or placed in such rear or side yard, must be screened from view from such street.
- (3) Exceptions listed herein must not be construed to avoid the restrictions of Sections 19.52 or 21.301.17, or of any conditions imposed on any conditional use permit.
- (4) All screening must be consistent with the standards in Section 19.52. Before the erection of any screening required by this section, the plans for such screening must be approved by the Planning Manager.

(b) In Industrial Districts

(1) Exterior storage, incidental

- (A) To be considered incidental exterior storage, storage must have a direct relationship to the primary use of the site. The primary use of the site must be a permitted or conditional use. If a conditional use, a conditional use permit must be approved prior to exterior storage being located on the site.
- (B) Exterior storage must be located in side and rear yards and must not be located between the face of the principle building and public right-of-way.
- (C) Exterior storage must be fully screened from public right-of-way and any non-industrially zoned or guided property in a manner consistent with § 19.52 of the City Code.
- (D) The exterior storage area may not exceed the gross floor area of the primary buildings on a site. If exterior storage is associated with a tenant or tenants within a multiple-tenant building or site, the storage area for each tenant may not exceed that tenant's leased floor area within the primary building.

(E) Exterior storage must be maintained in a neat, orderly, and dust-free manner and located on paved bituminous or concrete surface, except that large equipment that would damage paved surfaces may be stored on gravel surfaces provided the property owner actively controls for dust impacts on nearby sites. Fire lanes must be maintained within the storage area.

(F) Exterior storage must not be located in off-street parking spaces required by Section 21.301.06 of the City Code.

(c) *Business Districts.* In business districts, displays of merchandise may extend up to five feet in front of an existing building and may encroach up to five feet into a required setback area if such building abuts against or extends into the required setback area. Exceptions: Merchandise may be displayed on service station pump islands and where motor vehicles, new or used, are lawfully sold on the premises, they may be stored or displayed in off-street parking areas. Displays of merchandise must not reduce the off-street parking area required by § 21.301.06 of the City Code.

§ 21.301.17 REFUSE, SOLID WASTE, AND RECYCLABLE MATERIALS HANDLING AND STORAGE FACILITIES.

(a) *Purpose and Intent.* The City Council finds the generation of waste is a normal and unavoidable part of business and residential activities. Proper refuse, solid waste, and recyclable materials handling is a function that, to avoid nuisances impacting neighboring properties and the general public, must be included in the design and construction of buildings. This Section establishes minimum standards for storage and handling of refuse, solid waste, recyclable materials, yard waste, organics, and construction debris. This list is intended to be illustrative not exhaustive. Properly designed storage and handling facilities decrease illegal disposal, enhance employee safety, enhance property aesthetics and decrease the potential for vandalism and unsanitary conditions. Refuse, solid waste, trash, recyclable materials, yard waste, organics, and construction debris are defined in Section 10.04 of this Code.

(b) *Applicability.* Upon submittal of a development application or when compliance with this Section is required in subsection (f), plans for refuse, solid waste, and recyclable materials handling facilities must be provided for review. Plans must be based on accurate final site and building plans, at an appropriate scale. The plans must illustrate the location and describe the operation of refuse, solid waste, and recyclable storage activities, including, but not limited to, the capacity of appropriate containers for each type of waste.

(c) *Storage Location.*

(1) For single-family, two-family, and townhouse dwelling units with individual dwelling unit trash and recyclables storage and pick-up, all residential solid waste materials must be stored within approved containers appropriate for each type of waste that prevent health and nuisance problems. All solid waste, trash, recyclable materials, yard waste, organics and construction debris must be placed at the assigned collection location no more than 12 hours before and the containers be removed no more than 12 hours after the scheduled collection day. The storage of residential solid waste containers for single family detached homes must be setback 30 feet from any four season living area other than the owner's. Residential solid waste containers must not be stored more than five feet in front of the principal building along any public right-of-way.

(2) For multiple family residential units other than those identified in subsection (c)(1), residential solid waste containers must be stored within a fully enclosed space, which must be attached to the principal structure.

(3) All commercial and office uses must have storage facilities for solid waste and recyclable materials in accordance with one of the following requirements:

(A) Within a fully enclosed space designated for the storage of solid waste and recyclable materials. All required solid waste and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement for multiple tenant buildings when:

(i) The proposed solid waste and recyclable materials storage facility is not in conflict with the stated purpose in this section of this Code;

(ii) The proposed solid waste and recyclable materials storage facility is accessed by separated walkway to the facility that is illuminated in accordance with Section 21.301.07 of the City Code;

(iii) The proposed solid waste and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and

(iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.

- (B) Power-operated solid waste and recyclable materials processing equipment when loaded from within the principal structure must be screened from all sides except where access is approved by the Issuing Authority. Screening must be constructed using building materials consistent in style, color and composition within the materials on the principal building approved by the Issuing Authority.
- (4) All industrial zoning districts (I-1, I-2, I-3, IP, FD-2, and IT) must have storage facilities for solid waste and recyclable materials in accordance with one of the following requirements:
- (A) For industrial uses where the solid waste and recyclable materials facilities that are not food preparation or food service uses and are located within 300 feet from a property meeting two of the three following criteria: (1) residential use including multiple family; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, solid waste and recyclable materials must be within a fully enclosed space designated for the processing and storage of solid waste and recyclable materials. All required solid waste and recyclable materials enclosures must be accessible from within the principal building. The Issuing Authority may waive the interior access requirement when:
- (i) The proposed solid waste and recyclable materials storage facility is not in conflict with the stated purpose in this section of this Code;
- (ii) The proposed solid waste and recyclable materials storage facility is accessed by separated walkway to the facility that is illuminated in accordance with Section 21.301.07 of the City Code;
- (iii) The proposed solid waste and recyclable materials storage facility will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
- (iv) The proposed location is attached to the principal structure and does not create a hazard for vehicular or pedestrian traffic.
- (B) For industrial uses where the solid waste and recyclable materials facilities that are not food preparation or food service uses and are located greater than 300 feet from a property meeting two of the three following criteria: (1) residential use; (2) residential designation on the Comprehensive Land Use Plan; or (3) Zoned R-1, R-1A or RS-1, solid waste and recyclable materials may be stored outside a building. Trash, recyclables, and other solid waste storage must be in an approved container and fully screened from adjoining properties and public streets. Screening must be constructed using building materials consistent in style, color and composition with the principal building; or
- (C) Solid waste and recyclable materials collection and storage may be outside the building as part of power-operated solid waste or recyclable processing equipment. The equipment must be screened from all sides except where access is approved by the Issuing Authority. Screening must be constructed using building materials consistent in style, color and composition with the principal building and approved by the Issuing Authority.
- (d) *Minimum Design Standards.* Solid waste and recyclable materials storage and handling facilities, other than those identified in Section 21.301.17(c)(1), must have an exterior design using building materials consistent with the primary structure. The interior must comply with the following minimum requirements:
- (1) For all uses other than grocery stores, restaurants or other food service facilities:
- (A) Doors must be designed to function properly during periods of ice and snow.
- (B) Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.
- (2) For grocery stores and food service facilities as a primary use:
- (A) Floors must be covered with quarry tile or equivalent with integral sanitary cove base tile.
- (B) Interior walls must have a smooth non-absorbent material sealed or finished to withstand frequent cleaning.
- (C) Bump rails or bollards are required to prevent penetration of the walls by the dumpster or roll-off box.
- (D) Doors must be designed to function properly during periods of ice and snow.
- (E) Hose bib with back flow prevention must be provided for cleaning the facility.
- (F) Floor drains must be connected to the sanitary sewer system.
- (e) *Minimum Storage Area Requirements.*
- (1) The minimum size required for recycling must be provided for each building as set forward in Minnesota Administrative Rules 1303.1500, as it may be amended from time to time. An additional solid waste area equal to the recycling area requirement must also be provided. The minimum solid waste storage area may be reduced up to 60% by incorporating a solid waste compacting device or a waste management plan as approved by the Issuing Authority.

- (2) Other uses in solid waste and recyclable storage rooms unrelated to solid waste and recyclable handling may be located in the rooms only when approved by the Issuing Authority.
- (f) Existing solid waste and recyclables storage facilities that conform to zoning approvals granted prior to February 5, 2001 and that do not comply with the requirements of this Section are considered legally nonconforming and may remain, subject to the following provisions:
 - (1) Solid waste and recyclables storage facilities in compliance with this Section are required for any proposal that expands its floor area more than 25%, cumulatively, relative to the floor area in existence as of March 1, 2001.
 - (2) Screening of all solid waste facilities with a fence, wall, landscaping or comparable materials as approved by the Issuing Authority must be installed when:
 - (A) Final site and building plans are approved for expansion where the gross floor area of the addition is less than 25% of a building;
 - (B) Final site and building plans are approved for expansion of a parking lot; or
 - (C) Final site and building plans are approved for alteration of the exterior building materials.
 - (3) When the occupancy group of a site is changed the solid waste and recyclable storage must be modified, as necessary, to comply with the requirements of this Section. The occupancy groups of the Uniform Building Code must be used to determine occupancy classification for the purposes of this Section. In multiple tenant buildings, this provision must apply only to tenant spaces where a change is proposed.
 - (4) When a nonconforming use ceases for a continuous period of one year, the solid waste and recyclable storage facilities must comply with this Section before any use of the site occurs.
 - (5) Nothing in this Section relieves any property of solid waste and recyclable storage requirements that were mandated as a condition of approval for any plan or permit by the City Council before the effective date of this Ordinance. The owner of such property may apply to the City Council for removal of the condition and, if the application is approved, comply with the provisions of this Section.
 - (6) Additional requirements for nonconformities are set forth in Section 21.504 of this Code.

§ 21.301.18 SCREENING OF ROOF-MOUNTED EQUIPMENT.

- (a) Roof-mounted mechanical equipment installed on buildings constructed within the City must be screened to block all parts of the roof-mounted equipment from visibility from adjacent public or private streets or sidewalks.
- (b) Screening required by this Section must comply with the following:
 - (1) The screening must be permanently attached to the building and must be capable of withstanding all load requirements as outlined in the State of Minnesota Building Code.
 - (2) The screening must be constructed with materials that are architecturally compatible with the building. The use of wood, in whole or in part, as a screening material is not considered architecturally compatible unless the building is constructed with a wood exterior.
 - (3) A parapet wall that meets the screening requirements of this Section qualifies as approved screening.
 - (4) In no case is screening required to be higher above the roof level than the equipment it screens.
 - (5) All roof-top screening must be kept in good repair.
 - (6) Existing screening which requires major alteration or replacement must meet the requirements of this Section.
- (c) Exceptions. The requirements of this section are exempt for the following:
 - (1) Solar panels, antennas, and chimneys.

§ 21.301.19 ACCESSORY BUILDINGS.

(b) *Number.*

| Zoning District | Number Allowed |
|--|--|
| Single-Family Districts R-1, R-1A, RS-1 | 2 detached structures on any lot. In addition, 1 structure not exceeding 50 square feet in area nor five feet in height is permitted solely for pool equipment, subject to the setback requirements of § [49-42(f)] 21.302.07 (b) (1). |
| All other districts | 1 detached structure per principal building, plus one guard, dispatch, security or gate house per site or development. |

DIVISION B. USE STANDARDS

§ 21.302.02 RESIDENTIAL USES IN COMMERCIAL ZONING DISTRICTS.

(e) *Site and building design.*

(7) *Refuse and recycling.* See § [49.54] 21.301.17 for applicable requirements.

§ 21.302.04 TWO-FAMILY DWELLINGS.

(c) *Standards.*

(11) *Storage.* See city code § [49.50(a)] 21.301.16(a) for storage requirements.

§ 21.302.05 LIMITED AGRICULTURE, BEES, AND GARDENING.

(c) *Farm animal and farm poultry shelters and enclosures, and beehives.* Shelters, enclosures, fenced areas, and beehives in which farm animals, farm poultry, and bees are kept must meet the following standards.

(2) *Beehives.* Beehives must meet the following standards:

(G) A beehive located on a rooftop must be screened in accordance with § [49.52.04] 21.301.18.

(d) *Prohibited agriculture.* The following types of agricultural activities are prohibited in all zoning districts due to potential negative impacts on neighboring properties:

- (1) Commercial agriculture, except beekeeping and indoor agriculture;
- (2) Feedlots;
- (3) Fur farms;
- (4) Slaughterhouses; and
- (5) Manure storage

§ 21.302.06 INSTITUTIONAL USE STANDARDS.

(b) *Standards.*

(2) *Maximum floor area ratio.* All institutional uses must not exceed the following floor area ratio standards, which vary by zoning district and street adjacency.

| <i>Maximum Floor Area Ratio</i> | | |
|---|--|--|
| | <i>When Adjacent to Arterial or Collector Street</i> | <i>When Not Adjacent to Arterial or Collector Street</i> |
| Single-Family Districts R-1, R-1A, RS-1 | 0.35 | 0.20 |
| Multi-Family Districts R-3, R-4, RM-12, RM-24 | 0.50 | 0.35 |
| Multi-Family District RM-50, RM-100 | 1.00 | 0.50 |
| Other districts without district based standards I-1, I-2, I-3, [FD-4,] FD-2, IT, SC | 0.50 | 0.50 |
| All other districts | See district requirements | See district requirements |

§ 21.302.08 TOWNHOUSE STANDARDS.

(c) *Standards.*

(19) *Exterior storage.* See city code § [49.50(a)] 21.301.16 (a) for exterior storage requirements.

§ 21.302.09 MULTIPLE-FAMILY DWELLING DESIGN AND PERFORMANCE STANDARDS.

(d) *Performance standards.*

(11) *Compliance with other sections.* Multiple-family developments must meet applicable standards within city code, including but not limited to:

(A) Refuse and recycling (§ ~~19.54~~ 21.301.17);

(C) Exterior storage (§ ~~19.50~~ 21.301.16);

§ 21.302.10 MANUFACTURED HOME PARK.

(c) *Standards.*

(10) *Compliance with other sections.* ~~Multiple-family developments~~ Manufactured home parks must meet applicable standards within city code, including but not limited to:

(A) Refuse and recycling (§ ~~19.54~~ 21.301.17);

(C) Exterior storage (§ ~~19.50~~ 21.301.16);

§ 21.302.16 SELF-STORAGE FACILITIES.

(a) Site Design Requirements:

(1) Site Entrance.

(A) One or more secured ingress and egress drives must be provided as approved by the Issuing Authority. The drive(s) must be designed to provide separate lanes for entering and exiting traffic so that either lane can be used for emergency vehicle access

(B) Access must be controlled by a security system consisting of key-controlled gate arms, gates or similar devices. Each lessee must have key access through the security system. The system must be approved by the Issuing Authority.

(2) Parking. See Section 21.301.06 of this Code.

(3) On-site circulation and driveways.

(A) All one-way driveways directly serving storage spaces, buildings or cubicles must provide for one 10-foot wide parking lane and one 15-foot wide driving lane. Traffic direction and parking must be designated by signing or painting.

(B) All two-way driveways directly serving storage spaces, buildings or cubicles must provide for one 10-foot wide parking lane and two 12-foot wide travel lanes.

(C) All areas where turning movements are required must provide a minimum 30 foot inside radius and a minimum 45 foot outside radius.

(4) Space for exterior storage of vehicles, boats and trailers must be a required component of self-storage facilities in an amount equal to at least 10% of the land area available for development. Area available for development does not include wetlands or land area for transportation purposes, including but not limited to railroad easements and planned widened right-of-way.

(A) For a multiple tenant location, the land area required for exterior storage of vehicles, boats and trailers must be 10% of the land area based on the proportionate self-storage use of the structure. (e.g. if 25% of the building is used for self-storage, the required exterior storage area is based on 25% of the land area)

(5) In no instance may the amount of exterior storage exceed the building ground coverage.

(6) The space devoted to exterior storage must not be located between the principle building and a public street.

(7) Exterior storage adjacent to residential uses or districts must be properly screened from the adjoining uses with a fence or wall equal to the height of the vehicles stored.

(8) The space devoted to exterior storage is not considered in calculating required parking.

(9) The site must meet the requirements of Chapter 16 of the city code and the City's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands.

(b) Architectural Design Requirements:

- (1) Entrance doors directly to storage compartments must not face any public street.
- (2) Exterior surfaces of all buildings must be faced with face brick, stone, architectural concrete masonry units, cast-in-place or precast concrete panels, or an equivalent or better. The color of exterior surfaces must be harmonious with surrounding development. Masonry or concrete walls must not be painted; color must be integral to the masonry material.
- (3) Any wall adjacent to or visible from public streets or abutting property must not exceed 100 feet in length without visual relief by means of a vertical reveal at least one foot in depth and ten feet in width, a perceptible change in wall angle or a corner.

(c) Landscaping Requirements:

- (1) Landscaping must be provided continuously along all public street frontages, except for authorized access points.
- (2) Landscaping must be provided along all property lines, except where exempted for good cause by the Issuing Authority.
- (3) Landscaping must consist of a variety of hardy evergreen plant material consisting of trees, low, medium and high-profile shrubs, together with a suitable ground cover such as sod, native grasses, rock or a combination thereof.
- (4) Landscaping must be designed, placed and maintained in such a manner as to not impair vehicle visibility at corner intersections or adjacent to points of ingress or egress.
- (5) A landscape plan must be submitted for approval by the Issuing Authority.

(d) Life Safety Requirements:

- (1) A security fence or wall must be provided around the exterior storage area as approved by the Issuing Authority.
- (2) Driveways must be designed so that fire equipment and other emergency vehicles can readily access and exit all areas of the site.
- (3) No electrical service may be provided for individual tenant storage spaces.
- (4) Exterior lighting as required in Section 21.301.07 for circulation drives must be provided as approved by the Issuing Authority.
- (5) Fire hydrants must be provided within the site at locations required by the Fire Marshal. Fire hydrants must be separated by distances of not more than 300 feet.
- (6) A fire alarm system with heat detectors in all interior storage areas must be provided. Detectors must be connected to a central fire alarm panel in the facility office, and monitored by an approved central station alarm company.
- (7) No flammable, caustic, explosive, poisonous, radioactive or otherwise dangerous material may be stored in any self-storage facility. Lease agreements between the operator and each lessee must reflect this provision.

(e) Operational Requirements:

- (1) Unless an on-site manager is on the property during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, a resident manager must be on the site and must be responsible for maintaining the operation of the facility in conformance with ordinance requirements and conditions of approval of the City Council. Up to two dwelling units for resident managers may be located on the site.
- (2) The on-site manager of the facility must maintain a copy of the site plan of the facility which has been approved by the Issuing Authority, a copy of all Conditions of Approval attached by the City Council, and a copy of all applicable City regulations.
- (3) The lessor or agent of the lessor must obtain a signed lease agreement from the lessee that must be kept in the on-site office of the facility and must be available for inspection by the Issuing Authority. The lease agreement must contain the following:
 - (A) Name of lessee. If a business firm or corporation, the name, address and telephone number of the owner, agent or partners of the business.
 - (B) Residence and business address and telephone number.
 - (C) A brief description of the types of materials stored.
 - (D) Signature of lessee on a statement indicating understanding and compliance with all lease requirements, ordinance requirements and Conditions of Approval.
- (4) Each lease agreement must include all appropriate restrictions established by ordinance and/or Condition of Approval established by the City Council. Each lessee must be required to sign each lease agreement indicating understanding and acceptance of all restrictions.
- (5) No business activities other than the rental of storage units may be conducted on the portion of the premises devoted to the rental of storage units. No retail or wholesale sales may be conducted on the premises, except sales of goods and services by the management. No auctions or commercial

sales or uses, manufacturing, fabricating or assembly of any items may be conducted on the site. No activities such as miscellaneous or garage sales may be conducted on the premises.

(6) The servicing or repair of motor vehicles, boats, household, industrial or commercial items must not be conducted on the premises.

(7) The operation of a self-storage facility must in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

(f) Exceptions to Zoning District Requirements:

(1) Minimum Floor Area Ratio (FAR) is 1.25 and the maximum FAR is 2.0. The total floor area of all separate self-storage structures on the site may be combined to meet the minimum building floor area requirements. The maximum FAR of the underlying zoning district does not apply to self-storage facilities.

(2) When located in the I-1 Industrial Park zoning district, as part of a Planned Development pursuant to Section 19.38.01, self-storage facilities (including all buildings, driveways, resident manager's quarters, screening walls, and all other associated features) must not:

(A) be located within 500 feet of a roadway designated as a Principal Arterial, Intermediate Arterial or Minor Arterial Street, and;

(B) include more than one-half of the land area of the total planned development except when located in the interior of an industrial area.

§ 21.302.23 RESIDENTIAL CARE FACILITIES.

(d) *Standards.*

(1) *All facilities.*

(B) *Compliance with other sections.* Residential care facilities must meet applicable standards within city code, including but not limited to:

(i) Refuse and recycling (§ ~~49.54~~ 21.301.17);

(iii) Exterior storage (§ ~~49.50~~ 21.301.16);

§ 21.302.24 CONGREGATE LIVING FACILITIES.

(d) *Standards.*

(5) *Compliance with other sections.* Congregate living facilities must meet applicable standards within city code, including but not limited to:

(A) Refuse and recycling (§ ~~49.54~~ 21.301.17);

(C) Exterior storage (§ ~~49.50~~ 21.301.16);

§ 21.302.27 DAY CARE FACILITIES.

(c) *Standards.*

(5) *Day care facilities in industrial districts.*

(A) Permitted as accessory use in buildings primarily occupied by business and professional offices and manufacturing uses.

(B) No exterior signage is allowed for day care facilities in industrial districts.

(6) *Compliance with other sections.* Day care facilities must meet applicable standards within city code, including but not limited to:

(A) Refuse and recycling (§ ~~49.54~~ 21.301.17);

(C) Exterior storage (§~~49.50~~ 21.301.16);

§ 21.302.29 BREWERIES, BREWPUBS, DISTILLERIES, TAPROOMS, COCKTAIL ROOMS, WINERIES.

(a) Standards. The following standards are applicable to breweries, distilleries, taprooms, cocktail rooms, and wineries.

- (1) Uses must comply with all regulations within Chapters 13 and 14 of the Bloomington City Code regarding alcoholic beverages and licenses.
- (2) Parking must comply with the standards in Section 21.301.06.
- (3) Adequate space must be provided for off street loading and unloading of all trucks.
- (4) Loading docks must be located and designed so they are screened from adjoining public streets or adjoining property that is residentially used and zoned.
- (5) Floor area of taprooms, brewpubs, cocktail rooms and wineries may be used for retail sales of associated products provided the retail floor area does not exceed 10% of the gross floor area.
- (6) Hours of operation must comply with Chapter 13.
- (7) No exterior storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that meets the requirements of Section 21.301.17.
- (8) All exterior lighting must comply with the requirements of Section 21.301.07.
- (9) Sites shall provide a statement by an engineer that the building design could accommodate an odor control remedy in the future. Subsequent complaints of odor impacts may result in a determination by the Issuing Authority that a planned odor control device be installed.

§ 21.302.30 WORK/LIVE UNITS.

(a) Purpose and Intent.

To establish standards for the appropriate development of buildings that incorporate both living and working space, particularly within existing buildings. The intent is to provide opportunities for people to live in mixed use industrial areas when compatible with existing uses.

(b) Applicability.

Any commercial or industrial use permitted in the zoning district applicable to the property is permitted in the work/live unit, except for the following: commercial food service requiring a license, motor vehicle service or repair, liquor sales, dry cleaners, adult entertainment, or uses with an H classification in the International Building Code. A dwelling for watchman is not considered a work/live unit and is therefore not subject to this section.

(c) Standards.

Work/live units must meet the following standards:

- (1) Building Code compliance. The work/live unit must meet current Minnesota State Building Code and International Property Maintenance Code provisions, including, but not limited to, fire resistance and sound insulation standards between units.
- (2) The living space must include a kitchen and a bathroom consistent with requirement for a dwelling unit apart from the work space.
- (3) The gross floor area of the work space must be at least two times the gross floor area of the living space.
- (4) Each living space floor area must be no less than 400 square feet and no greater than 1,000 square feet.
 - (A) The living area must be located above or substantially behind the working space relative to the street and must be separated from the work space by a wall or floor/ceiling, which may include a door.
 - (B) The living area must be attached and contiguous to the working space with which it is associated.
 - (C) Separate entrances must be maintained for both the living area and the working space.
 - (D) If more than one work/live unit is present on a site, each unit must have a physically separated work area.
- (5) Work/live units located at street level are subject to the following standards:
 - (A) A minimum of 80% of a structure's street front façade measured along each street frontage must be occupied by nonresidential uses.
 - (B) A minimum of 50% of a structure's ground level floor area must be a nonresidential use.
- (6) To indicate that the building is used for residential purposes, signs or symbols must be placed at designated locations on the exterior of each building approved as joint living and working quarters as approved by the Fire Department.
- (7) Inspection. The Fire Department may perform periodic code inspections of the unit, including residential dwelling areas, upon request of the Fire Department. The Fire Department may enforce all applicable codes to protect public health, safety, and welfare.
- (8) Rental License. If not occupied by the property owner, a license is required per §14.569; the work/live unit must meet all requirements of Chapter 14, Article VIII.
- (9) Additional Requirements. Work/live units and buildings must comply with any additional requirements imposed by the Building, Fire, Police, and Public Works Departments intended to protect public health, safety, and welfare.

(d) Occupants.

- (1) The living unit must be occupied and used by the operator of the business occupying the associated work space and their household;
- (2) The residential portion of the unit is limited in occupancy to one family as defined by City Code;
- (3) No portion of a work/live unit may be separately rented or sold as a work space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

(e) Parking.

- (1) For the nonresidential uses on the property, parking requirements in section 21.301.06 must be met.
- (2) For residential uses on the property, one parking space is required for each unit.
- (3) No recreational vehicles may be stored on site.

(f) Conditional use permit content requirements.

Any application for a work/live unit must be accompanied by:

- (1) An existing conditions survey showing property lines, existing and proposed structures, setbacks, and existing and proposed off-street parking;
- (2) A narrative describing the proposed work/live unit; and
- (3) A floor plan depicting the dwelling area and the work area within the work/live unit, indicating points of entrance, and providing the total floor area for the dwelling area and the work area.

§ 21.302.31 SOLID WASTE TRANSFER STATIONS, SOLID WASTE WEIGH STATIONS, HOUSEHOLD HAZARDOUS WASTE AND PERMANENT RECYCLING COLLECTION FACILITIES, TEMPORARY RECYCLING EVENTS, AND JUNK CAR DISPOSAL BUSINESSES.

(a) Intent. The intent of this Section is to provide minimal standards for the design and operation of facilities designed to collect, transfer or process in any way waste or recyclable materials within the City.

(b) General Requirements.

- (1) No site for a facility regulated by this Section may be located within 500 feet of a residential zoning district;
- (2) If, in the opinion of the City, the operator of a facility regulated by this Section has violated any conditions of the conditional or interim use permit, performance standards of the conditional or interim use, zoning district standards or regulations, or any other City Code regulation, the operator must, after written notice from the City of such violations, immediately institute and in good faith pursue corrective action. If a violation continues for more than 10 days after notice from the City, the City Council may, after notice and public hearing, revoke the conditional or interim use permit.
- (3) The City may enforce any provision of the conditional or interim use permit conditions and City Code requirements by injunction or any other appropriate remedy in any court of competent jurisdiction. Any condition caused or permitted to exist in violation of any of the provisions of this subsection will be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues will be regarded as a new and separate offense. Enforcement of provisions of the conditional or interim use permit and City Code requirements will be limited to on-site violations and violations over which the facility owner has control.

(c) Solid Waste Transfer Stations.

(1) Site Design Requirements.

- (A) The minimum site area for such development is five acres;
- (B) Building coverage must not exceed 40% of the site;
- (C) No exterior loading docks may face any street frontage. Provision for handling all material brought to or removed from the site by railroad or truck must be on those sides of any buildings that do not face any street or proposed street(s);
- (D) Driveway ingress or egress from any street bordering on a residential zone into an adjacent waste transfer station is not allowed unless ingress or egress is otherwise impractical. All ingress or egress for such sites must be from streets within the industrial area unless otherwise approved by the City;
- (E) Site ingress and egress must be at locations approved by the City and all driveways, circulation and stacking lanes and parking areas must be designed, surfaced and curbed in accordance with Section 21.301.06 of the City Code;

- (F) Acceleration, deceleration and turning lanes must be provided by the developer of the waste transfer station at all entrances and exits on public streets as required and approved by the City;
- (G) All stacking of trucks and other equipment must occur on-site and off of public right(s)-of-way;
- (H) Site must meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands;

(2) Environmental Control Requirements.

- (A) There must be no on-site, exposed or contained, exterior overnight storage of solid waste. All overnight storage must be within approved enclosed buildings.
- (B) The emission of noxious matter must be controlled so that no concentration of such matter, at or beyond the lot line, will be detrimental to or endanger the public health, safety, comfort or general welfare or cause damage to property. Noxious matter means any solid, liquid or gaseous material, including but not limited to gases, vapors, odor, dusts, fumes, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort, or general welfare or causes damage to property. The operator of the facility must comply with a regular inspection schedule as approved by the City and must submit reports of such inspections to the City.
- (C) Air quality and the generation of dust or other particulates related to transfer station operations, including vehicular emissions must be periodically monitored. The operator of the facility must quarterly submit air quality reports to the City and violations of state standards must be abated.
- (D) Noise generation related to transfer station operations, including vehicular noise, must be periodically monitored. The operator of the facility must quarterly submit noise analysis reports to the City and violations of state or local standards must be abated.
- (E) The operator of the solid waste transfer station must cooperate with the City in order to facilitate periodic City inspections of the facility as the City may deem necessary.

(3) Operational Requirements.

- (A) Hours of operation must be restricted to 8:00 a.m. to 6:00 p.m. Monday through Saturday.
- (B) All trucks and equipment destined to or away from the site, except for personal vehicles, must be restricted to designated routes established by the City. The operator of any transfer station must be responsible for notifying truck operators of the route designation by the City. The City will not revoke a conditional or interim use permit granted under this subsection for off-site violations beyond the control of the transfer station operator and owner.
- (C) No loading or unloading by reason of tipping or use of other equipment, or cleaning of vehicles, equipment or containers, may occur outside of a fully enclosed structure.
- (D) On-site storage or handling of hazardous waste materials is prohibited as a planned mode of operation. Hazardous waste materials inadvertently delivered to the facility must be promptly removed in accordance with county and state requirements. Special programs for the collection of residential hazardous waste must not be conducted at the facility without prior City approval.
- (E) All parking, vehicular and operational use areas must be screened from public streets and adjacent properties.
- (F) During hours of operation all trucks and other operations equipment must be parked in approved location at the rear of the site.

(d) Solid Waste Weigh Stations.

(1) Site Design Requirements.

- (A) There may be no driveway ingress or egress from any street bordering on a residential zone. All ingress and egress for such sites must be from streets within the zoning district in which it is located.
- (B) All stacking or queuing of trucks and other equipment must occur on site and off public rights-of-way.

(2) Environmental Control Requirements.

- (A) There may be no storage of solid waste or hazardous waste on the site.
- (B) An air quality and noise assessment must be submitted by the applicant and reviewed by the Environmental Health Division prior to permit consideration by the City Council.
- (C) An on-site air quality and noise assessment monitoring program approved by the Environmental Health Division must be established prior to weighing activities occurring on the site and the operator must submit reports as determined by the City.

(3) Operational Requirements.

- (A) Hours of operation are restricted to 8:00 a.m. to 6:00 p.m.
 - (B) All trucks and equipment destined to or away from the site must be restricted to designated routes established by the City.
 - (C) There must be no unloading or tipping or loading of solid waste on the site.
 - (D) There must be no cleaning or servicing of trucks or equipment on the site.
- (e) Household Hazardous Waste and Permanent Recycling Collection Facilities.
- (1) Site Design Requirements.
 - (A) The minimum site area for such development is five acres.
 - (B) Building coverage must not exceed 40% of the site.
 - (C) No exterior loading docks may face any street frontage. Provision for handling all material brought to or removed from the site by railroad or truck must be on those sides of any building that do not face any street or proposed street(s).
 - (D) There must be no driveway ingress or egress from any street bordering on a residential zone into a facility. All ingress or egress for such sites must be from streets within the industrial area unless otherwise approved by the City.
 - (E) Site ingress and egress must be at locations approved by the City and all driveways, circulation and stacking lanes and parking areas must be designed, surfaced and curbed in accordance with Section 21.301.06 of the City Code.
 - (F) Acceleration, deceleration and turning lanes must be provided by the applicant at all entrances and exits on public streets as required and approved by the City.
 - (G) All stacking or queuing of vehicles must occur on-site and off of any public street.
 - (H) Site must meet the requirements of Chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands.
 - (I) The facility must be designed in a manner that all spills will be contained within the building.
 - (J) All water lines must be provided with anti-siphon back flow prevention valves.
 - (2) Environmental Control Requirements.
 - (A) There may be no on-site, exposed or contained, exterior storage of recyclable materials, household hazardous wastes or waste containers.
 - (B) All household hazardous wastes and recyclable materials must be stored within an approved enclosed building.
 - (C) A contingency action plan outlining an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of materials that could threaten human health or the environment must be submitted and approved by the Fire Marshal and the Manager of the Environmental Health Division.
 - (D) Liquid wastes having a positive hydrogen ion concentration (pH) of less than 5.5 or greater than 9.5 must not be discharged by a household hazardous waste facility to the sanitary sewer at any time.
 - (E) An annual report showing the type and amount of household hazardous waste, recyclable material and yard waste handled by the facility will be submitted to the City by January 31 of each year.
 - (F) The owner of the facility must conduct and assume all costs for all chemical testing of solids, liquids, and gases as ordered by the City's Environmental Health Division to determine the presence and extent of contamination or pollution caused by a release of any hazardous material at the facility to the air, soil or water.
 - (G) The release of any hazardous material at the facility which poses a risk to the health and/or property of any person must be immediately reported to the City's Police and Fire Departments and Environmental Health Division.
 - (3) Operational Requirements.
 - (A) Residential drop-off of household hazardous wastes and recyclable materials must be permitted. Low quantity nonresidential generator drop-off of hazardous wastes (based on Minnesota Rules Chapter 7045.0219) and recyclable materials is permitted subject to operator guidelines approved by the City's Environmental Services Division. Drop-off of mixed municipal solid waste is prohibited.
 - (B) There must be no drop-off, collection or tipping of mixed municipal solid waste.
 - (C) Permitted activities are limited to drop-off collections of household hazardous wastes, yard waste and recyclable materials and rearrangement of these materials for subsequent transport.
 - (D) On-site disposal of household hazardous waste is prohibited.
 - (E) Hours of operation must be restricted to 8:00 a.m. to 9:00 p.m., Monday through Saturday.

- (F) Exterior storage of household hazardous wastes or recyclables or containers for the storage of household hazardous wastes or recyclable materials is not be permitted.
- (G) Exterior collection and storage of yard wastes and tree waste for transport may be permitted in containers or rollofs subject to approved final site plan and building plans.
- (H) Exterior loading or unloading of vehicles or waste removal containers is not permitted.
- (I) Exterior cleaning or repair of vehicles, equipment or containers is not permitted.
- (J) All inadvertent residual mixed municipal solid waste must be removed within a 72 hour period.
- (K) All truck or equipment traffic destined to or away from the site must be restricted to designated routes as required by the City.
- (L) All local, County, State and Federal permits and licenses must be obtained and copies submitted to the City.
- (M) A facility procedural and management manual must be submitted and approved by the City.
- (N) A facility lighting and security plan as required in Section 21.301.07 must be submitted and approved by the City.
- (O) A hold harmless and indemnification agreement protecting the City from all claims resulting from the siting, design, construction, operation and maintenance of the facility must be provided.
- (P) The City must have the right to inspect all of the facility at any reasonable time and must have the right to review all records relating to the operation of facility.
- (Q) All household hazardous wastes, recyclable materials, mixed municipal solid waste, contaminated soil and structures must be removed and treated or disposed of in a proper manner upon closure of the facility.

(4) *Penalty.*

- (A) A violation of any provision of this Section is a misdemeanor.

(f) *Temporary Recycling Events.* Temporary recycling events are allowed in all zoning districts provided the appropriate permit is issued and the following standards are met:

(1) *Site Design Requirements.*

- (A) The collection event and all related traffic queuing must be at least 500 feet from any property that is both residentially used and residentially zoned.
- (B) Sufficient parking on site for other uses in operation during the event must be preserved.
- (C) Site ingress and egress to public roadways must be at locations approved by the City Engineer or designee and all driveways, circulation and stacking lanes and parking areas must be designed, surfaced and curbed in accordance with Section 21.301.06 of the City Code.
- (D) The site of the event must provide off-street queuing spaces for at least 20 vehicles.
- (E) All stacking or queuing of vehicles must occur on-site and off of any public street and a plan must be provided for approval showing the queuing of vehicles, parking and intended traffic flow.
- (F) The event must be designed in a manner to prevent and contain spills.

(2) *Environmental Control Requirements.*

- (A) All recyclable materials must be stored within an approved enclosed building or other approved location outside of the event hours.
- (B) A contingency action plan outlining an organized, planned and coordinated course of action to be followed in case of a fire, explosion, or release of materials that could threaten human health or the environment must be submitted and approved by the Fire Marshal and the Manager of the Environmental Health Division prior to the event, and kept available onsite during the event.
- (C) The release of any hazardous material at the event which poses a risk to the health and/or property of any person must be immediately reported to the City's Police and Fire Departments and Environmental Health Division.
- (D) All hauling or collection of these recyclable materials must be done in suitable vehicles provided with end and sideboards of sufficient heights to prevent any part of the load from falling or leaking into or upon any public street or alley in the City. Such vehicles must at all times, except when loading or unloading, be kept covered with sufficient canvas, metal, or wooden covers, which covers must be closely attached to the side and ends of such vehicles. There must be printed on both sides of such vehicles in clear, legible type the name and telephone number of the owner of such vehicle.
- (E) All water lines associated with the event must have anti-siphon back flow prevention valves.

(3) *Operational Requirements.*

- (A) Residential drop-off of recyclable materials such as cardboard, paper, bottles and cans, approved clean scrap metal with all hazardous waste removed, approved electronics, approved appliances, used clothing and sheets is permitted. A list of items collected at the event must be provided to the City prior to approval. Drop-off, collection or tipping of mixed municipal solid waste is prohibited.
- (B) Permitted activities are limited to drop-off collections of recyclable materials and rearrangement of these materials for subsequent transport.
- (C) Disassembly and/or crushing of materials on site or during the event is prohibited.
- (D) The event must not exceed two days in duration and each site is limited to two events per calendar year.
- (E) Hours of operation are restricted to 9:00 a.m. to 9:00 p.m.
- (F) All inadvertent residual mixed municipal solid waste or other unapproved material must be removed immediately.
- (G) All truck or equipment traffic destined to or away from the site is restricted to designated routes as required by the City.
- (H) All applicable local, County, State and Federal permits and licenses must be obtained and copies submitted to the City.
- (I) A facility lighting and security plan as required in Section 21.301.07 must be submitted and approved by the City.
- (J) A hold harmless and indemnification agreement protecting the City from all claims resulting from the site selection, design, construction, operation and maintenance of the event must be provided.
- (K) The City must have the right to inspect the event at any reasonable time and must have the right to review all records relating to the operation of event.
- (L) All recyclable materials must be disposed of in a proper manner after the event.

(4) Penalty.

- (A) A violation of any provision of this Section is a misdemeanor.

(e) Junk Car Disposal Business.

(1) Site Design Requirements.

- (A) The business, including all storage and dismantling or wrecking and display of parts for sale, must be conducted within a fire resistant building.
- (B) The entire premises must be enclosed by screen fencing.
- (C) The premises must abut railroad trackage.

§ 21.302.32 RETAIL SHOWROOMS.

(a) In Industrial Districts

- (1) Must be accessory to warehouse and manufacturing uses in the districts shown in the use table. See Section 21.209.e.
- (2) Must not exceed 25% of the warehouse or manufacturing tenant floor area or 5,000 square feet
- (3) Direct retail sales are not permitted. The customer must not walk out with product.
- (4) Retail floor area must be separated from the warehouse or manufacturing area by a minimum six-foot-tall permanent visual barrier.
- (5) Must comply with City Noise Code Chapter 10, Article IV.
- (6) Parking must comply with the standards in section 21.301.06.

§ 21.302.33 TEMPORARY SALES OF DONATED ITEMS.

- (a) Purpose. The following standards are intended to accommodate temporary retail sales of donated items while protecting the public health, safety, and general welfare of the community.
- (b) Review and approval. Temporary sales of donated items events require administrative approval through a minor revision to final site and building plans or minor revision to final development plans if the site is a planned development (see § 21.501.01 and 21.501.03) application process prior to the issuance of a seasonal sales license.
- (c) Standards.
 - 1. Parking. Prior to operating the temporary sale of donated items, a parking management plan must be approved by the issuing authority.
 - i. The temporary sales site must have at least 50% of parking required by Section 21.301.06; and

- ii. The issuing authority must make the determination there would be sufficient parking at the site and access to public right-of-way to accommodate the anticipated parking and traffic demand.
- 2. Items to be sold. Items sold must be donated to the governmental or charitable organization.
- 3. Maximum time period. Temporary retail sales of donated goods are limited to one occurrence per site per year and a maximum of 30 consecutive calendar days.
- 4. Seasonal Sales License. Prior to operating the temporary sales of donated items facility, a Seasonal Sales License, pursuant to Chapter 14, Article IV, Division O of the City Code, must be approved by the issuing authority.

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

DIVISION A. APPROVALS AND PERMITS

§ 21.501.04 CONDITIONAL USE PERMITS.

- (d) *Review and approval.* Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in subsection (d)(1) below, which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.
 - 1. *City Council review.* Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

- (R) Firearm sales, primary; ~~and~~
- (S) Firing range[-]; ~~and~~
- (T) Work/Live Units.

Passed and adopted this 7th day of January, 2019.

/s/ Gene Winstead
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney