

SECTION 537 – ZONING: MIXED-USE (MU) DISTRICTS

	<u>PAGE #</u>
537.01 Sub-districts defined	537-1
537.03 Permitted uses	537-3
537.05 Conditional uses	537-4
537.07 Bulk and dimensional standards.....	537-6
537.09 Parking standards	537-8
537.11 Other performance standards.....	537-8
537.13 Non-conformities.....	537-13

SECTION 537 – ZONING: MIXED-USE DISTRICT (MU)
(ADDED, BILL NO. 2007-19)

537.01. Mixed Use Districts (MU). Subdivision 1. Sub-districts defined. A mixed use district is an area that supports multiple land uses that are complementary to one another and support the ability to live, work, shop and play within a development pattern of horizontally mixed or vertically mixed uses. There are three sub-districts of mixed use as follows:

- a) Mixed Use Regional – (MU-R): Regional mixed use supports destination oriented commercial and office uses at a high density/intensity of development. Limited higher density residential uses would be encouraged to support major employment concentrations. Vertical mixing of uses would be encouraged to create building mass along primary arterials.
- b) Mixed Use Community – (MU-C): Community mixed use includes shops and services that support the surrounding community. A balanced mix of commercial, office and higher density residential uses would be included in this district. Vertical mixing of uses would be encouraged to create building mass along primary arterials.
- c) Mixed Use Neighborhood – (MU-N): Neighborhood mixed use emphasizes residential development with supporting retail and commercial service uses. Commercial services are emphasized at key transportation nodes/corners and are intended to be of a smaller scale and oriented to the neighborhood.

Subd. 2. Purpose and Intent. The purpose and intent of the Mixed Use Districts shall be to:

- a) Guide future development along the I-494 corridor in order to adapt to market and transportation changes;
- b) Encourage vertical mixed-uses clustered at primary (regional) and secondary (community) transportation nodes to build identity within the district;
- c) Provide a mix of residential densities along the corridor;
- d) Provide appropriate transitions between uses;
- e) Promote greater pedestrian and bicycle access and connections throughout the corridor and along the length of the corridor;
- f) Discourage auto oriented uses in favor of pedestrian friendly mixed-use development;
- g) Encourage reductions in impervious surface, well landscaped and attractive public and private spaces with a pedestrian and bicycle friendly character and environment by minimizing surface parking and enhancing pedestrian corridors (sidewalks and trails) through reinforcing build-to lines, getting new buildings to address the street and emphasize enticing street level architecture;

- h) Encourage public open spaces within the corridor by allowing and encouraging taller buildings for high-density uses;
- i) Ensure high quality architectural design and materials;
- j) Promote increased use of transit; and
- k) Encourage redevelopment in a manner that is consistent with the Comprehensive Plan and any redevelopment plan(s) that exist for the district.

Subd. 3. Review Criteria. In evaluating development proposals, the Planning Commission and City Council shall consider compliance with the following:

- a) Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan and any redevelopment plans established for the area;
- b) Consistency with this Subsection;
- c) Creation of a design for structures and site features which promotes the following:
 - (i) An internal sense of order among the buildings and uses;
 - (ii) The adequacy of vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking;
 - (iii) Energy conservation through the design of structures and the use of landscape materials and site grading; and
 - (iv) The minimization of adverse environmental effects on persons using the development and adjacent properties.

537.03. Permitted Uses. Subdivision 1. The following table establishes permitted, conditionally permitted and accessory uses for the Mixed Use Districts.

Table 1. Uses of the Mixed-Use District

The following abbreviations are used within the use table:

P= permitted use A= accessory use
 C= conditionally permitted N= not permitted

Use	MU-R	MU-C	MU-N
COMMERCIAL			
Regional retail services	P	C	N
General retail services	P	P	C
Neighborhood retail services	P	P	P
Restaurant Class I (serving alcohol)	P	C	N
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food/convenience)	C	C	N
Restaurant Class IV (take out only)	P	P	P
Service Station / convenience store	P	P	N
Convenience store	P	P	P
Offices and clinics	P	P	A
Hotel/motel	P	P	N
Mortuaries and funeral chapels	N	P	N
Health or athletic clubs, spas, yoga studios	P	P	N
Theaters, movie or live entertainment	P	N	N
Auto sales or lease –new vehicles	C	N	N
Auto mechanical or body repair shops	C	C	N
Auto detailing	C	C	N
Auto rental facilities accessory to a primary office or hotel use	A	A	N
Assembly and manufacturing accessory and subordinate to a retail use	A	A	N
Drive-up window or teller service	C	C	N
Adult business establishments as defined and regulated under Subsection 1196 of the City Code	P	P	N
Firearms related uses	C	N	N
Licensed day care facilities	P	P	P
RESIDENTIAL			
Dwelling, townhouse	N	N	P
Dwelling, multi-family	P	P	P
Live – work units	N	P	P
Assisted living facilities, nursing, rest homes	N	P	P
INSTITUTIONAL/PUBLIC			
Places of worship	A	P	P
Government offices	A	P	A

Use	MU-R	MU-C	MU-N
Police sub-station	P	P	P
Schools	C	P	P
Library	N	P	P
Parks	P	P	P
Hospitals	P	N	N
Transit facilities	A	A	A
Public utility	A	A	A

Subd. 2. Any land use not listed as Permitted, Accessory or Conditional in this section or Subsection 512.09 is prohibited in the Mixed-Use Districts unless the use is found to be substantially similar to a use listed, as determined by the City in accordance with Subsection 509.23 of this Code.

537.05. Conditional Uses. Subdivision 1. The uses listed in this subsection are conditional uses in the MU-R, MU-C or MU-N Districts and are subject to the conditional use permit provisions outlined in Subsection 547.09 of this code and the following conditions.

Subd. 2. Regional retail services in MU-C. Regional retail services in the MU-C district provided that retail uses with over 50,000 square feet of gross floor area, are located within a multi-tenant or multi-use shopping area or other multi-tenant development and meet the mixed use requirements of Subsection 537.07, Subd. 2.

Subd. 3. General retail services in MU-N. General retail services in the MU-N district provided the following conditions are met: The retail uses front on an arterial street and meet the area requirements of Subsection 537.07, Subd. 2.

Subd. 4. Restaurant Class I in MU-C. Class I restaurants in the MU-C district provided that alcoholic beverages shall not be served unless the lot abuts an arterial or collector street.

Subd. 5. Restaurant Class III or Drive-Up Window or Teller Service. Uses with drive-up window or teller service provided the following conditions are met:

- a) No drive-up window or lane shall be adjacent to a public street;
- b) Drive-up uses shall be limited to one service window which is part of a primary structure and no more than two queuing lanes, unless approved along with additional landscaping, screening, or other improved pedestrian amenities such as fencing, seating, raised pedestrian crossings, etc;
- c) Drive-up must be part of a multi-tenant mixed-use development. Freestanding buildings shall not have drive-up facilities unless they are designed to minimize impacts to the pedestrian environment and adequately address circulation issues and potential noise or light pollution;
- d) There shall be no curb cuts on public streets exclusively for the use of drive-up queuing or exit lanes. Drive-up traffic shall enter and exit from internal circulation drives.

- e) Queuing space for at least four cars (70) feet shall be provided per drive-up service lane as measured from but, not including the first drive-up service window or teller station. Such queuing space shall not interfere with parking spaces or traffic circulation;
- f) Any drive-up service window, teller or order station, or exterior loudspeaker shall be located at least 150 feet from any parcel with residential uses on the first floor;
- g) The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections;
- h) Alcoholic beverages shall not be served; and
- i) Exterior speakers shall comply with the noise control limits set by Subsection 930 of the City Code.

Subd. 6. New auto sales or lease businesses. Motor vehicle sales of new vehicles provided the following conditions are met:

- a) Motor vehicle repair and service and sales of used vehicles are allowed when accessory to new vehicle sales. Used auto sales shall be permitted only as an integral part of a new auto sales business (from the same land parcel and in close proximity to the new cars).
- b) The business shall be licensed under Subsection 1155 of the City Code;
- c) The use site shall not abut a lot which is in the R or R-1 District. For the purpose of this subdivision, a lot which merely adjoins the use site at one corner shall not be deemed to abut the use site;
- d) A buffer yard of not less than 15 feet in width shall be provided to separate all aspects of such use from abutting parcels;
- e) Landscaping for the site, including display areas, shall comply with the Performance Standards described in Section 544 of this code;
- f) Inoperable vehicles shall not be stored on the premises, except in appropriately designed and screened areas as approved by the City;
- g) Parking of vehicles for sale or lease on public right-of-way shall be prohibited;
- h) All repair, assembly, disassembly, maintenance, and detailing of vehicles shall occur within an enclosed building, except minor maintenance such as tire inflation or adding windshield wiper fluid; and
- i) Any exterior speaker shall comply with the noise control limits set by Subsection 930 of the City Code.

Subd. 7. Auto mechanical or body repair shops. Auto mechanical or body repair shops provided the conditions detailed in the C-2 District are met (534.07 Subd. 12).

Subd. 8. Auto detailing shops. Auto detailing shops provided the conditions detailed in the C-2 District are met (534.07 Subd. 13)

Subd. 9. Firearms Related Uses. Firearms related uses provided the conditions detailed in the C-2 District are met (534.07 Subd. 17).

Subd. 10. Schools in MU-R. Schools in the MU-R district provided the following: the school has a regional orientation, be oriented to secondary, post secondary, business or vocational learning and be part of a mixed-use development.

537.07. Bulk and Dimensional Standards. Subdivision 1. The following table establishes certain bulk standards for the MU Districts.

Table 2. Mixed Use Bulk and Dimensional Standards (Amended, Bill 2009-6)

Standard	MU-R		MU-C		MU-N	
Building Stories ¹	2 min	No max	2 min	12 max	2 min	8 max
Building Coverage	50% min	75% max	30% min	50% max	25% min	50% max
	Sites 2 acres or less		Sites 2 acres or less			
	30% min	75% max	25% min	50% max		
Maximum Impervious Surface Coverage	85% of gross parcel area		80% of gross parcel area		75% of gross parcel area	
Usable Open Space Requirement	5% of gross parcel area		5% of gross parcel area		10% of gross parcel area	
Street Level Active Use Building Frontage ²	60% minimum		50% minimum		No minimum	
Residential Set backs ³ (standard setbacks)						
Front – build to line	10' min	20' max	10' min	20' max	15' min	25' max
Side	5' min		5' min		5' min	
Rear	5' min		5' min		5' min	
(zero lot line setbacks)						
Front – build to line	10' min	20' max	10' min	20' max	15' min	25' max
Side	0' min		0' min		0' min	
Rear	0' min		0' min		0' min	
Commercial and Mixed Use Set backs ³ (standard setbacks)						
Front (build to line)	0' min	15' max	0' min	15' max	5' min	15' max
Side	5' min		5' min		5' min	
Rear	5' min		5' min		5' min	
(zero lot line setbacks)						
Front – build to line	0' min	15' max	0' min	15' max	5' min	15' max
Side	0' min		0' min		0' min	
Rear	0' min		0' min		0' min	

Table 2 is continued on the next page.

Front yard setback for upper stories after the 3 rd story	20' min		20' min		20' min	
Set backs and landscape area (front yard parking)	5' min		5' min		5' min	5' min
Set backs and landscape area to I-494	15' min		15' min		15' min	

¹ Parking structures shall not be included in calculation of building stories.

Single story portions of structures may be allowed provided they are attached to a principal structure that is two or more stories in height and that the footprint of the single story portion of the structure is no more than 40% of the total structure's footprint.

² For buildings with multiple street frontages, the Street Level Active Use Building Frontage requirement shall apply to the primary street and other pedestrian oriented streets as determined by the Director. In cases where active use, pedestrian-oriented building frontage along secondary streets is not supportive of the purposes and intent of the mixed use districts (Subsection 537.01, Subd. 2) the Director may waive or reduce the required minimum percentage of Street Level Active Use Building Frontage on those secondary streets.

³ Standard setbacks apply to all uses except zero lot line developments. The front setback is a build-to line designed to locate buildings in close proximity to the public street. Zero lot line setbacks allow buildings to be placed on an interior property line if that structure and the adjacent structure are designed with that placement in mind and a compatible relationship of uses results, including consideration of circulation drives, open space, easements, utility parking areas and glazed facades.

Subd. 2. Mix of Uses Required. A mix of uses within a building is required in the MU-C district and other building use criteria apply to the MU-R and MU-N districts.

- a) In the MU-R district a mix of uses is not required, however, residential uses are permitted up to 25% of the total building floor area on the site. i.e. if a site contains 100,000 square feet of building floor area, no more than 25,000 square feet of building area can be devoted to residential units and the common areas or associations that serve residential units.
- b) In the MU-C district a mix of uses is required for development sites that exceed two acres in size. No single use type (retail, office, service, hotel, residential, etc.) can exceed 75% of the total building floor area on the site.
- c) In the MU-N district a mix of uses is not required, however, no more than 10% of the total building floor area on the site or within the development can be devoted to non-residential uses. Total non-residential floor area in a residential development or building shall not exceed 10,000 square feet.

537.09. Parking Standards. Subdivision 1. Off Street Parking Ratios. The following table establishes minimum parking standards for uses within the Mixed Use Districts.

Table 3. Minimum Parking Standards for Mixed Use Districts (Amended, Bill 2009-6)

Land Use Type	Off Street Parking Ratio	
	MU-R and MU-C	MU-N
Commercial Retail *	4	3
Commercial Services *	3	2
Office *	3.3	2
Civic *	3	2
Hotel or motel (per room)	1	1
Residential Townhouse **	1.5	1.5
Residential Multi-family **	1.5	1.5
Other Uses	As determined by the Zoning Administrator	

* Per 1,000 square feet of gross floor area.

** Per dwelling unit.

Subd. 2. Other Parking Requirements. All other parking requirements shall be dictated by Section 544 of this code.

537.11. Other Performance Standards. Subdivision 1. Development shall comply with the provisions of Section 544 and the following standards.

Subd. 2. Exterior Lighting. Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on nonadjacent properties. Exterior lighting shall comply with 544.09 and the following standards:

- a) Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
- b) Security lighting shall be adequate for visibility, but not overly bright.
- c) Metal halide lighting shall be used with a concealed light source of the “cut-off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
- d) Separate pedestrian scale lighting or other low level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
- e) All primary walkways, steps or ramps along pedestrian routes shall be illuminated.

Subd. 3. Architectural Standards. Exterior windows shall not be flush with the exterior walls. The windows shall utilize window trim with a minimum relief of 1” from the exterior wall or other similar articulation.

Subd. 4. Building Relationship to Street and Pedestrian Areas. All new retail, commercial, office, and mixed-use buildings are to provide a variety of active uses along a public street and/or major pedestrian area. This includes, but is not limited to, the use of multiple street front shops or businesses, multiple entrances into large single tenant buildings and design treatments of entrances, windows, facades etc. New buildings and developments shall comply with the following standards for building orientation and primary entrance:

- a) All buildings shall have at least one primary patron entrance facing an abutting public street, rather than the parking area. Buildings abutting a major pedestrian circulation area as defined in Subsection 537.11, Subdivision 8 shall have at least one primary entrance facing and accessing the major pedestrian circulation way. Primary entrance is defined as the principal entry through which people enter the building. A building may have more than one primary entrance. Primary entrances shall be open to the public during all business hours.
- b) Primary building entrances shall be architecturally emphasized and visible from the street. Principal patron entrances should be clearly defined and highly visible utilizing such design features as awnings, canopies, pillars, special building materials or architectural details.
- c) Commercial or mixed-use structures that have over 60 linear feet of frontage on a major pedestrian area, public sidewalk or major street shall have a principal patron entrance onto the major pedestrian area, public sidewalk or major street. For building facades over 200 feet in length facing a street, two or more building entrances on the street must be provided.
- d) Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.
- e) Buildings shall include changes in relief on 15% of their street facades such as cornices, bases, window treatments, fluted masonry or other designs for pedestrian interest and scale.

- f) Building facades greater than 100 feet in length shall have offset jogs, using elements such as bay windows and recessed entrances or other articulation so as to provide for pedestrian scale to the first floor and to avoid long continuous unbroken building facades.

Subd. 5. Windows, Window Walls, Blank Walls and Design of the Ground Floor of Non-Residential Buildings.

- a) All development shall provide ground floor windows along street facades, parks, plazas or other public outdoor spaces. Required window areas must be either windows that allow views into working areas or lobbies or pedestrian entrances or display windows. Required windows shall have a sill no higher than 4 feet above grade, except as follows. Where interior floor levels prohibit such placement, the sill height maybe raised to allow it to be no more that 2 feet above the finished floor level up to a maximum sill height of 6 feet above grade.
- b) For any wall within 30 feet of a street or a major pedestrian area, at least 20% of the ground floor wall area facing the street or pedestrian area shall be display areas, windows, or doorways. Blank walls along streets, public outdoor spaces and major pedestrian areas are prohibited.
- c) Darkly tinted, frosted windows or any windows that block two way visibility are prohibited as ground floor windows along street facades.

Subd. 6. Upper Story Setbacks. Upper story setbacks shall be required for structures over 3 stories that are adjacent or across a street from residential or public parklands. Upper story setbacks shall be achieved by:

- a) Floors above the third floor or fifty (50) feet shall be stepped back a minimum of twenty (20) feet, and
- b) All buildings shall be stepped back such that the height of the building façade does not exceed an angle greater than forty-five (45) degrees from the average street elevation beginning at a point at the curb on the opposite side of the street.
- c) Exception. The Director may waive the building step-back requirements of this Subsection provided that the applicant clearly demonstrates the proposed project:
 - (i) Includes window treatments, entry placement, façade relief and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape; and
 - (ii) Extends the same architectural features above the ground floor level through variations in design, detail and proportion and by avoiding designs featuring a monolithic street façade; and

- (iii) Is designed as not to obstruct sunlight from falling on a given point on the back of the sidewalk on the opposite side of the street for more than four hours in any given day between September 21 and March 21.

Subd. 7. Vehicular Circulation and Parking. Parking and vehicular circulation shall comply with the standards in Subsections 544.11, 544.13 and the following standards:

- a) Parking drives should be located away from building entrances, be designed to minimize pedestrian conflicts and shall not be located between the main building entrance and the street;
- b) Surface parking lots shall be oriented behind or to the side of buildings;
- c) Driveway access and parking lots shall be shared as much as possible;
- d) Above grade parking ramps shall be located towards I-494 to provide shielding or buffering of I-494 from other uses on site;
- e) Parking ramps shall be designed to be architecturally integrated into the overall site and be made of comparable materials and decorative elements;
- f) For parking lots within pedestrian corridors, refer to Subdivision 8;
- g) Bicycle racks or storage shall be provided; and
- h) Cross access and circulation across adjoining parcels is required, where appropriate and feasible. Joint circulation shall be documented in a cross access and circulation easement and agreement,

Subd. 8. Pedestrian and Bicycle Circulation. Pedestrian and bicycle circulation and access shall comply with the standards in Subsection 544.15 and the following standards:

- a) Developments shall implement an on-site pedestrian and bicycle circulation system that complies with the Vision Plan for the district as adopted in the Comprehensive Plan or any other redevelopment plan for the district; and
- b) Sidewalks are required along both sides of all public right-of-ways.

Subd. 9. Required Open Space. Within the mixed-use districts, a “major pedestrian area” of usable open space is to be the central organizing element that links the different parts of the corridor into a whole. The major pedestrian area is to be a continuous central spine of pedestrian circulation along the length of the I-494 corridor roughly midway between 77th Street and I-494. This pedestrian area shall be designed for pedestrian circulation and may include gathering and event space.

Landscape setback areas and other impervious areas are to be landscaped to enhance the aesthetics of the area and to define outdoor space. The landscape setback area next to I-494 is to be a green edge of landscaping that may include, but not be limited to trees, shrubs, vines and herbaceous plants. Open space can shape and serve as a transition between different uses and provide focal points and anchors for pedestrian activity. The required open space shall:

- a) Abut a public sidewalk or major pedestrian circulation area and shall be accessible to the public during daylight hours;
- b) Include a combination of public and semi-public gathering spaces, such as plazas, tied together through a linear green corridor along its center;
- c) Include a buffer of landscape plantings along I-494 or other physical barriers to enhance the community's image and to buffer uses from noise or other nuisances;
- d) Be used for treatment of storm water, only if it is designed as part of the overall open space system such that the storm water treatment or storage is used as a decorative element, and has no negative impact on recreation or the enjoyment of the open space;
- e) Include plazas, or patios that are integrally designed to accentuate the architecture on-site and to tie off-site elements into an overall theme or character by use of decorative pavers, public art, decorative lighting, seating, planters, or other features. Usable open space shall be a minimum of 1,000 square feet in size and a minimum of 20 feet wide in any direction;
- f) Be designed to have good public visibility to encourage pedestrian use of the on site outdoors amenities, while at the same time enhancing the security of such places by placing public entrances on the open space and ground floor windows along the open space; and

Be designed such that, in the City's judgment, the spaces adequately enhance such development and serve as gathering places for visitors, customers, residents, and employees and are consistent with the Comprehensive Plan or any redevelopment plan for the district.

Subd. 10. Use Transitions. The following options should be used as use transitions:

- a) When multi-family, office, small-scale retail, pedestrian intensive retail, civic or public uses are planned as part of a mixed use development, the lesser intensive uses or the more community serving uses may be used as transitions to adjacent residential uses.
- b) Larger commercial or office buildings may be mitigated with building façade articulation, by locating parking lots or structures or other potential nuisances away from residential uses, or by stepping down building height in the area immediately adjacent residential uses.
- c) Streets and streetscape can be used as a transition between uses. The distance and separation afforded by the public right-of way, together with streetscape improvements on both sides of the street may be utilized as a transition to adjacent development.
- d) Green spaces, courts, squares, parks, plazas, etc. may be used to create a meaningful transition between uses.

In situations where the above do not provide adequate transition, additional landscaping may be required as determined by the Director.

537.13. Non-conformities. Subdivision 1. Expansion of Non-Conforming Uses. Existing legal non-conforming uses may be maintained according to City Code Subsection 509.25. The City Council may allow expansion of legal non-conforming uses through issuance of a conditional use permit. Expansion may be allowed up to 10% of the gross floor area provided the expansion meets all other applicable City requirements. Any expansion or modification of a legal non-conforming use should not significantly impede implementation of goals and policies of the Comprehensive Plan.

Subd. 2. Expansion of Dimensional or Bulk Non-conformities. Legally nonconforming uses existing prior to February 19, 2006 that do not meet dimensional or bulk standards of the Mixed Use zoning district may be expanded through review and approval of a site plan - Subsection 547.13. Expansion or modification of a legal conforming use shall:

- a) Not increase the degree of non-conformity,
- b) Result in the building and property being in greater conformance with the goals and policies of the Comprehensive Plan,
- c) Not significantly impede implementation of goals and policies of the Comprehensive Plan.