Chair: **John Ross** **Vice-Chair:** **Ryan Briese** **Commissioners:** **Tim Felton** **Justin Humenik** **Ruth Krueger** **Jason Pachl** **Stephanie Yendell**	# City of South St. Paul ## Planning Commission Agenda **Wednesday, January 6, 2016** **7:00 p.m.**	**City of South St. Paul** **125 Third Avenue North** **South St. Paul, MN 55075** **Phone: (651) 554-3217** **Fax: (651) 554-3211** **www.southstpaul.org**

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Roll Call

1. Agenda

2. Minutes

A. November 4, 2015 meeting

3. New Business

A. Bonfe Site Plan Review (455 Hardman Ave. S.): A Site Plan Review for a 40,000 s.f. office/warehouse building.

4. Public Hearings

A. Sign Variance – Doug Woog Arena (141 6th St. S.): Consider variances to allow for larger individual signage and more signage area for the entire property.

B. Amendment to Backyard Chicken Ordinance: Consider an amendment to regulations for chickens on residential properties to allow more chickens for larger properties.

C. Amendment to R-2 Zoning District: Consider an amendment to the regulations that would remove "pre-1967" language from conversion of a unit.

D. New Mixed-Use Zoning for Southview Hill: Consider an ordinance that would create a new Mixed-Use zoning district for the Southview Hill Area.

5. Other Business

A. *Updates*

6. Adjournment

Next Planning Commission Meeting: February 10, 2016

This meeting is being taped by Town Square Television (NDC4): phone: 651-451-7834 web: www.townsquare.tv
Replays can be viewed on Government Channel 19 on the Thursday following meeting at 1:00 p.m. & 7:00 p.m.

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
November 4, 2015

MEETING CALLED TO ORDER BY COMMISSIONER JOHN ROSS AT 7:00 P.M.

Present:	John Ross	Absent:	Tim Felton
	Ryan Briese		
	Jason Pachl		
	Justin Humenik		
	Ruth Krueger		
	Stephanie Yendell		
	Peter Hellegers, City Planner		

1) APPROVAL OF AGENDA – as presented – Yendell/Pachl (6-0)

2) APPROVAL OF MINUTES for October 7, 2015 – Yendell/Krueger (6-0)

3) PUBLIC HEARINGS

A. none

4) NEW BUSINESS

A. Review and discussion on the System Statement from Metropolitan Council (2018 Comp Plan Update) and upcoming Comprehensive Plan Update.

Comments on the System Statement need to be returned to the Met Council within 2 weeks. The System Statement is the beginning of the Comp Plan Update process. The Met Council has determined South St Paul to be an Urban Center based on specific criteria and density levels, etc.
Commissioner Briese wondered if it was appropriate to label South St. Paul as an Urban Center.
Commissioner Yendell asked how long this designation has been valid. Mr. Hellegers answered by saying that we are an inner ring suburb and some of the criteria is based on that. The future land use plan will reflect the development proposed. We plan on getting together with other cities to discuss any challenges with the plan and how specific goals can be met.
Commissioner Ross had some comments on density and proposed that in the 1970s we were at our maximum population with fewer housing units than now. Family size decreases as children leave home and the parents remain in their house. He asked how South St. Paul compares with low income housing as far as the requirements go. Mr. Hellegers explained that a percentage of new units would need to have this designation in order to comply. Current stock should be considered and will probably be discussed.

Commissioner Briese commented on a Dakota County housing study that was conducted which designated West St. Paul and South St. Paul as the communities with the highest density of low-income housing. He also noted that high density housing has historically struggled. Income levels should be considered in comparison as well. He was also concerned that grants with respect to developing low income high density housing may have a negative impact on our community and throw off a balance that we are trying to achieve.

Commissioner Yendell discussed the scale of the density as described on the future land use map the regards to the units per acre and what is expected. As far as employment goes, how can we come up with the estimate? Mr. Hellegers explained that it depends on the size and the types of permitable land use that is developed and that it is hard to estimate depending on the location. We are challenging the assumptions as based on the forecast.

Commissioner Briese asked about the main focus for the Met Council. Mr. Hellegers replied that they tend to be more focused on things that they deal with such as housing, transit, etc. They work with other state agencies to achieve the job/housing balance and look at more than one factor to achieve it.

Commissioner Krueger discussed the employment chart showing the number of jobs in the City and why the number of jobs decreased so dramatically in the last four years.

Commissioner Yendell mentioned development noted around transit nodes and that light rail lines don't apply to us. Mr. Hellegers replied saying that bus service does and that residential development shows proximity to those transit lines as it applies to South St. Paul.

5) OTHER BUSINESS

A. Updates

Motion to adjourn – Yendell/Humenik

Planning Commission Meeting Date: **Wednesday, January 6, 2016**	**City of South St. Paul Planning Commission Report**	PC Agenda Item: **3.A**

Project Name:	Bonfe Site Plan	
Site Address:	455 Hardman Ave. S.	**PID:** 364884301080
Applicant:	R.J. Ryan Construction	
Request:	Consider the request for a site plan to accommodate a 40,000 s.f. office/warehouse building.	
Proceeding:	Planning Commission Recommendation	
Tentative City Council Meeting Date:	January 19, 2016	
Deadline:	***January 31, 2016**** *The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.	
Exhibits:	A. Location Map B. Materials submitted by R.J. Ryan, Plans	

Surrounding Area			
Direction	**Future Land Use Plan**	**Zoning**	**Existing Land Use**
North	Light Industrial	I: Industrial	Industrial
South	Light Industrial	I: Industrial	Industrial
East	Light Industrial	I: Industrial	Trail / RR / River
West	Light Industrial	I: Industrial	Vacant

Subject Property Site Data	
Future Land Use Plan	Light Industrial
Existing Land Use	Vacant
Zoning	I: Industrial
Property Size	4.64 acres (202,118 s.f)
Topography	Relatively flat

EVALUATION OF THE REQUEST

The applicant is requesting approval of a Site Plan for a 40,596 s.f. office warehouse building on a vacant site located just southeast of the intersection of Armour Avenue and Hardman Avenue. The site is also located within the 494 Corridor overlay area which called for higher quality exterior finish and restricted exterior storage. The principal occupant would be the Bonfe heating/plumbing/electrical company which would occupy about 60% of the building. The remaining space would be leased and also provides space for future expansion of Bonfe within the building. The lease space each has one dock door and one drive in door and both would utilize the northern building entry for the front door. The building has 18-foot clear ceilings which also reflect the use of the building for office and light industrial uses rather than modern warehouse space which typically require much greater clear heights.

ZONING SUMMARY:

Bulk Requirements	Required	Proposed
Lot area	1 Acre (43,560 s.f.)	4.64 Acres (202,118 s.f.)
Lot Coverage - Max	20 % min / 40% max	20 %
Building Height	N/A	N/A
Setbacks:		
Front yard (any street frontage)	30 ft.	128 – 257 ft.
Side yard (interior)	20 ft.	20-45 ft.
Rear yard	20	293 ft.
Site Design	**Required**	**Proposed**
Parking Standards:		
Parking stalls (1/2,000 s.f. or 1 per 2 employees on max shift) – Industrial 1/300 s.f. - Office	Examples: 100% Industrial / Whse. – 20 spaces 100% Office finish – 135 spaces 75% Office / 25% Ind. – 106 spaces	117
Accessible parking stalls	5	6
Landscape Standards:		
Landscape lot area	15%	Appx. 38% (77,499 s.f.)
Other Critical Zoning Items		
Floodplain	No	
Shoreland	No	
MNRRA	N/A – in MNRAA area, but same as original PUD	
Utility easements	No	

A. SITE PLAN REVIEW

1. Lot Size/Floor Area: Consistent with City Code. The Floor Area Ratio for the building would be 0.2.

2. Right-of-Way Dedication / Easements: There is a 50 foot drainage and utility easement along the back of the property. Storm water easements and storm water improvements are subject to the review and approval of the City Engineer.

3. Setbacks: The building would meet or exceed all of the minimum setbacks (see chart above)

4. Parking: The proposed plans show that there would be a total of about 117 parking spaces provided reflecting a the higher level of office space in the building and providing adequate parking to accommodate future expansion of the company within the building. The additional parking stalls would also help to accommodate Bonfe's training space as they have their technician groups come in for training at the site as well. Six of the stalls would be required to be accessible parking spaces to meet ADA requirements.

5. Architecture/Exterior Materials: The exterior materials would utilize primarily a precast concrete panels with some different textures for the panels but with the same color throughout the building. The plans also show a good amount of transparent glass including windows which make up about 17% of the wall area on the north and south sides of the building to give the building the look of a higher office finish facility. The front face of the building has the most variety and architectural interest and includes entries in smooth precast that project out from the face of the building. The materials for the front face of the building are 45% smooth precast, 37% textured precast and 18% glass. These materials are Class II and Class I respectively and would comply with the Architectural requirements for at least two different Class I or II materials, at least 60% Class I or II materials, and 75% Class I or II for walls visible from public roadways. The back side of the building is approximately 74% textured precast and includes an area that is 44 feet wide with no variation to the material, texture, or wall or roofline variation.

6. Grading and Drainage: The site uses an infiltration basin on the west side of the property (Hardman) and a ponding area on the eastern edge of the facility to catch stormwater from the site.

7. NPDES Storm Water Permits and Maintenance Plan: An NPDES Storm Water Permit and Storm Water Facilities Maintenance Plan are required, and any required on-site treatment system shall be in place, before the issuance of a final certificate of occupancy. All interior storm sewer lines and ponding shall be privately owned and maintained subject to a City Engineer approved maintenance plan.

8. Utilities: The applicant will need to work with the City Engineering Department to establish the proper location for utility connections and other related utility items.

9. Signage: The plan shows a monument sign at the SW corner of the site. Signage is also contemplated for the wall of the building in a banded area above the two entry points. Sign plans will need to be reviewed by the City Planner.

10. Lighting: Lighting plans were submitted show primarily building mounted lighting around the building. It will be necessary to review the photometric levels at the time building permits are applied for. Per City regulation lighting sources shall be downcast and/or shielded from direct view and should not exceed 1.0 foot candles at the centerlines of adjacent streets.

11. Landscaping: The landscaping plans show a mixture of deciduous trees such as Swamp White Oak, Imperial Honey locust, and Autumn Blaze Maple, as well as conifers such as Black Hills Spruce. The code requires the number of overstory trees to be the perimeter of the site divided by 70 which would require about 29 trees so about 10 additional trees will be required. Two ornamental crab trees were also included in the plan but these do not meet the overstory tree requirements. The plans also include additional plants, shrubs, and some flowering trees that also contribute to the site landscaping.

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:

1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Engineering Department:

   a) **Narrative (Lampert Architects - Berthiaume)** **dated 12/02/15**
   b) **Civil Plans (Plowe Engineering)** **dated 12/01/15**
   c) **Architectural and Landscape Plans (Lampert Architects)** **dated 11/19/15**

2) **Building/Signage Permits Required.** Building and signage permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official. Signage plans and specifications are subject to the review and approval of the City Planner.

3) **Revised Civil Plans.** The applicant shall submit revised civil plans subject to the review and approval of the City Engineer.

4) **Stormwater Maintenance Plan.** The applicant shall submit an executed Stormwater Maintenance Plan subject to the review and approval of the City Engineer.

5) **Revised Landscaping Plans.** The applicant shall submit revised landscaping plans subject to the review and approval of the City Planner. Additional over-story trees will be needed to comply with City Code.

6) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

RECOMMENDATION

Staff recommends **approval** of the Site Plan subject to the conditions above.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

Planning Commission Meeting Date: **Wednesday, January 6, 2016**	**City of South St. Paul Planning Commission Report**	PC Agenda Item: **4.A**

Project Name:	**Doug Woog Arena Sign Variance**	
Site Address:	141 6th Street South	**PIDs:** (multiple)
Applicant(s):	City of South St. Paul	
Request:	Consider the request for a 25 s.f. variance for an individual wall sign and 50 s.f. for aggregate signage on the property	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	January 19, 2016	
Deadline:	***February 27, 2016**** *The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.	
Exhibits:	A. Location map B. ~~Correspondence from neighboring property owners~~ - *(none)* C. Materials submitted by the applicant	

Surrounding Area			
Direction	**Future Land Use Plan**	**Zoning**	**Existing Land Use**
North	Open Space	CGMU-2: Concord Gateway Mixed-Use	Open / Single Family Residential
South	General Business	GB: General Business	Retail / Autos sales
East	General Business	GB: General Business	Office / Bank
West	Low Density Residential	R-2: Single and Two Family Residential	Detached Single Family Residential

Subject Property Site Data	
Future Land Use Plan	Institutional
Existing Land Use	Institutional
Zoning	GB: General Business
Property Size	341,381 s.f. (7.84 acres)
Topography	Built into severe slope; property to west is 60 feet higher, to the east is 40 feet lower

BACKGROUND

The property at 141 6th Street South is located on the bluff and the only street access to the facility comes from the north at 6th Street South, approximately 200 feet north of the building. The arena site sits about halfway up the hillside approximately 40 feet above Concord Street and approximately 60 feet below the grade level of properties on 1st Avenue. The closest buildings to the north side of the arena are approximately 470 feet away and 440 feet from the next closest building to the east of the arena.

EVALUATION OF THE REQUEST

A. VARIANCE

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Land Use/Setbacks

   The City Code allows up to 100 square feet for individual signs and up to 250 square feet for the total amount of signage on a property in the GB: General Business Zoning District. The former Wakota Arena was recently renamed "Doug Woog Arena" and that along with a new indoor dry-land training facility created in the recent renovations of the arena led to a need for new signage. The new signage would be all be wall mounted as there is no good place to accommodate a monument sign on the property. Doug Woog Arena signs would be mounted on the east side of the building over the front entryway and signage would be added on the north side of the building facing Sixth Street. Signage for the dry-land training facility would be on the east side of the building by the entry to that space and would not exceed 100 square feet, most likely this would be around 50 square feet. There is also existing wall signage for the school district's space at the arena.

2. Correspondence from Neighboring Property Owners

   None

3. Variance Findings

   In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

   a. The variance is in harmony with the general purpose and intent of the ordinance

   b. The terms of the variance are consistent with the Comprehensive Plan, and

   c. The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:

      i. The property owner proposes to utilize the property in a reasonable manner.

      ii. The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and

      iii. The variance will not alter the essential character of the neighborhood.

Staff has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and with conditions should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, already has adequate utilities, ingress and egress are not impacted.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission has review the application and determined that the application is consistent with the Variance findings (see p.3-4 of this report), then staff would recommend the following conditions for a *recommendation* for approval:

- (Step 1) Findings: The Planning Commission would need to include findings (see the section above) that the proposed variances are in harmony with the general purpose and intent of the ordinance, consistent with comprehensive plan, and that there are practical difficulties in complying with the ordinance, including circumstances unique to the property.

- (Step 2) Recommendation for Approval: Approval of the **Variances** to allow a wall sign larger than 100 square feet (125 s.f.)and allow more than 250 square feet of signage for the property (appx. 300 s.f.), subject to the following conditions:

1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Engineering Department:

   a) **Application/Narrative (City of South St. Paul) dated 12/29/2015**
   b) **Sign Elevations / Plans (Spectrum Signs) dated 12/15/2015**

2) **Building / Sign Permits Required.** Building Permits and Sign Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal. Sign Permits are subject to the review and approval of the City Planner.

3) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

4) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval. The violation of any condition of approval for the variance shall terminate the variance.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Recommendation for Denial: Denial of the proposed **Variance** for the property located at 141 6th Street South for the following reasons:

    1) _____

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed Variances for the property located at 141 6th Street South, subject to the conditions listed in this report.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

Planning Commission Meeting Date: **Wednesday, January 6, 2016**	**City of South St. Paul Planning Commission Report**	PC Agenda Item: **4.B**

Project Name:	Backyard Chicken Ordinance Amendment
Request:	Consider an ordinance amending the regulations for backyard chickens
Proceeding:	▪ Public Hearing ▪ Planning Commission Resolution (Recommendation to City Council)
City Council Meeting Date(s):	City Council –1st Reading – January 19, 2016 (tentative) City Council – 2nd Reading – February 16, 2016 (tentative)
Exhibits:	A. PC Resolution 2016-01 – Backyard Chicken Amendment B. Proposed amendments to the Backyard Chicken Regulations

Request

Review the attached draft ordinance regarding minimum building size for the Industrial zoning district. Conduct the public hearing for the draft ordinance and provide a recommendation to the City Council. Staff has prepared Planning Commission Resolution 2016-01 which would recommend that the City Council adopt the proposed ordinance.

What Would the Proposed Ordinance Do?

The proposed amendment would:

- Allow additional chickens for lots over one-half acre in size.
- Clarify that poultry fencing should be galvanized or earth tone and must not be electrified.

Why Should the City Take This Action?

The City Council heard a request from a resident at their November 4th meeting that asked for this change. The concern is that the restriction to 4 chickens does not all for adequate egg production to provide for a family and that with a larger lot there should be some flexibility to have more hens.

Allowing a larger property to have more hens would be consistent with practice for other animal regulations such as dogs, where 2 are allowed on a 5,000 square foot lot (40 ft.) and larger lots are allowed to have 3 dogs. Additionally, the change would allow

homeowners with larger lots some additional flexibility but as lots of that size are less common it would not impact most other property owners.

The current code language states that poultry netting may be used but one question that came up was whether colored plastic netting fence (i.e. snow fence) may be used. While snow fence is not listed as a permitted type of fence the City has allowed plastic deer fence for community gardens. Allowing galvanized or earth toned colored poultry netting would serve the backyard chicken license holders but should minimize potential aesthetic impacts on adjacent properties. The City Code currently states that electrified fence is not permitted so the reference here is just to reiterate that electrified poultry netting is not permitted either.

Process / Timeline

Process – The Planning Commission will hold the public hearing, make a recommendation, and the ordinance amendment would be forwarded to the City Council to be considered at two readings of the ordinance.

Timeline - The first reading for this item would be at the January 19th City Council meeting and the 2nd reading, would be scheduled for the February 16th City Council meeting. If approved by the Council the ordinance would be in effect from the date of adoption.

Staff Recommendation

Open the public hearing and discuss the proposed ordinance. Staff recommends approval of PC Resolution No. 2016-01 which would recommend approval of the ordinance amending the backyard chicken regulations.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

Planning Commission Meeting Date: **Wednesday, January 6, 2016**	**City of South St. Paul Planning Commission Report**	PC Agenda Item: **4.C**

Project Name:	R-2 District Ordinance Amendment
Request:	Consider an ordinance amending the R-2 District Regulations
Proceeding:	▪ Public Hearing ▪ Planning Commission Resolution (Recommendation to City Council)
City Council Meeting Date(s):	City Council –1st Reading – January 19, 2016 (tentative) City Council – 2nd Reading – February 16, 2016 (tentative)
Exhibits:	A. PC Resolution 2016-02 – R-2 Amendment B. Proposed amendments to R-2 District

Request

Review the attached draft ordinance regarding changes to the R-2 Zoning District. Conduct the public hearing for the draft ordinance and provide a recommendation to the City Council. Staff has prepared Planning Commission Resolution 2016-02 which would recommend that the City Council adopt the proposed ordinance.

What Would the Proposed Ordinance Do?

The proposed amendment would:

- Eliminate language granting an exception for two-family dwellings platted prior to 1967 with a smaller minimum lot size
- Adds language on two requirements from the Minnesota State Building Code requiring no air exchanges between units and fire separation between units.

Why Should the City Take This Action?

The City Council recently discussed rental licensing and a proposed rental density ordinance and as part of that discussion the “pre-1967” language came into consideration. The language was put into code more than 40 years ago with the intent being that it would provide some flexibility for lots that had platted just a few years before the change in minimum lot size requirements. Since the city is fully developed, and those lots platted prior to 1967 would’ve long ago been developed as well, the pre-1967 language should be removed to provide clarity on the minimum size for a two-family dwelling.

Existing two-family dwellings on lots smaller than the minimum size would be considered legal non-conforming ("grandfathered") and would be able to continue as they are today. Additionally, the change should not impact conversion of units as those would've already been required to meet the larger lot size requirement.

The Minnesota State Building Code currently requires that there are not air exchanges between units and fire separation between the units so the inclusion of the language in the zoning code is really just reiterating that language to ensure that all are aware of the requirement.

Process / Timeline

Process – The Planning Commission will hold the public hearing, make a recommendation, and the ordinance amendment would be forwarded to the City Council to be considered at two readings of the ordinance.

Timeline - The first reading for this item would be at the January 19th City Council meeting and the 2nd reading, would be scheduled for the February 16th City Council meeting. If approved by the Council the ordinance would be in effect from the date of adoption.

Staff Recommendation

Open the public hearing and discuss the proposed ordinance. Staff recommends approval of PC Resolution No. 2016-02 which would recommend approval of the ordinance amending the R-2 District.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

Sec. 118-134. – MU-3, Southview Hill / Downtown Mixed-Use District.

(a) Purpose. The purpose of the Southview Hill / Downtown Mixed-Use (MU-3) district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning, urban design and coordinated public and private investment. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and the treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the Southview Hill area. The standards in this section are intended to implement and effectuate the principles and relationships established in the city's Southview Hill Area Study, a copy of which is on file in the office of the city clerk, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. The MU-3 zone will follow the planned future land use guiding for Mixed-Use as shown in the Southview Hill Area Study and as depicted on the official zoning map.

(b) Permitted uses. Within either the MU-3, no structure or land may be used except for one or more of the following uses, provided such use is less than 10,000 square feet in gross floor area:

(1) Accessory store, apparel.

(2) Altering, pressing and repair of wearing apparel.

(3) Appliance store.

(4) Art gallery.

(5) Bakery.

(6) Banks and other financial institutions without drive-through facilities.

(7) Barbershop.

(8) Beauty shop.

(9) Bookstore.

(10) Cafe, cafeteria, restaurant, or delicatessen, without drive-through facilities.

(11) Camera store.

(12) Candy, nut or confectionery store.

(13) Church.

(14) Club or lodge, private.

(15) Copy service or printing service.

(16) Department store.

(17) Flower shop.

(18) Furniture store.

(19) Gift, novelty, or souvenir store.

(20) Grocery store.

(21) Hardware store.

(22) Hotel or motel.

(23) Instrument store, musical.

(24) Laundromat or dry cleaning.

(25) Library.

(26) Locksmith.

(27) Luggage store.

(28) Machines, business sales and service.

(29) Magazine stand or newsstand.

(30) Massage therapy (licensed pursuant to article XII of chapter 18 of the City Code).

(31) Meat market for retail sale to the public.

(32) Medical or dental office or clinic (for humans only).

(33) Museum.

(34) Musical instrument and musical recordings store.

(35) Notions store.

(36) Office.

(37) Optician.

(38) Painting, wallpaper and decorating store for retail sales and service.

(39) Pet store.

(40) Repair and servicing of items the sale of which is permitted in this district.

(41) Residential multifamily dwelling units, if within a structure containing at least four units.

(42) School, public or private.

(43) Shoe store.

(44) Sporting goods store.

(45) Stationery store.

(46) Tanning salon.

(47) Tobacco store.

(48) Toy store.

(49) Variety store.

(50) Video sales and rental.

(c) Accessory uses. Within the MU-3, the following uses shall be permitted accessory uses:

(1) Off-street parking of automobiles for patrons or employees of a permitted use.

(2) Off-street loading areas as regulated herein.

(3) Signs, fences, and decorative landscape features as regulated herein.

(4) An automobile car wash as an accessory to an approved gas station or automotive service use.

(5) Customary uses incidental to the principal use as determined by the city council.

(d) Conditional uses. Within the MU-3, no structure or land may be used for any of the following uses except by conditional use permit:

(1) On-sale and off-sale liquor establishments as regulated by this Code.

(2) Amusement or entertainment, as defined and regulated by this Code.

(3) Drive-through facilities for a permitted use, if provisions for vehicle stacking, vehicle maneuvering, outdoor speaker devices, appearance and lighting of outdoor menu boards, and other related matters can be shown to be in keeping with the intent and character of the Southview Hill / Downtown Mixed-Use district and compatible with surrounding uses.

(4) Residential dwelling units within the same building as nonresidential uses, if provisions for parking, security, noise, odors, and other related issues affecting the residential units can be shown to be handled adequately and in keeping with the best interests of the residents.

(5) Theaters.

(6) Parking ramps or parking garages.

(7) Gas stations and automobile service uses (also see Section 118-256).

(8) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the MU-3 district, and if such buildings can be shown to be in keeping with the intent and character of the MU-3 district and compatible with surrounding uses.

(9) Any permitted use or any other conditional use, if 10,000 square feet or more in gross floor area, if such use can be shown to be in keeping with the intent and character of the MU-3 district and compatible with surrounding uses.

(10) Other uses determined by the city council to be similar in purpose and character to other permitted or conditional uses in this district.

(e) Lot area, lot width, and yard requirements.

(1) Principal structure setback standards shall be as follows:

Front yard:	Build-to line (0—10 feet)
Side yard/interior:	0 feet minimum
Side yard/corner:	Build-to line (0—10 feet)
Rear yard:	20 feet minimum

(2) Accessory structure setback standards shall be as follows:

Front yard:	20 feet minimum
Side yard:	0 feet minimum
Side yard (street):	20 feet minimum
Rear yard:	5 feet minimum

(3) Parking setback standards shall be as follows:

Front yard:	5 feet minimum
Side yard:	5 feet minimum
Side yard (street):	5 feet minimum
Rear yard:	5 feet minimum

(4) In the MU-3 district in the front yard, a build-to line is established which provides a minimum and maximum front setback for buildings and other structures, from the right-of-way or property line. The minimum front building setback shall be zero feet, and the maximum shall be ten feet from the right-of-way or property line, for all properties on streets within the MU-3 district.

(5) For parking, different minimum setbacks apply, but there is no maximum.

(7) At least 60 percent of the street frontage of any lot shall be occupied by building facades meeting the build-to line. Other portions of a building beyond the 60 percent may be set back farther than required by the build-to line. The length of the building facade shall be measured as the maximum width of the building projected to the front lot line on lines perpendicular to the front lot line.

(9) On lots with more than one street frontage, the build-to line shall apply on each side fronting a street.

(10) The build-to line may be met either with an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.

(11) At least the first and second floor must meet the build-to-line. Arcades at street level and terracing of building facades above the second floor are encouraged.

(12) At a minimum, the first 50 feet of the lot frontage on either side of a street intersection must be occupied by buildings meeting the build-to line. Parking or other space open to the sky is not allowed within this first 50 feet.

(13) Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge, or a combination of these elements to a minimum height of 2½ feet and a maximum height of 3½ feet above the level of the parking lot at the build-to line.

(14) New parking structures (including garages) shall maintain a setback equal to the setbacks required in this section for other structures, except that where such parking structure is adjacent to other parking in a side or rear yard condition, the parking structure may have a zero setback. Where a new parking structure is adjacent to an existing use in a side or rear yard condition, the parking structure must maintain at least a 10-foot setback.

(15) Drive-through or drive-in lanes are not allowed within the build-to line or in front of any building; they must be located to the side or rear of a building.

(16) "Building height" means the vertical distance from the average elevation of the adjoining ground level or the established grade, whichever is lower, to:

a. The top of the cornice of a flat roof;

b. The top of a mansard roof;

c. A point directly above the highest wall of a shed roof;

d. The uppermost point of a round or other arch-type roof; or

e. The mean distance from the eave line to the peak of the highest gable on a pitched or hip roof.

(17) The maximum height of buildings in the MU-3 district shall be 50 feet, except as allowed by conditional use permit. The minimum height shall be 24 feet.

(f) Parking.

(1) Parking for residential units in the MU-3 district shall be provided on site, and shall be calculated as required under article VII of this chapter. The residential parking spaces shall be specifically reserved for the use of residents and visitors only, separate from any commercial, office, or other uses on site or nearby, and shall not be counted as part of any shared parking or joint parking arrangement. Parking in driveways at the rear of townhomes may be counted towards the requirements of this regulation if it does not interfere with other traffic movement.

(2) Parking for nonresidential uses shall be as required under article VII of this chapter. If present, on-street parking directly in front of a given building or lot shall count toward fulfilling the total parking requirement.

(3) On-grade parking is prohibited in the front yard directly in front of a building. Parking shall be provided to the side or rear of buildings in midblock areas.

(4) Where parking fronts a public street, the maximum parking lot width shall be 65 feet measured at the lot frontage.

(5) Parking shall be prohibited within 50 feet of the intersection of any public streets within the MU-3 district.

(g) Building and architectural provisions.

(1) All buildings shall be designed to accomplish the goals and policies of the comprehensive plan and the framework plan. Building materials shall be attractive in appearance, durable with a permanent finish, and of a quality that is consistent with the standards and intent of the framework plan. Where appropriate, buildings shall carry over materials and colors of adjacent buildings, with the exception of prohibited materials.

(2) All buildings shall include the following elements:

a. Accent materials, which shall be wrapped around walls that are visible from a public street or open space;

b. Buildings containing office and retail uses shall maintain 40 percent minimum window coverage on each first floor front that faces a street or public open space;

c. Complimentary major material colors;

d. A combination of vertical and horizontal pattern designs in the building facade.

(3) Any exterior building wall adjacent to or visible from a public street, public open space, or abutting property may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:

a. The facade shall be divided architecturally by means of significantly different materials or textures;

b. Horizontal offsets of at least four feet in depth;

c. Vertical offsets in the roofline of at least four feet; or

d. Fenestration at the first floor level that is recessed horizontally at least one foot into the facade.

(4) Building facades shall be divided into similar bays of roughly equal width between 20 and 40 feet in width.

(5) Exterior building materials shall be classified primary, secondary, or accent materials. Primary materials shall cover at least 60 percent of the facade of a building. Secondary materials may cover no more than 30 percent of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements, and may cover no more than ten percent of the facade. Allowable materials are as follows:

a. Primary exterior building materials may be brick, stone, or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.

b. Secondary exterior building materials may be decorative block or integrally-colored stucco.

c. Synthetic stucco (EIFS) may be permitted as a secondary material on upper floors only.

d. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.

e. All primary and secondary materials shall be integrally colored.

f. Decorative block shall be colored only by means of a pigment integral to the block material, not applied to the surface.

g. All primary and secondary materials shall be earth tones, compatible with and complimentary to the natural stone and brick of existing historic buildings in the district.

h. High quality architectural metal panels which cover a wall (i.e copper, aluminum composite metal panels (ACM).

i. Sheet metal, corrugated metal, asbestos, iron, shakes, and plain flat concrete block (whether painted or integrally colored or not) are prohibited as exterior wall materials on buildings within the Southview Hill / Downtown Mixed-Use district.

(6) All mechanical equipment, whether roof-mounted or ground-mounted, shall be completely screened from ground-level view of adjacent properties and public streets, or designed to be compatible with the architectural treatment of the principal building.

(7) All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

(8) Consistent interior window treatments are required for windows that are visible from a public street or open space in offices and multiple residential complexes.

(9) All buildings containing nonresidential uses on the ground floor shall meet the following standards:

a. The building shall have entrances to a street or public open space spaced no more than 100 feet apart.

b. Entrances shall be oriented conveniently to the street frontage and to on-street and off-street parking serving the use.

(10) All buildings containing residential uses on the ground floor shall have a first floor elevation at least 2½ feet above the adjacent street level in the front yard.

(11) All trash, recyclable materials, and equipment for handling them, including compactors, shall be totally screened from eye-level view from public streets and adjacent properties, whether in the front, side or rear, either by being stored within the principal structure or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

(12) Loading docks shall not be located in the front yard and shall be completely screened from eye-level view of public streets and public open spaces by means of landscaping which is at least 80 percent opaque yearround within two years after planting, or by a screen wall of the same materials and colors as the principal building.

(13) All landscaping shall comply with the following provisions:

a. All land area not occupied by buildings, parking, driveways, sidewalks, or other hard surface shall be sodded or mulched and landscaped with city-approved ground cover, flowers, shrubbery and trees.

b. At least ten percent of the total land area within the perimeter of private parking and driveway areas shall be landscaped. Landscaped areas provided within the build-to line may be credited toward this ten percent landscaping requirement on a square-foot-for-square-foot basis, for up to half of the ten percent requirement, or five percent.

c. Parking lot landscaped islands shall be a minimum of 150 square feet in area and include at least one overstory or evergreen tree meeting the requirements of this article.

d. Where parking abuts the site perimeter there shall be provided at least one overstory tree per 25 feet of site perimeter.

e. At least one overstory tree shall be provided for every 500 square feet of landscaped area on the entire site.

f. The landscape plan shall include a full complement of overstory, ornamental and evergreen trees, shrubbery, and ground covers that are hardy and appropriate for the locations in which they are planted, and which provide yearround color and interest.

g. Plant selection shall be as follows:

1. The following trees may not be used to satisfy the landscaping requirement of this section:

Acer negundo	Box elder
Acer saccharinum	Silver maple
Catalpa speciosa	Northern catalpa
Elaegnus	Russian olive
Ginkgo Biloba	F. Ginkgo (female prohibited, male permitted)
Morus alba	Mulberry
Populus deltoides	Cottonwood
Populus species	Poplars

2. The following trees may be used to satisfy the landscaping requirement of this section, but only in areas that are reasonably protected from winter wind conditions:

Picea pungens glauca	Colorado blue spruce

Pinus alba	White pine
Pinus resinosa	Red pine

3. The following trees may be used to satisfy the landscaping requirement of this section, but only in areas that are not on or immediately adjacent to a public street boulevard:

Tilia cordata	Little leaf linden
Fraxinus mandshurica mancana	Mancana ash

(14) Reserved.

(15) Lighting in the MU-3 district shall be subject to the following:

a. All exterior lighting in the MU-3 district shall be downcast cutoff type fixtures and shall follow the styles and types identified in the framework manual. No light source may be more than 16 feet above the ground, except by conditional use permit for buildings more than 20 feet in height.

b. The applicant for any building project shall provide a photometric lighting diagram prepared by a qualified professional showing light levels, in footcandles, from all exterior artificial lighting for all points on and within ten feet of the site.

c. Lighting levels in exterior parking areas shall average one-half footcandle with a minimum of one-tenth footcandle in all locations.

d. Lighting levels in interior parking areas shall average two footcandles, with a minimum of one-half footcandle in all locations.

e. Lighting levels shall not exceed one-half footcandle at the abutting property line or right-of-way line, and no direct glare from lighting on site shall extend onto the public street, public open space or neighboring properties.

(h) Nonconforming uses. Nonconforming buildings and sites can be maintained through repair and maintenance. Nonconforming buildings and sites that are damaged 50 percent or less of their market value may be rebuilt. Nonconforming buildings and sites may be expanded up to ten percent of their floor area or assessed value, provided the expansion is consistent with the zoning that existed prior to the effective date of the ordinance from which this section is derived. Expansion of nonconforming buildings or sites between ten percent and 50 percent of their floor area or assessed value will be required to come into reasonable partial compliance with the provisions of this section as determined by the development review committee. Expansion of nonconforming buildings or sites or rebuilding of sites or buildings damaged by more than 50 percent of market value is not allowed unless the entire building and site is brought into compliance with this section.

(i) Administration. Permitted uses in the MU-3 must first be submitted to the city, in accordance with the site plan provisions of this chapter, which shall determine conformance of the proposed projects, with the intent and requirements of this section. All development plans are subject to city council review and approval. Conditional use permits shall be processed in accordance with section 118-40.